Northwood Development Ordinance

« Zoning Ordinance »

Adopted March 9, 1999
Amended:

March 14, 2000 * March 13, 2001 * March 12, 2002 * March 11, 2003 * March 9, 2004 * March 8, 2005 * March 14, 2006 * March 13, 2007 * March 11, 2008 * March 10, 2009 * *Reformat June, 2009* March 8, 2011* March 13, 2012 *March 21, 2017*March 13, 2018* March 10, 2020* June 8, 2021

March 8, 2022

Table of Contents

I. PURPOSE 5

II.ADMINISTRATIVE PROVISIONS 6

III.DEFINITIONS 9

IV.GENERAL DISTRICT 17
- Dimensional Requirements 17
- Road Frontage 17
- Lot Size 19
- Residential Density 19
- Setbacks 21
- Large Scale Business 23
- Structure Height 23
- Development on a Single Lot 24
- Accessory Dwelling Unit 24
- Lot Coverage 26

V. USE REGULATIONS 27
- General Requirements for Permitted Uses 28
- Uses Permitted Under Specific Performance Criteria 29
  - Home Business 31
  - Telecommunications Mounts 32
  - Elderly Housing 33
  - Private Campsites 33
- Uses Permitted with Additional Criteria 36
- Unlisted Uses 36
- Sexually Oriented Businesses 37

VI. OVERLAY DISTRICTS 39
- Wetlands Conservation Overlay District 39
- Conservation Area Overlay District 44
- Agricultural Soils Overlay District 45
- Wellhead Protection Overlay District 46
- Steep Slope Protection Overlay District 48

VII. NON-CONFORMITY 50
- Non-Conforming Use 50
- Non-Conforming Structure 51
- Non-Conforming Lots 52
- Non-Conforming: Reduced Setback Formula 52

Table of Contents Pg. 2

Non-Conforming: Accessory Structures 53
Non-Conforming: Expansion & Conversion of Seasonal Dwellings.....53

VIII. SIGN REGULATIONS 54

IX. OPEN SPACE DESIGN 57
Application Procedure 57
Incentives for Open Space Design 58
Open Space Requirements..... 59
Performance Standards 61

X. FLOODPLAIN MANAGEMENT ORDINANCE..... 62

Table of Tables

Dimensions Table, Table IV-1 17

Residential Density Table, Table IV-2 .....21 & 50

Large Scale Business Minimum Setback Table, Table IV-3 23

Table of Uses, Table V-1 27

Elderly Housing Requirements, Table V-2..... 36

Open Space Design Incentives, Table IX-1 58

I. PURPOSE

The general purpose of this Ordinance is to guide the character of growth, development and change in Northwood in order to provide for the public health, safety, and general welfare. Throughout this Ordinance, the town seeks to balance the process of growth, development and change with the need to preserve and enhance those qualities which make Northwood a safe and desirable place to live, work and visit. In keeping with this general purpose, the following are specific objectives:

I.A. Lessen vehicle congestion in the streets;

I.B. Secure safety from fires, panic and other dangers;

I.C. Provide adequate sunlight and air circulation;

I.D. Prevent overcrowding of land and avoid undue concentration of population;

I.E. Facilitate adequate provision of public facilities, utilities and services;

I.F. Provide for adequate child day care;

I.G. Assure proper use of natural resources; and

I.H. Implement the policies of the Northwood Master Plan Update, including, but not limited to: *(Rev. 03/20)*

(1) enhance the built environment and aesthetic qualities of the town;

(2) promote commercial development, including opportunity for home-based work, to broaden the tax base and employ residents;

(3) enhance the quality of life and foster tourism by protecting and enhancing the town's natural beauty, ecological integrity, and natural recreational amenities such as Northwood Lake or Northwood Meadows State Park area;

(4) provide for a variety of quality living arrangements; and,

(5) protect the sense of community and friendly small town atmosphere.

II. ADMINISTRATIVE PROVISIONS

II.A. Authority

(1) AUTHORITY The authority to adopt the Development Ordinance is granted by the State to the Local Legislative Body by RSA 674:16, and is conditioned by RSA 674:18, which requires that the Planning Board adopt objectives and land use sections of the Master Plan prior to adoption of the Development Ordinance.

(2) RESOLUTION Pursuant to the grant of authority, and finding that the Planning Board adopted objectives and a land use section of the 1998 Northwood Master Plan Update on March 26, 1998, the March 9, 1999, Town Meeting hereby repeals the previous Zoning Ordinance and adopts this new Development Ordinance, as proposed by the Planning Board.

II.B. Guidance for the Layperson

(1) READ THE ORDINANCE To gain an understanding of this community code, it is important to read this Ordinance. Statements of purpose are included for the Ordinance as a whole and for many of the subsections to help readers understand the intent of the code.

(2) CROSS-REFERENCES To fully understand this code, it is important for the reader to understand how the town has cross-referenced this Ordinance.

(a) Cross-referencing System. Within this Ordinance there are many references to other Sections of this code. These cross-references are provided to help the reader find needed information, and to inform the reader of related provisions. This subsection explains the method of cross-referencing to help the unfamiliar reader. The reference for this sub-section would be written as follows:

§ III.B (2)(a)

The symbol "§" means section. In all cases, the information following the "§" starts with the Section, then the sub-sections in descending order. Additional levels of hierarchy would be shown as follows:

§ III.B (1)(c)[2][e]

The reader should note that only the first letter is capitalized, and that the rounded parentheses are used before the square parentheses. Also, the text of each level of hierarchy is indented farther than the previous level.

II.C. <u>Compliance With Other Codes</u> As specified in RSA 676:14, whenever the requirements of this Ordinance differ from the requirements of another existing local code, the provision which imposes the greater restriction or higher standard shall be controlling. This same principal shall also apply where local codes differ from State or Federal codes. (*Rev. 3/00)*

II.D. <u>Saving Clause</u> If any portion of this Ordinance is found invalid by a court of competent jurisdiction, such finding shall not invalidate the remainder of this Ordinance if the remainder can still be given reasonable effect. (*Rev. 3/00)*

II.E. <u>Interpretation, Administration and Enforcement</u> The Board of Selectmen or their designee shall have authority to interpret, administer and enforce this Ordinance. The Board of Selectmen or its designee shall have at its disposal all legally available means to fulfill these responsibilities and recover, fines, expenses, and fees in accordance with RSA 676:17. Decisions or interpretations by the Board of Selectmen or its designee regarding the development ordinance are appealable to the Zoning Board of Adjustment. (*Rev. 3/00)*

II.F. <u>Zoning Board of Adjustment</u> This Ordinance provides for the establishment of the Zoning Board of Adjustment (ZBA) as required per RSA 673:1,IV. With respect to this Ordinance, the ZBA shall review and decide on appeals from administrative decisions, applications for the Special Exceptions, applications for Variances, and applications for an Equitable Waiver of Dimensional Requirements. The Board of Selectmen shall appoint five members and up to five alternate members to the ZBA.

<u>II.F.1 Expiration</u>

a. Variances authorized by the ZBA under paragraph RSA 674:33 I shall be valid if exercised within 2 years from the date of approval, or as further extended by the Zoning Board of Adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.
b. Special exceptions authorized by the ZBA under paragraph RSA 674:33 IV shall be valid if exercised within 2 years from the date of approval, or as further extended by the Zoning Board of Adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

<u>II.F.2 Scheduled Termination.</u>

a. All variances authorized by the ZBA under RSA 674:33 Paragraph I before August 19, 2013 and that have not been exercised are scheduled to terminate according to the following procedure:

1) Upon adoption of this amendment, the Planning Board shall post notice of the termination in the Town Hall. The notice shall be posted for one year and shall prominently state the expiration date of the notice.
2) The notice shall state that variances authorized before August 19, 2013 are scheduled to terminate, but shall be valid if exercised within 2 years of the expiration date of the notice or as further extended by the Zoning Board of Adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

b. All Special exceptions authorized by the ZBA under RSA 674:33 Paragraph IV before August 19, 2013 and that have not been exercised are scheduled to terminate according to the following procedure:
    1) Upon adoption of this amendment, the Planning Board shall post notice of the termination in the Town Hall. The notice shall be posted for one year and shall prominently state the expiration date of the notice.
    2) The notice shall state that special exceptions authorized before August 19, 2013 are scheduled to terminate, but shall be valid if exercised within 2 years of the expiration date of the notice or as further extended by the Zoning Board of Adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

(Rev. 3/20)

III. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

Accessory: A structure or use subordinate and customarily incidental to a primary structure or use on the same lot.

Accessory dwelling unit (ADU): a residential living unit of up to 1,000 square feet or 25% of the total combined living area of the primary and accessory dwelling unit, whichever is greater, that is appurtenant to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An accessory dwelling unit shall be within or attached to the principal dwelling unit by a shared wall. *(Rev 03/20)*

Adult Bookstore or **Adult Video Store:** A business that devotes more than 15% of the total display, shelf, rack, table, stand or floor area, to the display, sale or rental of the following:

(1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-ROMs or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, or,

(2) instruments, devices, or paraphernalia which are designed for use in connection with "sexual conduct" as defined in NH RSA 571-B:1, other than birth control devices. *(3/03)*

Adult Cabaret: A nightclub, bar, restaurant, or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, and/or feature films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which is devoted to showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.*(3/03)*

Adult Drive-In Theater: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion picture, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.*(3/03)*

Adult Motel: A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis upon the depiction of materials which

meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.*(3/03)*

Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machine, projectors, or other image producing devices or maintained to show images to five or fewer persons per machine at any one time, in which a substantial portion of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of "harmful to minor" and/or "sexual conduct" as set forth in NH RSA-B:1.*(3/03)*

Adult Motion Picture Theater: An establishment with a capacity of five or more persons, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the presentation time is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as forth in NH RSA 571-B:1, for observation by patrons. For the purposes of this ordinance, substantial portion of the total presentation time shall mean the presentation of films or shows described above for viewing on more than seven days within any 56 consecutive day period. *(3/03)*

Affordable Housing: A decent safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development. An owner-occupied housing unit is affordable to a household if the unit's expected sales price is reasonably anticipated to result in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs, real estate taxes and basic utility and energy costs) that do not exceed 33% of the household's gross monthly income. A renter-occupied housing unit is affordable to a household if the unit's monthly housing costs (including rent and basic utility and energy costs) do not exceed 28% to 33% of the household's gross monthly income. *(3/05)*

Bed & Breakfast: A use in which an occupied single family residence also offers for public hire rooms for overnight accommodation, and offers meals prepared in the kitchen of the residence. This use shall be subordinate to the residential use of the structure and lot.

Board: The planning board.

Building Permit: A permit required prior to the commencement of the construction, erection or placement of a new dwelling unit. *(3/05)*

Business Office: A place of business where activities such as general management, bookkeeping, accounting, telephone sales and telecommunications take place, but where no "walk-in" consumer retail sales of physical products take place. A business office may include research and development activities, software development and information transfer and management activities, but shall not include the production of physical products for sale or distribution. *(3/05)*

Day Care: Any person, corporation, partnership, voluntary association or other organization, either established for profit or otherwise, which regularly receives for child day care three or more children, unrelated to the operator or staff of the agency, unless exempted under RSA 170-E:31(c). The total number of hours in which a child may remain in child day care shall not exceed 13 hours per day, except in emergencies. This definition shall include Family Day Care Home, Family Group Day Care Home, Group Child Day Care Center, Day Care Nursery, Night Care Agency, Preschool Program, School-age Program, and Dual Licensure all as defined in RSA 170-E:2.*(3/03) (Rev. 3/09)*

District, Base: The zoning district(s) which contain the basic layer of regulation.

District, Overlay: The zoning districts which add layers of regulation on top of the regulations for the base district(s). Overlay districts may overlap each other.

Driveway: Any designed vehicular access from a single house lot to a public right of way or private road. Paved driveways (e.g. concrete; asphalt; or pavers, both pervious and impervious) are structures, whereas unpaved driveways (e.g. gravel or dirt) are not. (The planning board may allow a single driveway to service more than one lot but in no instance shall a driveway be substituted for a private road). *(3/20)*

Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for exclusive use of a single family maintaining a household. *(3/08)*

Elderly Housing: Housing units, with a maximum of two bedrooms, occupancy of which is restricted in perpetuity to persons 62 years of age or older; or in the case of housing units financed wholly or partially with state or federal funds, housing units occupied solely by elderly persons or elderly families or handicapped persons as defined in the funding program in perpetuity, provided the number of units available for occupancy by the handicapped persons who are not elderly shall be the minimum needed to establish eligibility for the federal or state program and that the program has received the approval of the United States Department of Housing and Urban Development as one designed and operated to assist elderly persons. *(3/05)*

Excavation: Means any commercial taking of earth as regulated by RSA 155-E.

Forestry and Agriculture: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, performing forest services; or the production, keeping, or maintenance for sale, lease, or personal use of plants and/or animals useful to humans, including but not limited to: forages and sod crops, grains and seed crops, livestock, bees and apiary products, fruits of all kinds, nuts, berries, and/or flowers.

Frontage: That portion of the property boundary shared with a road right-of-way meeting the criteria listed in IV(B)(1). *(Rev. 3/08)*

Full-cutoff fixture: A light fixture that allows no emission of light above a horizontal plane through the fixture.

Home Business: Home business uses include office, personal or business service, light manufacturing, or other uses of a similar nature where there is no on-site sale of goods except as is incidental to the primary activity or service.

Impact Fee: A fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space. *(Rev. 06)*

Junk Yard: Junk Yard includes automotive recycling yards and means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. It shall also mean any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited 2 or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to 2 or more motor vehicles.

Kennels: A business on any lot or premise on which four (4) or more dogs, cats, or similar small animals, or a combination thereof, which are older than six months of age, are kept and maintained; or on which more than two litters per year are produced. This is exclusive of a licensed veterinary medical facility. *(Rev. 3/01)*

Large Scale Business: An individual retail or wholesale business that occupies buildings or structures, or a grouping of retail or wholesale businesses, with aggregate gross floor area of 10,000 sq. ft. and larger. *(Rev. 3/06) (Rev. 3/20)*

Licensed Land Surveyor: A land surveyor licensed by the State of New Hampshire. *(Rev. 07)*

Lot Width: The average of a straight line drawn between the points where the side lot lines intersect the right of way and a straight line drawn between the points where the side lot lines intersect the rear lot line. *(Rev. 3/06)*

Low Permeability Surfaces: Surfaces which do not allow fluids to pass readily through them (e.g. pavement, concrete, roofs, gravel, crushed gravel, etc.) *(Rev. 06) (Rev. 07)*

Manufactured housing: any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include pre-site built housing as defined in RSA 674:31-a. *(Rev. 06)*

Manufacturing: An establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, or the blending of materials, such as lubricating oils, plastics, resins or liquors, but which does not fit the definition of Light Manufacturing. *(Rev. 3/00)*

Manufacturing, Light: The fabrication, processing, finishing, assembly, packing or treatment of articles or merchandise conducted solely within a totally enclosed structure, and operated in a manner which is not offensive, noxious, detrimental or dangerous to surrounding areas by reason of dust, smoke, fumes, odor, noise, light, or other adverse environmental effect.

Mixed Use: A mix of residential and non-residential uses on one lot.*(3/02)*

Non-Conforming Lot: A lot which does not comply with the dimensional requirements of this Ordinance.

Non-conforming Structure: That portion of a structure which does not comply with the requirements of this Ordinance. Signs may contain structural elements but are not considered structures for the purposes of these ordinances. (See Sign Regulations)

Non-Conforming Use: A use which is not permitted in the base zoning district or overlay district in which it is located.

Non-Conformity: A use, structure, lot or site improvement which was lawfully in existence prior to the enactment of the zoning requirement which would otherwise have prohibited it.

Nude Model Studio: A place where a person appears in a state of nudity or displays male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals, with an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.*(3/03*)

Off-site Improvement / Exaction: Those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the planning board. Such off-site improvements shall be limited to any necessary highway, drainage and sewer and water upgrades pertinent to that development. *(Rev. 06)*

Permanent Foundation: continuous wall buried below frost line around full perimeter of a structure for the purpose of providing the full support to the structure above. *(Rev. 06)*

Private Campsite: Use of a property not located within a recreational campground or camping park for camping. Such use shall be restricted to non-commercial personal use. A private campsite shall consist of one recreational vehicle or temporary structure, or tents or similar equipment in a number reasonable for personal use. A permit is required in accordance with Article V Section B.(5). of this ordinance. *(Rev. 3/22)*

Professional Office: A building containing one or more offices in which there is no display of unrelated stock, selling of wares in trade commodity, nor any commercial use conducted other than the professional offices of a doctor, dentist, lawyer, architect, engineer and related laboratories, insurance agent, realtor, or other similar professional services, but excluding barbershops, beauty salons or similar services. *(3/05)*

Residential, Multi-Family: A single structure containing three or more residential units.

Residential, Single Family: A detached structure containing one residential unit.

Residential, Two Family: A single structure containing two residential units.

Restaurant: An establishment where food and drink are prepared, served and either consumed on site or taken out to consume elsewhere.

Retail: Selling goods or merchandise to the general public for commercial, personal or household consumption and rendering services incidental to the sale of such goods. This shall not include yard sales and other such activities which are incidental to a residential use, unless such incidental activities exceed seven days per year.

Seasonal Dwelling: A structure that is designed to be used, or is actually used for temporary residential use for less than twelve (12) months per year, or primarily for a specific or distinct season. This term includes, but is not limited to, lake house, hunting or snowmobile lodges or camps, summer camps, or lodges. *(Rev. 3/20)*

Service Business: A business which performs an off-site service to customers for compensation. *(Rev. 3/01)*

Setback: The horizontal distance between a structure and the lot boundaries, measured at right angles or radial to the lot boundary.

Setback, Waterbody: The horizontal distance between a structure and the Reference Line as defined by RSA 483-B:4, measured at right angles or radial to the lot boundary.

Sexual Encounter Center: A business or commercial enterprise that as one of its business purposes, offers for any form of consideration:

(1) physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more persons are in the state of nudity; or

(2) activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; or

(3) when the activities in sections A or B above are characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1; or

(4) massage parlor and escort services with an emphasis on sexual conduct as set forth in RSA 571-B:1.*(3/03)*

Sexually Oriented Businesses: adult bookstore, adult video store, adult motion picture theater, adult motion picture arcade, adult drive-in theater, adult cabaret, adult motel, adult theater, nude model studio, sexual encounter center, or any combination of the above. *(3/03)*

Sign: Any device intended to provide a permanent identification, description, display or illumination which is affixed to or painted or represented directly or indirectly, upon a building, erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Included in this definition as signs are graphic devices such as logo, including sculptured logos, which are erected with a fixed location on the ground or attached to something having a fixed location on the ground. Not included in this definition are attention-attracting media such as banners, pennants, flags, balloons, or window displays which are intended to provide a temporary identification, description display or illumination, regardless of whether affixed to a building, or attached to something having a fixed location on the ground. (See Sign Regulations) *(Rev. 3/20)*

Structure: Anything constructed, the use of which requires permanent or temporary location on or in the ground or water, or attachment to something having permanent or temporary location on or in the ground or water, including but not limited to, stationary or portable carports, swimming pools, tennis courts, parking lots, septic systems, fences, and stone walls. Paved driveways (e.g. concrete; asphalt; or pavers, both pervious and impervious) are structures, whereas unpaved driveways (e.g. gravel or dirt) are not. Signs may contain structural elements but are not considered structures for the purposes of these ordinances. (See Sign Regulations) *(Rev. 3/20)*

Subdivision: The division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

(1) The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

(2) The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any un-staffed structure which is less than 500 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

(3) The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other un-staffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or regulatory authority over wireless communications facilities. *(Rev. 3/00)*

Telecommunications Antenna: The equipment from which wireless radio signals are sent and received by a Personal Wireless Service Facility. *(Rev. 3/12)*

Telecommunications Mount: The structure upon which a telecommunications antenna is mounted.

Unbuildable Land: The area of a site that includes wetlands, water bodies, slopes exceeding a grade of 25%, land used for septic systems, floodways, and floodway fringe within the 100-year floodplain as shown on the latest FEMA maps accepted by the town, and public utility easements. *(Rev. 06)*

Wholesale: A business that sells goods, wares, or merchandise not manufactured on site in quantity or bulk, whether to other merchants or to the public. *(Rev. 06)*

ZBA: Zoning Board of Adjustment

IV. GENERAL DISTRICT

IV. A. General District

(1) PURPOSE The entire Town of Northwood shall be part of this District. The provision for mixed uses is important to maintain the character of the community as a rural New England town, encourage economic vitality, ensure the compatibility of adjacent uses, and encourage the integration of compatible uses into the entire community.

(2) DISTRICT BOUNDARIES This district shall encompass the entire area of the Town of Northwood.

Table IV-1
Dimensions Table

The following dimensional requirements shall apply.

Requirement	**Units**	**General District**
Minimum Road Frontage	feet	150
Minimum Lot Size	acres	2
Minimum Road Setback	feet	20
Minimum Side/Rear Setback	feet	20
Waterbody/ Wetland Setback *(Rev. 3/00)*	feet	20
Maximum Structure Height	feet	35
Multi-Family Residential *(Rev. 3/04)* Minimum Front Setback	feet	50
Multi-Family Residential *(Rev. 3/04)* Minimum Side/Rear Setback	feet	50
Minimum Scenic Road Setback *(Rev. 3/07)*	feet	50

IV.B. Dimensional Requirements

IV. B. (1) ROAD FRONTAGE All lots are required to meet the road frontage requirements of this section. (*Rev. 3/00, 3/01, 3/08)*

(a) Purpose Road frontage requirements address several policy issues. Frontage is required to ensure safe access to each property for the property owner, emergency vehicles, delivery vehicles, and other visitors. Longer frontage requirements which reduce the number of parcels fronting on a road are also one component of a program to manage access to arterial roads. Accesses, or driveways, are points at which users conflict with each other because of slowing and turning traffic. Fewer parcels generally means fewer access points. Last, frontage requirements affect the spacing of buildings, which impacts neighborhood character, ensuring adequate sunlight and air circulation, preventing overcrowding of land and undue concentration of people, and securing safety from fires and other hazards.

(b) Type of Frontage All lots for building development shall front on: *(Rev. 3/00, 3/01, 3/08 & 3/20)*

[1] state or town road with a classification of Class I, II, or V as defined in RSA 229:5; or

[2] a Class VI or private road proposed to be improved to current town standards, as found in the subdivision regulations, and for which adequate financial security has been posted with the town to ensure completion of the improvements. *(Rev. 03/20)*
The owner must also comply with RSA 674:41. *(Rev. 03/20)*

(c) Length of Frontage

[1] Minimum frontage length is specified in Table IV-1, the Dimensions Table.

[2] Two Family Residential: The minimum frontage for a two family residential development shall be 150 feet for existing lots of record. *(Rev. 3/04)*

[3] Multi-Family Residential: The minimum frontage for a multi-family residential development shall be the minimum frontage for the district in which the structure lies plus 50 additional feet of frontage for each residential unit over one unit. This requirement applies to developments as well as existing lots of record. *(Rev. 3/04)*

[4] Elderly housing: The minimum frontage for an elderly housing development shall be as shown in Table V-2. This requirement applies to developments as well as existing lots of record. *(Rev. 3/04)*

(d) Open Space Design The Open Space Design section of this Ordinance permits a reduction of certain road frontage standards. *(Rev. 3/01)*

(e) Access to Route 4 Preventing a proliferation of access points to Route 4 will reduce the number of conflict points for vehicles travelling Route 4, thereby enhancing safety and reducing, or prolonging the need for highway capacity expansions. All lots in existence on March 9, 1999, and fronting on Route 4 shall be allowed a single access onto Route 4.

IV.B.(2) LOT SIZE All lots are required to meet the lot size requirements of this section. *(Rev. 3/01, 3/03 & 3/20)*

(a) Purpose Lot size requirements are an important component in addressing many of the general purposes of this Ordinance, including lessening vehicle congestion in the streets, securing safety from fires and other dangers, providing adequate sunlight and air circulation, preventing overcrowding of land and avoiding undue concentration of population, enhancing pedestrian travel, contributing to community character and quality neighborhoods.

(b) Minimum Lot Size The minimum lot size in each district is specified in Table IV-1, the Dimensions Table. Note additional requirements in Section VI(E) relative to steep slopes.

(c) Open Space Design The Open Space Design section of this Ordinance permits reduction of certain lot size standards. *(Rev. 3/01)*

(d) Upland Soil All lots shall contain a minimum of 1 acre of contiguous upland soil for development purposes. *(Rev. 3/00) (Rev. 3/20)*

IV.B.(3) RESIDENTIAL DENSITY Residential density shall not exceed the requirements of this section. Residential density is measured by the number of residential units per acre.

(a) Purpose Control of residential density is an important component in addressing many of the general purposes of this Ordinance, including lessening vehicle congestion in the streets, preventing overcrowding of land, avoiding undue concentration of population, facilitating adequate provision of public facilities, utilities and services, assuring proper use of natural resources, and contributing to community character and quality neighborhoods.

(b) Maximum Residential Density The maximum residential density in each district is specified in Table IV-2, the Residential Density

Table, and in the Conservation Area and Wellhead Protection Overlay Districts and Open Space sections of this Ordinance.

The maximum number of units allowed in new subdivisions (non-open space) shall be determined using the following formula:

M = RD [A-(U+R+0.5xO)],

Where the letters represent the following:

M = Maximum # of Units Permitted (dwelling units)
RD = Residential Density (dwelling units/acre)
A = Total Site Area (in acres)
U = Unbuildable Land (in acres)
R = Road and Utility Right of Way (in acres)
O = Open Space Required to Be Set Aside

(Note: In applying the above formula, a result that contains a remainder of less than 0.5 shall be rounded down to the next whole number; a result that contains a remainder of 0.5 or greater shall be rounded up to the next whole number) (Rev. 3/06)

Residential Density Formula Example

Residential Density (RD)	*Total Site Area (A)*	*Unbuildable Land (U)*	*Road and Utility Right of Way (R)*	*Open Space Required to be Set Aside*
1/2 (one dwelling unit per 2 acres)	*10 acres*	*2 acres*	*0.5 acres*	*0 acres*

The Maximum Number of Dwelling Units (M) permitted is calculated by entering these figures in the formula. Using the numbers from the above example:

M = RD [A-(U+R+0.5xO)]
M = (1/2)[10-(2+0.5+0.5x0)]
M = (1/2)[7.5]
M = 3.75 units; therefore a maximum of 4 dwelling units are permitted.

(c) Exemption Existing lots of record where the density requirement cannot be met shall be exempt from the density requirements. Such lots shall be allowed a single residential unit, provided all other requirements of this ordinance can be met.

(d) Open Space Design The Open Space Design section of this Ordinance permits an increase in residential density under certain conditions.

(e) Elderly Housing The maximum residential density for elderly housing shall be 4 units per acre.*(Rev. 3/01) (Rev. 3/05)*

Table IV-2
Residential Density Table

District	**Units/ Acre**	**Restrictions**
General District -See Section IV(B)	1/2	Maximum Density Formula
Elderly Housing	4 per acre	See Section V(B)(4)
Conservation Overlay District -See Section VI(B)	1/4	Maximum Density Formula
Wellhead Protection Overlay District *(Rev. 3/01)* -See Section VI(D)	1/4	Maximum Density Formula
Wetlands Conservation Overlay District -See Section VI(A)		Not permitted
Agricultural Soils Overlay District -See Section VI(C)		Open Space Design Required
Steep Slope Protection Overlay District -See Section VI(E)		Special Exception Required 20-25% slopes; Restrictions apply 25%+ slopes
Open Space Design -See Section VIII		Maximum Density Open Space Formula

IV.B.(4) SETBACKS Structures shall be set back from property lines in conformance with the minimum and maximum setback requirements set forth in this section.

(a) Purpose Control of setbacks is important for a variety of reasons. The proximity of a structure to a road affects the character of the neighborhood, encourages or discourages pedestrian activity, and may block sight distance for drivers at an intersection or driveway. The proximity of a structure to abutting lots affects fire safety, the provision of adequate sunlight and air circulation for this and

neighboring lots and structures, and the availability of space for site amenities such as landscaping, driveways, building maintenance, and so forth.

(b) Structure Setbacks Minimum setbacks from roads, waterbodies, and other property boundaries are specified in Table IV-1, the Dimensions Table.

(c) Exemptions Fences and stone walls shall be exempt from setback requirements. Driveways shall be exempt from front setbacks only. *(Rev. 03/20)*

(d) Open Space Design The Open Space Design section of this Ordinance may permit reduction of certain setback standards.

(e) Overlay Districts The Overlay Districts section of this Ordinance may affect certain setback standards.

(f) Small Lots Small lots may have their setbacks reduced as per § VII(C)(5).

(g) Large Scale Business Setbacks Minimum front, side, and rear setbacks shall be set according to the size of the aggregate gross floor area. Minimum setbacks are also specified in Table IV-3, the Large Scale Business Minimum Setback Table.

(1) Between 10,000 sq. ft. and 15,000 sq. ft. gross floor area Front, side, and rear setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area between 10,000 sq.ft. and 15,000 sq.ft. is 50 feet. These front, side, and rear setbacks also apply to paved areas not including access points.

(2) Between 15,001 sq. ft. and 25,000 sq. ft. gross floor area Front setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area between 15,001 sq.ft. and 25,000 sq.ft. is 75 feet. Side and rear setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area between 15,001 sq.ft. and 25,000 sq.ft. is 50 feet. These front, side, and rear setbacks also apply to paved areas not including access points.

(3) Between 25,001 sq. ft. and 35,000 sq. ft. gross floor area Front setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area between 25,001 sq.ft. and 35,000 sq.ft. is 150 feet. Side and rear setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area between 25,001 sq.ft. and 35,000 sq.ft. is 75 feet. These front, side, and rear setbacks also apply to paved areas not including access points. *(Rev. 3/06)*

(4) Gross Floor Area 35,001 sq. ft. or Larger Front setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area of 35,001 sq.ft. or larger is 300 feet. Side and rear setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area 35,001 sq. ft. or larger is 150 feet. These front, side and rear setbacks also apply to paved areas not including access points. *(Rev. 3/07)*

(h) Scenic Roads Minimum setback requirements for designated scenic roads are specified in Table IV-1, The Dimensions Table. *(Rev. 3/07)*

(i) Certified Plot Plan A certified plot plan prepared by a licensed land surveyor must be filed with the building department whenever setbacks are proposed to be diminished or when setback determination is in question. *(Rev. 3/07)*

Table IV-3

Large Scale Business Minimum Setback Table

Aggregate gross floor area of business in square feet	Front building setback	Side and rear building setbacks
10,000 sq. ft. – 15,000 sq. ft.	50 ft.*	50 ft.*
15,001 sq. ft. – 25,000 sq. ft.	75 ft.*	50 ft.*
25,001 sq. ft. – 35,000 sq. ft.	150 ft. *	75 ft. *
35,001 and larger *(Rev. 3/07)*	300 ft. *	150 ft. *

* applies to paved areas not including access points *(Rev. 3/06)*

IV.B.(5) STRUCTURE HEIGHT Structure heights shall not be greater than the maximum requirements set forth in this section.

(a) Purpose Control of structure height is important for a variety of reasons. Structure height is related to fire safety and the fire department's ability to protect public safety. Structure height strongly affects the character of the neighborhood and the allowance of adequate sunlight and air circulation. It is a critical control of intensity of use, especially for non-residential uses.

(b) Structure Height The maximum structure height is specified in Table IV-1, the Dimensions Table. Maximum structure height shall apply to all structures.

(c) Open Space Design The Open Space Design section of this Ordinance does not permit alteration of structure height requirements. The standards for structure height shall apply regardless of the pattern of development.

(d) Telecommunications Mounts The maximum height of a telecommunications mount shall be determined by § V(B)(3)(a-d).

(e) Special Exception The ZBA can relax the maximum structure height limit to a maximum of 60' by granting a Special Exception when the following conditions are met:

[1] the proposed structure which exceeds the height limit must exceed the height limit to fulfill its unique purpose, such as an agricultural silo or church steeple; and

[2] there shall be no occupied floor space above the standard height limit.

IV.B.(6) DEVELOPMENT ON A SINGLE LOT *(Rev. 3/02)*

(a) Non-residential Only Mixing of multiple non-residential uses on a lot shall be permitted.

(b) Residential Only There shall be no more than one principal residential structure per lot, except for Elderly Housing developments.

(c) Mix of residential and non-residential uses on one lot In certain instances it is appropriate to have a mix of permitted uses on a single lot. Residential use may be permitted in combination with non-residential uses on a single lot or in a single structure, provided the following conditions are met:

[1] Site Plan Review approval shall be required for the entire property to ensure that the site is suitable for the proposed mix of uses.

[2] There shall be no more than one principal residential structure per lot, except for Elderly Housing developments. *(Rev. 3/12)*

(d) Accessory Dwelling Unit. An accessory dwelling unit (ADU), as defined in this ordinance, is allowed by right if the following conditions are met:

(1) A maximum of one (1) accessory dwelling unit per property is allowed;
(2) An ADU shall not be allowed on any property where more than one single family residential dwelling unit currently exists;
(3) Building permit and occupancy permit must be obtained through the Northwood Building Department before occupancy;
(4) The ADU shall contain no more than two bedrooms;
(5) The ADU shall not exceed whichever is greater; 1,000 square feet, or 25% of the proposed total combined living area of the primary and accessory dwelling unit;
(6) Submission of a septic design approved by the State of NH Water Supply and Pollution Control Division that includes the combined residential use of the primary unit and the accessory apartment *or* a letter from a NH licensed septic designer stating that the existing system meets the state requirements for the combined demand of the primary unit and the accessory dwelling unit;
(7) Adequate parking spaces are provided for primary and accessory residential uses, in no case less than two parking spaces, and at least one dedicated space provided to the accessory dwelling unit;
(8) The property owner must occupy one of the dwelling units (primary or accessory);
(9) The lot is 80,000 square feet or greater in area and has 150' or greater of contiguous frontage on a state or town road with a classification of Class I, II, or V as defined in RSA 229:5 ;
(10) A maximum of two un-related individuals shall occupy a single accessory dwelling unit;
(11) The accessory dwelling unit shall not increase any other non-conforming aspect of the lot or structure;
(12) Exterior alterations of the single-family dwelling unit are allowed in order to accommodate the accessory dwelling unit. However, no such change is permitted that would alter the appearance of the single-family dwelling unit or lot to make it look like a multi-family or duplex structure;
(13) The primary dwelling unit, accessory dwelling unit, and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the single family dwelling and the accessory unit shall not be conveyed or sold separately from the principal residential structure.
(Rev. 03/20)

IV.B.(7) LOT COVERAGE For all developments, lot coverage by low permeability surfaces shall not exceed the maximum requirements set forth in this section.

(a) Purpose Control of lot coverage by low permeability surfaces is important for a variety of reasons. Lot coverage with low permeability surfaces is related to flood prevention and mitigation and protection of water quality, both of which are related to Northwood's ability to protect public health and safety. High lot coverage with low permeability surfaces prevents water infiltration and encourages runoff, which introduces pollution to surface water. Large volumes of runoff lead to erosion and flood damage. Lot coverage strongly affects the character of the neighborhood, the provision of adequate sunlight and air circulation for this and neighboring lots and structures, and the availability of space for site amenities such as landscaping, structure maintenance, and so forth. Lot coverage is a critical control of intensity of use for both residential and non-residential uses.

(b) Lot Coverage For all developments, lot coverage by low permeability surfaces shall not exceed the following percentages (Except as altered by the Wellhead Protection Overlay District – See VI.D.(4) Requirements)

a. Residential 40%
b. Mixed Use (Combination of Residential and Non-Residential Use) 40%
c. Non-Residential 50%

(Rev. 03/20)

V. USE REGULATIONS

Table V-1
Table of Uses

USE	*#1*	*#2*	*#3*
Single Family Residential	X		
Two Family Residential	X		
Accessory Dwelling Unit see Sec. IV B(6)(d) *(Rev. 3/20)*	X		
Seasonal Dwelling *(Rev. 3/20)*	X		
Forestry and Agriculture	X		
Church	X		
Telecommunication antenna mounted on existing building or mount	X		
School	X		
Accessory Use	X		
Residential, Multi-Family		X	
Retail		X	
Light Manufacturing		X	
Restaurant		X	
Bed and Breakfast		X	
Day Care		X	
Home Business		X	
Telecommunications Mount		X	
Excavations		X	
Service Business *(Rev. 3/01)*		X	
Elderly Housing *(Rev. 3/01)*		X	
Business Office *(Rev. 3/05)*		X	
Professional Office *(Rev. 3/05)*		X	
Private Campsite *(Rev. 3/22)*		X	
Kennels *(Rev. 3/01)*			X
Manufacturing			X
Sexually Oriented Businesses *(3/03)*			X

Column 1: Permitted Use; See Section V.A.
Column 2: Performance Criteria Apply; See Section V.B.
Column 3: Additional Criteria Apply; See Section V.C.

V.A. General Requirements for Permitted Uses

V.A.(1) PERMITTED USES All uses marked with an X in Column 1 in Table V-1, Table of Uses, shall be permitted throughout the General District unless otherwise restricted by an Overlay District in this Development Ordinance, State regulation, or Federal regulation.

V.A.(2) CRITERIA REQUIRED FOR ALL USES All uses shall be required to meet the following criteria:

(a) Vibration Vibrations created by any use shall not be detectable at or beyond any property line for the parcel on which the use exists without the aid of instruments.

(b) Noise Noise created by any use, other than that created by normal human activity or traffic, shall not exceed sixty-five (65) decibels when measured at any point along the property line for the parcel on which the noise or sound is being produced. Normal human activity shall include but not be limited to the use of lawn mowers or other grounds keeping equipment, the use of chainsaws for cutting wood, construction equipment, and the use of a generator when necessary.

In no case, including in the course of normal human activity, shall noise exceed sixty-five (65) decibels when measured at any point along the property line for the parcel on which the noise or sound is being produced during the following hours:

Monday – Friday 7:00 pm through 6:30 am
Saturday & Sunday 5:30 pm through 7:30 am

(c) Glare and Heat Any operation producing intense heat and glare shall be conducted within an enclosed building or with other effective screening in such a manner as to be unobjectionable at any point along or outside the property lines.

(d) Smoke and Air Contaminants There shall be no emission of an air contaminant, if in the judgment of the NH Air Resources Agency, that air contaminant causes detriment to the welfare of the citizens of Northwood or may cause damage to property or business.

(e) Odors No use shall be allowed if it will cause an odor perceptible without instruments more than 150 feet from

boundaries of the originating premises; except for agricultural concerns or other special circumstances.

(f) Hours of Operation The Planning Board shall be permitted to set hours of operation for uses as part of any Site Plan Review. *(Rev. 3/00)*

(g) Lighting Light sources must not cause a nuisance on adjacent properties or roads (nuisance shall include, but not be limited to glare). Lighting intensity shall be adequate to serve the needs of the business or residence it serves to avoid light trespass, and shall take into consideration the lighting levels of surrounding properties. For the purpose of this section, the needs of the business or residence do not include excessively high lighting levels that make the site a beacon to attract attention. The needs of the business or residence include, but are not limited to, the need for security and safety on site. *(Rev. 3/05)*

V.B. Uses Permitted Under Specific Performance Criteria

The Code Enforcement Officer shall use the following performance criteria to determine if a use is allowed as listed in Table V-1, the Table of Uses, in these regulations. In addition to the criteria listed in Section V(A)(2), the following criteria shall apply to all uses marked with an X in the Column 2 in Table V-1, Table of Uses. (*Rev. 3/00)*

V.B.(1) PERFORMANCE CRITERIA For each use, the following performance criteria shall be reviewed for compliance. *(Rev. 3/00)*

(a) By its nature or design, or through the use of vegetative or topographical buffers, the use will not substantially alter the character of the area in which it is proposed to be sited.

(b) Outdoor Merchandise Display and/or Sales. The outdoor display and/or sales of merchandise shall be permitted only in those areas designated for such use on an approved site plan.

(c) In areas where the site is in a significant viewshed, meaning it is part of a prominent view from one of the town's roads particularly along a ridge, as much natural vegetation as possible shall be retained on site and steps shall be taken to ensure that the view of the area is not significantly altered as a result of the new use.

(d) Lighting.

[1] Each light source intended to light a site shall be on the site which it serves. For example, light sources such as flood

lights mounted on utility poles within the public right of way for purposes other than street lighting shall be prohibited.

[2] Light fixtures shall meet one of the following criteria:

[a] the fixture shall be a "full cut-off" fixture; or

[b] the maximum initial lumens generated by each fixture shall not exceed 2000, which is roughly equivalent to a 150 watt incandescent bulb.

[3] Lighting under canopies and horizontal surfaces shall be recessed and shall have flush mounted lenses or shall be indirect lighting where light is focused upward and then reflected down by the underside of the canopy/surface. If the lighting is indirect, the light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the surface. *(Rev. 3/01)*

[4] Light fixtures shall not be mounted more than 14.5 feet above grade, except when meeting the following criteria: *(Rev. 3/01)(Rev. 3/03)*

[a] the light source shall be shielded and not cause a nuisance on adjacent properties and roads (nuisance shall include, but not be limited to, glare); and *(Rev. 3/01)*

[b] the applicant shall provide the Board with a clear reason why a light mounted 14.5 feet or less above grade will not meet his/her needs; and *(Rev. 3/03)*

[c] in the case of a telecommunications mount the light source is required by the FAA or FCC.

[5] Lighting intensity shall generally be adequate to serve the needs of the business or residence to avoid light trespass, and shall take into consideration the lighting levels of surrounding properties. For the purpose of this section the needs of the business or residence do not include excessively high lighting levels that make the site a beacon to attract attention. The needs of the business include, but are not limited to, the need for security and safety on site.

V.B. (2) HOME BUSINESS The use of a room in a dwelling or accessory building as a home office by a resident/occupant is a permitted use and does not require a Home Business permit, provided that the use(s) does not generate any traffic such as that for pickup and deliveries in excess of a normal residential use, or clients/customers coming to the property. If the use does generate such traffic, the home business is not a permitted use, and must obtain both a variance and site plan approval.

(a) Home Businesses that qualify under the following regulations set forth below are exempt from Site Plan Review. If a proposed home business does not meet the home business criteria outlined below, it shall be subject to site plan review by the Town of Northwood Planning Board.

(b) The following apply to Home Businesses in the Town of Northwood:

[1] Home business uses include office, personal or business service, light manufacturing, or other uses of a similar nature where there is no on-site sale of goods except as is incidental to the primary activity or service.

[2] All Home Businesses must submit a letter of intent/impact to the Town of Northwood and obtain a letter of authorization from the property owner.

[3] If the Building Inspector and Town Planner (or designated Town planning official) determine that the proposed use is in compliance with all provisions, a permit for the home occupation may be granted by the Town Planner (or designated Town planning official) without review by the Planning Board. The proposed use must comply with all other applicable local, state, and federal regulations.

[4] The building or premises containing said Home Business shall not be rendered objectionable or detrimental to the neighborhood due to traffic impacts, glaring or unshielded lights, odors, smoke, dust, noise, on-site storage of hazardous gases or materials as determined by the Town of Northwood Fire Department, refuse matter of any type, or stockpiled materials.

[5] A Home Business is any business conducted from the home which is clearly accessory and subordinate to the residential use of the property.

[6] Not more than one (1) Home Business shall be established on one (1) property.

[7] The Home Business must be owned and operated by a resident of the property.

[8] Must be accessory to the residence and on the same parcel as the residence.

[9] A Home Business must not utilize more than thirty-percent (30%) of the gross floor area, including basement of the principal structure.

[10] The Home Business may be conducted in an accessory structure but said use shall not utilize more than 2,500 square feet of gross floor area.

[11] The activities of the Home Business, both inside and outside the structures, shall not occupy more than 4,500 square feet of area.

[12] The Home Business shall not employ more than one (1) non-resident.

[13] No more than two (2) commercial motor vehicles related to the Home Business shall be stored on premises overnight.

[14] No trucks with more than three (3) axles.

[15] No large/heavy commercial equipment including, but not limited to, front-end loaders, backhoes, bulldozers, skid-steers, or excavators, shall be parked overnight.

[16] Adequate off-street parking must be provided for all Home Businesses. A minimum of one off-street parking space shall be provided exclusively for the Home Business. All other parking requirements shall conform to the Town of Northwood Site Plan Regulations.

[17] There shall be no display of goods or wares visible from the street except one (1) unlit sign that is four (4) square feet or smaller or one sign that has been approved via a sign permit from the Code Enforcement officer under the provisions of the Town of Northwood Sign Ordinance.

[18] A Certificate of Occupancy for the proposed Home Business shall be issued by the Building Inspector once verification of compliance with all the preceding standards is confirmed.

(Rev. 3/20)

V.B. (3) TELECOMMUNICATIONS MOUNTS

(a) Where a new telecommunications mount is proposed a site plan review shall be required.

(b) New telecommunications mounts shall be allowed only when the applicant demonstrates that there are no existing alternative telecommunication antenna mounting locations reasonably available to the applicant. The applicant shall provide the results of a search for possible alternative mounting sites within a one-mile radius.

(c) New telecommunications mounts shall not exceed 120 feet in height, shall be monopole in design, and shall have the capacity to accommodate mounting of at least two antennas.

(d) Prior to the construction of a new telecommunications mount, a bond shall be provided to the town to guarantee the telecommunications mount removal when its use is discontinued for twelve consecutive months.

V.B. (4) ELDERLY HOUSING

(a) Elderly housing developments, two family, and multi-family residential housing must meet the standards as set forth in the development ordinance. *(Rev. 3/05)*

(b) To create an attractive design and livable community for Elderly Housing development projects, one or more principal residential structure(s) per lot is permitted provided:

[1] Each residential structure shall contain a full foundation and a minimum of two residential units.
[2] There shall be a separation of at least 40' between principal residential structures.
[3] Manufactured housing shall not be permitted in Elderly Housing development projects.*(Rev. 3/02) (Rev. 3/06)*

(c) Road Frontage Road Frontage requirements for Elderly Housing developments are specified in Table V-2, Elderly Housing Requirements Table.

(d) Lot Size The minimum lot size for elderly housing development shall be 10 acres.

(e) Setbacks: Front, Side and Rear Setbacks are specified in Table V-2, Elderly Housing Requirements Table.

(d) Maximum Density: specified in Section IV(B)(3)(e) and in Table V-2, Elderly Housing Requirements Table.

(e) Open Space Component There shall be an open space component to every elderly housing development. The required lot percentage and restricted land types shall be consistent with Section IX(E)(1). (*Rev. 3/05)*

V.B.(5) PRIVATE CAMPSITES
Private Campsites Purpose. To permit the use of private property for camping while ensuring the adequacy of waste treatment and other facilities necessary for the protection of public health, safety, and general welfare including the protection of water quality. *(Rev. 3/22)*

(a) Private Campsite Permitted. A private campsite is permitted on an otherwise vacant parcel in accordance with the following performance criteria:

[1] One private campsite per lot is allowed. A private campsite shall consist of 1 recreational vehicle or temporary structure, or of tents or similar equipment in a reasonable number for private use.

[2] A camping permit, issued by the Building Inspector, is required and is valid only during the permitted period. A new application, made on forms available from the Town, shall be filed for each period as follows:

i. Seasonal permit: Camping season shall be the period April 15 to October 15 in one calendar year. A seasonal permit shall be valid for the entire camping season. During the off-season only weekly permits may be issued. A new application shall be made for each camping season.

ii. Weekly permit: Valid for up to 7 days with the date of expiration noted on the permit. Permits may be renewed for subsequent periods provided the applicant remains in compliance with all federal, state, and local regulations and can continue to demonstrate adequate sewerage. There shall be no limit to renewals within the camping season. In the off-season permits may not be issued for more than 2 consecutive weeks.

[3] Solid waste and sewerage shall be disposed of in a lawful manner. Specific provisions shall be made for sewerage for each permit type at the time of application as follows:

i. Weekly permit: The applicant shall demonstrate adequate capacity for the storage of sewerage and/or shall demonstrate that arrangements have been made for the lawful removal of sewerage from the site. No onsite discharge of sewerage will be permitted except into a Sewage Disposal System approved by the NH Department of Environmental Services.

ii. Seasonal permit: A seasonal permit shall only be issued for properties that can demonstrate that a Sewage Disposal System approved by the NH Department of Environmental Services has been installed on site. No onsite discharge of sewerage will be permitted except

into a Sewage Disposal System approved by the NH Department of Environmental Services.

[4] The occupancy of a private campsite for year-round habitation as a residence or dwelling shall be prohibited within the Town of Northwood.

[5] Placement of any recreational vehicle, temporary structure, or camping equipment on any lot shall conform to the setback requirements for structures contained in Article IV.

[6] A parcel owner shall not receive any form of compensation from the use of a private campsite.

[7] No permanent buildings, including accessory buildings, shall be allowed on private campsites. One temporary accessory building or smaller accessory structure per lot may be permitted for storage purposes only. Any such building or structure must be removed or fully collapsed and stored at the end of the camping season.

(b) Storage of private camping structures or materials. Nothing herein shall preclude the storage of an unoccupied recreational vehicle on private property provided all other federal, state, and local requirements are met. Tents and similar equipment shall be collapsed and stored when unoccupied. Likewise, recreational vehicles, including campers and pop-ups, shall be stored in their fully collapsed, road ready configuration and disconnected from all utilities while unoccupied. Private camping structures, recreational vehicles, or equipment that are so stored may not be occupied outside the period from April 15 to October 15 of each year or beyond the expiration of any permit.

Table V-2
Elderly Housing Requirements
See Section V(B)(4)

Characteristic	**Requirement**
Maximum Density *(Rev. 3/05)*	4 Units/ acre
Minimum Front Setback *(Rev. 3/04)*	50 feet
Minimum Side/Rear Setback *(Rev. 3/04)*	50 feet
Road Length Frontage for 20 units or less *(Rev. 3/04)*	250 feet
Road Length Frontage for 21-30 units *(Rev. 3/04)*	250 feet plus an additional 5 ft. for each unit over 20
Road Length Frontage for 31-40 units *(Rev. 3/04)*	300 feet plus an additional 10 ft. for each unit over 30
Road Length Frontage for over 40 units *(Rev. 3/04)*	400 feet plus an additional 15 ft. for each unit over 40
Minimum Lot Size	10 acres

V.C. Uses Permitted with Additional Criteria

In addition to the criteria listed in Sections V(A)(2) and V(B)(1), the following criteria shall apply to all uses marked with an X in the Column 3 in Table V-1, Table of Uses.

(1) The use shall be located within 1000 feet of a state highway.

(2) The use shall be visually screened from adjacent properties.

V.D. Unlisted Uses

Any use not listed in Table V-1, the Table of Uses, is considered a Special Use and must meet all of the criteria in Sections V(A)(2), V(B)(1) and V(C), in addition to any other necessary approvals such as Site Plan Review. *(Rev. 3/00 & Rev. 3/01*)

V.E. Sexually Oriented Businesses

The Northwood Planning Board has studied the effects of sexually oriented businesses and found that sexually oriented businesses do have negative secondary impacts. There is a need to protect the town against negative secondary impacts, which include but are not limited to: prostitution, pandering, drug use, other criminal activity, noise, and impacts to surrounding property values. *(Adopted 3/03)*

V.E. (1) PURPOSE The Purpose & Intent of this article is:

(a) to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses;

(b) to protect public health, safety and general welfare; and

(c) to prevent adverse impact which may occur and is brought about by the concentration of sexually oriented businesses.

It is not the intent of this article to restrict or deny access by adults to sexually oriented materials protected by the first Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, nor is it the intent of this article to condone or legitimize the distribution of obscene material.

V.E. (2) PERMITTED WITH RESTRICTIONS Sexually oriented businesses shall be permitted as shown in Table V-1, Table of Uses, Column 3. All proposed development must comply with the provisions of this section, and any other applicable Ordinances, and State Laws to include in that limitation: RSA 571-B-1.

V.E. (3) 1,000' BUFFERS Sexually oriented businesses shall not be permitted in: a religious institution or house of worship, an educational facility, a daycare center, a residence or within 1,000 feet of the property line of the following:

(a) a religious institution or house of worship,

(b) an educational facility,

(c) a daycare center,

(d) a residence,

(e) recreational facility or park used by children 18 years or younger.

V.E. (4) 2,000' BUFFERS Sexually oriented business shall not be permitted within 2000' of the property line of the following:

(a) another sexually oriented business, or

(b) a sexually oriented business for which a site plan application has been made.

V.E. (5) 300' BUFFERS Sexually oriented businesses shall not be permitted within 300 feet of the property line of lots containing buildings or facilities used for commercial purposes.

V.E.(6) MEASUREMENT The Measure of Distance between any sexually oriented business and other named point of reference shall be measured in a straight line.

V.E. (7) FREE-STANDING STRUCTURES Sexually oriented businesses shall only be permitted in single use, free-standing structures. In no instance shall sexually oriented business share premises, facilities or buildings with businesses, which are not sexually oriented.

V.E. (8) SITE PLAN REVIEW Site Plan Review by the Planning Board will be required.

V.E. (9) LIMITING CLAUSE Nothing in this ordinance is intended to authorize, legalize, or permit the establishment, operation or maintenance of any business, building or use which violates any Town of Northwood ordinance or stature of the State of New Hampshire relative to public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

V.E.(10) SEVERABILITY If any section, subsection, sentence, clause, phrase or any portion of this article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance. The legislative body of the Town of Northwood hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

VI. OVERLAY DISTRICTS.

VI.A.Wetlands Conservation Overlay District

VI.A.(1) PURPOSE In the interest of public health, convenience, safety and general welfare, the regulations of this District are intended to guide the use of areas of land that have soils that are saturated or inundated for extended periods of time during the growing season, and:

(a) To allow those uses that can be located appropriately and safely in wetland areas and ensure their proper design.

(b) To protect naturally-occurring wetlands from pollution of surface and ground water by sewage or other contaminants.

(c) To protect potential water supplies, existing aquifers, and aquifer recharge areas.*(Rev. 3/03)*

(d) To prevent the destruction of wetlands which provide flood protection, recharge of ground water supply, retention of sediments, attenuation of nutrients, augmentation of stream flow during dry periods and continuing existence of important wildlife areas.

(e) To protect the Town from unnecessary or excessive expenses in providing or maintaining essential services and/or utilities which might be required as a result of misuse or abuse of wetlands.

VI.A.(2) OVERLAY DISTRICT BOUNDARIES The Wetlands Conservation Overlay District shall include all areas that meet the criteria, as outlined in Section 1 below, and may be defined by the National Cooperative Soil Survey conducted by the US Department of Agriculture in their Soil Survey of Rockingham County, New Hampshire, dated October 1994. *(Rev.3/00, 3/02, 6/21)*

(a) The location of a wetland boundary in any particular case must be determined by on-site inspection of all three characteristics of wetlands, namely, hydrology, hydric soils, and hydrophytic plants, as recognized by the Army Corps of Engineers in Technical Report Y-87-1, The Corps of Engineers Wetland Delineation Manual, and as cited in the New Hampshire Wetland Rules WT 101.82. This boundary shall be delineated and identified as a jurisdictional boundary by a licensed wetland scientist using the above Army Corps delineation method, the Site-Specific Soil Mapping Standards for New Hampshire or other appropriate standards as listed in the New Hampshire Wetland Rules Env-Wt 100 through 800 or its successor rules. When such information is submitted, it

shall supersede more generalized information, such as that obtained from the county soil survey. *(Rev. 3/09)*

(b) If there is question or dispute as to the boundary of this overlay district, the owner of the property or any abutter may petition the town to hire a licensed wetland scientist to examine the area and report all findings to the town. The cost of such action shall be paid by the petitioner. *(Rev. 3/03)*

(c) High-Priority Wetlands. Nineteen wetland areas, as listed on page 9 of the "Northwood Wetlands Inventory and Prime Wetland Designation Project Final Report, April 1999" and as identified on the map titled "Prime Wetlands of Northwood, December 1999" are designated prime wetlands within the scope of RSA 482-A:15 and the NH Code of Administrative Rules WT700 and are included in the district. These Prime Wetlands, as well as areas where the Wetland Conservation Overlay District as described above overlaps with the Conservation Area Overlay District shall constitute High-Priority Wetlands, with further limitations as described in Section VI.A.(6) of this overlay. *(Rev. 6/21)*

VI.A. (3) PERMITTED IMPACTS Permitted impacts within the Wetland Conservation Overlay District are those that will not require the erection or construction of any permanent road, structure or building, will not alter the natural surface configuration by the addition of fill or by dredging (not including the limited activity described in section (8)), or will not compromise the purpose of this overlay district, and that are otherwise permitted by the Development Ordinance. Such impacts will be limited to the minimum impact necessary to achieve the intended purpose, and the wetland area shall be restored to a suitable natural condition to the greatest extend possible following the impact and shall utilize best-management practices to prevent erosion, sedimentation, and/or pollution of the Wetland Conservation Overlay District. Such impacts may include the following or similar impacts:
(Rev. 3/02) (Rev. 6/21)

(a) Forestry activities It is recommended that these activities be conducted in accordance with Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, as published by the NH Division of Natural and Cultural Resources, and with suitable notification to the New Hampshire Wetlands Bureau, when required; *(Rev. 6/21)*

(b) Agriculture activities It is recommended that these activities be conducted in accordance with the manual of Best Management

Practices for Agriculture in New Hampshire, published by the NH Department of Agriculture;

(c) Ponds and well recharge sources conducted in accordance with any dredge and fill permitting requirements of the State of New Hampshire;

(d) Parks and such recreational uses as are consistent with the purpose and intent of the Ordinance;

(e) Conservation areas, wildlife refuges, nature trails, and other educational or scientific purposes. *(Rev. 6/21)*

(f) Open spaces as permitted or required by the Subdivision Regulations, the Development Ordinance, or in conjunction with a use which may be permitted in an adjacent district where an adequate open space area is not available within the adjacent district.

(g) Cutting of vegetation, disturbance, and placement or construction of temporary structures or materials as necessary for the removal of invasive or noxious species, in accordance with best management practices. *(Rev. 6/21)*

(h) De minimis driveway crossings and culverts for a single-family or two-family residential structure and their accessory uses, provided all state permits are obtained. Such crossings must impact less than 200 square feet of wetland area and be located within 100 feet of the road providing access to the property, otherwise a special exception for "impacts essential to the productive use of land not within the Wetland Conservation Overlay District" shall be required *(Rev. 3/21) (Rev. 6/21)*

VI.A (4) SETBACKS

(a) Structures shall not be placed within 20 feet of the edge of a wetland unless they are deemed necessary for a permitted impact as described in §VI(A)(4) or unless a Special Exception has been obtained in accordance with §VI(A)(5).

(b) Any construction, alteration of terrain, or other disturbance within the 20-foot setback shall utilize best-management practices to prevent erosion, sedimentation, and/or pollution of the Wetland Conservation Overlay District. *(Rev. 6/21)*

VI.A. (5) IMPACTS ALLOWED BY SPECIAL EXCEPTIONS Special exceptions may be granted by the Zoning Board of Adjustment, upon notice and

hearing as prescribed in RSA Chapter 676, for the following impacts within the Wetlands Conservation Overlay District and its setbacks:

(a) Those impacts to the Wetlands Conservation Overlay District or its setbacks that are essential to the productive use of land not within the Wetlands Conservation Overlay District shall be allowed by Special Exception. Those impacts include, but are not limited to: the construction of roads, driveways, or other access ways, utility rights-of-way and easements, including power lines and pipelines, with adequate provisions where called for, for the continued, uninterrupted flow of surface run-off water. The ZBA shall grant a Special Exception, provided the following are met:

[1] the applicant shall first meet with the Conservation Commission, and written findings by the Northwood Conservation Commission regarding the proposal, including but not limited to minutes of the meeting at which the proposal was discussed, are submitted with the Special Exception application, are reviewed by the ZBA, and are made part of the record of the case; and

[2] the applicant shall submit sufficient information necessary to demonstrate that the proposed impacts are essential for the productive use of land not within the Wetland Conservation Overlay; and *(Rev. 6/21)*

3] dredging, filling or other alteration shall be designed to minimize adverse impact on the wetland and its setbacks, even if this requires adjustments in design outside of this overlay district; and

[4] there shall be provisions made to restore the site as nearly as possible to its original grade and condition; and *(Rev. 3/01)*

[5] a state wetlands permit shall be obtained when required.

[6] a Special Exception is not required when the impact meets the criteria for a permit by notification as defined by the NH Wetlands Bureau Code of Administrative Rules. *(Rev. 3/00) (Rev. 3/05)*

(b) The undertaking of a use permitted by this Ordinance but which requires an impact not otherwise permitted in the Wetlands Conservation Overlay District or its setback shall be allowed by Special Exception. The ZBA shall grant a Special Exception, provided the following conditions are met:

[1] the applicant shall first meet with the Conservation Commission, and written findings by the Northwood Conservation Commission regarding the proposal, including but not limited to minutes of the meeting at which the proposal was discussed, are submitted with the Special Exception application, are reviewed by the ZBA, and are made part of the record of the case; and *(Rev. 6/21)*

[2] the applicant shall submit sufficient information necessary to demonstrate that the proposed use of the property cannot feasibly be implemented without the proposed impacts; and *(Rev. 6/21)*

[3] dredging, filling or other alteration shall be designed to minimize adverse impact on the wetland and its setbacks, even if this requires adjustments in design outside of this overlay district; and

[4] there shall be provisions made to restore the site as nearly as possible to its original grade and condition; and

[5] state wetlands permit shall be obtained when required.

VI.A (6) HIGH-PRIORITY WETLANDS

(a) The purpose of this section shall be to further protect wetland areas which are, by their quality, importance, or location, prioritized for conservation. These wetland areas shall be identified as described in Section VI.A.(2)(c).

(b) Setbacks. High-Priority Wetlands shall be protected by a 100-foot setback.

(c) No disturbance, dredging, filling, or construction of structures, driveways, or roads shall be permitted in High-Priority Wetlands or within the 100-foot setback. Vegetation within High-Priority Wetlands and within the 100-foot setback shall remain in its natural state. The sole exceptions shall be the following, which are permitted by right:

[1] Cutting of vegetation, disturbance, and placement or construction of temporary structures or materials as necessary for the removal of invasive species. Such impacts shall be limited to the minimum necessary for removal or management of the invasive species, and impacted area shall be restored to a suitable natural condition as soon as possible following the impacts. Such impacts shall follow

best-management practices for removal of invasive or noxious species.

[2] Disturbance, alteration of terrain, cutting of vegetation, and placement or construction of temporary structures or materials as necessary for the implementation of a forest, habitat, or wildlife management plan. Such impacts shall be limited to the minimum necessary for the implementation of the plan, and all impacted areas shall be restored to a suitable natural condition as soon as possible following the impacts. A copy of any forest, wildlife, or habitat management plan or any other relevant documentation shall be provided to the Town for reference.

[3] Any party proposing to undertake impacts permitted by this section are encouraged, but not required, to consult with the Northwood Conservation Commission concerning their proposal. *(Rev. 6/21)*

(d) Relief. Any special exception or other mechanism which may otherwise provide relief to Section VI.A Wetland Conservation Overlay District shall not be construed to apply to Section VI.A.(6) High-Priority Wetlands. Relief to any provision of this section may only be granted via the issuance of a variance by the ZBA. *(Rev. 6/21)*

VI.B. Conservation Area Overlay District

VI.B. (1) PURPOSE The purpose of this overlay district is to conserve three large areas of natural resources within Northwood. These areas are the Northwood Meadows State Park / Saddleback Mountain area, Acorn Ponds area, and the Big Woods area. Each of these areas are largely undeveloped and are important to a regional network of large undeveloped tracts that are important to the residents of Northwood and surrounding communities for wildlife habitat, recreation, protection of underlying aquifers, and quality of life. (*Rev. 3/00) (Rev. 3/03)*

VI.B. (2) DISTRICT BOUNDARIES The District shall consist of all land shown as Big Woods, Acorn Ponds, and Northwood Meadows State Park / Saddleback Mt. on the map entitled "1998 Master Plan Update Northwood, New Hampshire: Resource Constraints in Conservation Areas", which was adopted as part of the 1998 Master Plan Update. This map is available for viewing at the Northwood Town Hall.

VI.B. (3) USE RESTRICTIONS Only single family residential uses or municipal wells shall be allowed within this overlay district. *(Rev. 3/03)*

VI.B. (4) DEVELOPMENT PATTERN All new subdivisions within this overlay district shall be Open Space Design proposals consistent with Section VIII of this Ordinance.

VI.B. (5) DENSITY Residential density within this overlay district shall be reduced to ¼ unit per acre.

VI.C. Agricultural Soils Overlay District

VI.C.(1) PURPOSE The purpose of this overlay district is to conserve soil defined by the Natural Resource Conservation Service, a division of the U.S. Department of Agriculture, as Prime Farmland and Farmland of Statewide Importance. Residents have cited open agricultural land as important to the local character, available views, and contributing to the quality of life in town. Preserving these areas and promoting their continued agricultural use is indicated as important goals in the town's Master Plan. *(Rev. 03/20)*

VI.C. (2) DISTRICT BOUNDARIES The District shall consist of all Prime Farmland and Farmland of Statewide Importance. The soils can be identified using National Cooperative Soil Survey conducted by the US Department of Agriculture in their Soil Survey of Rockingham County, New Hampshire, dated October 1994. A map showing the location of these soils is available for viewing at the Northwood Town Hall. The map indicates areas with the following soils:

29A Woodbridge Fine Sandy Loam, 0 to 3 percent slopes
29B Woodbridge Fine Sandy Loam, 3 to 8 percent slopes
30A Unadilla Very Fine Sandy Loam, 0 to 3 percent slopes
32A Boxford Silt Loam, 0 to 3 percent slopes
38A Eldridge Fine Sandy Loam, 0 to 3 percent slopes
38B Eldridge Fine Sandy Loam, 3 to 8 percent slopes
44B Montauk Fine Sandy Loam, 3 to 8 percent slopes
62B Charlton Fine Sandy Loam, 3 to 8 percent slopes
66B Paxton Fine Sandy Loam, 3 to 8 percent slopes
446A Scituate-Newfields Complex, 0 to 3 percent slopes
446B Scituate-Newfields Complex, 3 to 8 percent slopes
460B Pennichuck Channery Very Fine Sandy Loam, 3 to 8 percent slopes
531B Scio Very Fine Sandy Loam, 0 to 5 percent slopes

30B Unadilla Very Fine Sandy Loam, 3 to 8 percent slopes
32B Boxford Silt Loam, 3 to 8 percent slopes
42B Canton Gravelly Fine Sandy Loam, 3 to 8 percent slopes
42C Canton Gravelly Fine Sandy Loam, 8 to 15 percent slopes
44C Montauk Fine Sandy Loam, 8 to 15 percent slopes
62C Charlton Fine Sandy Loam, 8 to 15 percent slopes
66C Paxton Fine Sandy Loam, 8 to 15 percent slopes

460C Pennichuck Channery Very Fine Sandy Loam, 8 to 15 percent slopes
510A Hoosic Gravelly Fine Sandy Loam, 0 to 3 percent slopes
510B Hoosic Gravelly Fine Sandy Loam, 3 to 8 percent slopes

The location of these soils may also be determined through the use of the Soil Survey of Rockingham County, New Hampshire, issued in October of 1994 and competed by the Soil Conservation Service (now know as the Natural Resource Conservation Service).

VI.C.(3) DEVELOPMENT PATTERN All new subdivision proposals on properties that are 20 acres or larger and possess a sum of 25 percent (%) or greater in agricultural land with soils designated "prime" or of "statewide significance" by the U. S. Natural Resource Conservation Service soil survey as shown on the map titled "All Overlay Zones" dated July 2001 or its equivalent map depicting the layers referenced above maintained at the Northwood Town office, shall be Open Space Design proposals consistent with Section IX of this regulation. *(Rev. 3/04)* All proposed development lots shall be clustered away from or as close to the edge of the overlay district as possible. *(Rev. 3/03)*

VI.D. Wellhead Protection Overlay District *(Rev. 3/01)*

VI.D.(1)PURPOSE The purpose of this overlay district is to protect the quantity and quality of groundwater, with a particular emphasis on protecting new or existing sources of public water supply. (Note: as defined by RSA 485.1A, this section does not designate and regulate groundwater based on the standards of the State Groundwater Protection Act, RSA 485-C. A system adopted pursuant to that Act may be pursued at a later date if the Town commits to developing and maintaining such a system.) *(Rev. 3/01)*

VI.D.(2)OVERLAY DISTRICT BOUNDARIES The district shall consist of all land within a radius of 1320 feet of active wells serving community public water supplies as defined by RSA 485:1-a(I); or a parcel of land, 20 acres or greater, that contains a portion of an aquifer which contains soils with transmissivity in excess of 1,000 sq. ft. per day as shown on the Stratified Drift Aquifer Maps published and updated by the NH Department of Environmental Services. The district shall consist of all land within a radius of 1320 feet of active wells serving community public water supplies as defined by RSA 485:1-a(I). (*Rev. 3/00) (Rev. 3/04)*

If there is question or dispute as to the boundary of this overlay district, the owner of the property or any abutter may petition the town to hire a qualified Professional Engineer with expertise in groundwater hydrology to examine the area and report all findings to the town. The cost of such action shall be paid by the petitioner.

VI.D.(3) PUBLIC NON-COMMUNITY WELLS Public non-community wells shall meet all criteria set forth by the most current NH D.E.S. and Well Water Board standards and rules. *(Rev. 3/01)*

VI.D.(4) REQUIREMENTS Construction within the Wellhead Protection Overlay District shall meet the following criteria: *(Rev. 3/01) (Rev. 3/03)*

(a) Low Permeability Surfaces Not more than 20% of the lot shall be covered by impervious area.*(Rev. 3/08)*

(b) Development Pattern All new subdivision proposals within this overlay district shall be Open Space Design proposals consistent with Section IX of this Ordinance. All proposed development lots shall be clustered away from or as close to the edge of the overlay district as possible.

(c) Density Residential density within this overlay district shall be reduced to ¼ unit per acre.

(d) Full containment shall be provided for all above ground storage of petroleum and related products. *(Rev. 3/01)*

VI.D. (5) PROHIBITED The following shall be expressly prohibited in the Wellhead Protection Overlay District:

(a) storage of petroleum or related products, except within structures to be heated by such products;
(b) underground storage tanks for the storage of any type of material which could pollute groundwater, except single family residential septic tanks; (*Rev. 3/01)*
(c) storage of road salt or other de-icing chemicals and the dumping of snow removed from other areas outside the overlay district;
(d) disposal of liquid or leachable wastes, except for septic systems;
(e) disposal of solid wastes;
(f) use of leach field degreasing materials;
(g) airplane, boat and motor vehicle service and repair;
(h) chemical and bacteriological laboratory operation;
(i) dry cleaning;
(j) electronic circuit manufacturing;
(k) metal plating, finishing and polishing;
(l) motor and machinery service and assembly;
(m) painting as a part of the manufacturing process, wood preserving, and furniture stripping;
(n) pesticide and herbicide application;
(o) photographic processing; and
(p) printing.

VI.E. Steep Slope Protection Overlay District

VI.E. (1) PURPOSE. Steeply sloped land is particularly fragile and susceptible to erosion. Because erosion and runoff problems can result from development of sloped areas, the Master Plan identifies steep slopes as requiring protection. The purpose of this overlay is to reduce damage to streams and lakes from the consequences of excessive and improper construction, erosion, storm water runoff, or effluent from improperly sited sewage disposal systems, and to preserve the natural topography, drainage patterns, vegetative cover, scenic views, wildlife habitats, and to protect unique natural areas by implementing innovative land use controls.

VI.E. (2) AUTHORITY This overlay is adopted pursuant to RSA 674:21 regarding innovative land use controls and is intended as an "environmental characteristics" provision as defined in RSA 674:21(j).

VI.E. (3) DELINEATION The Steep Slope Protection Overlay District shall consist of all areas with slopes in excess of 20% and totaling more than 2,000 square feet of contiguous area. Sloped areas consisting of fewer than 2,000 square feet are hereby excluded. Within this overlay, further restrictions may be placed on areas with very steep slopes of 25% or greater.

VI.E. (4) SPECIAL EXCEPTION REQUIRED All uses permitted in the underlying district will be permitted by a Special Exception in the Steep Slope Protection Overlay District, including placement of roads, structures, driveways, or other impacts necessary for the establishment of an allowable use in the buildable portions of the site. A Special Exception may be granted by the Zoning Board of Adjustment if the following criteria are met:

(a) The proposed impact to the Steep Slope Protection Overlay District is necessary for the reasonable use of a parcel, or for the establishment of an allowable principle use on the buildable land area of a site; and

(b) the proposed impact to the Steep Slope Protection Overlay District shall be the minimum necessary to accommodate the proposed use; and

(c) the proposed impact will not destabilize land in the Steep Slope Protection Overlay District; and

(d) suitable provisions shall be made for the prevention of erosion and for the control of runoff during construction and site work; and

(e) the Steep Slope Protection Overlay District shall be restored as nearly as possible to pre-development conditions with such permanent improvements as necessary for the prevention of erosion and control of stormwater runoff.

VI.E. (5) APPLICATION REQUIREMENTS Applications for a Special Exception will be made on forms provided by the Town and shall be accompanied by adequate documentation to address the criteria described in Section VI.E.(4), and shall include at minimum:

(a) The area of the proposed impact to the Steep Slope Protection Overlay District depicted in two-foot contours; and

(b) a plan prepared by an engineer licensed in the State of New Hampshire showing specific methods that will be used to control soil erosion and sedimentation, soil loss, and excessive stormwater runoff, both during and after construction; and

(c) a hydrology, drainage, and flooding analysis that shows the effect of the proposed development on water bodies and/or wetlands in the vicinity of the project; and

(d) a review and recommendation of the application materials by the Conservation Commission and any other professional expertise deemed necessary by the Board; and

(e) where applicable, state and federal permits or proof of compliance with all related state and federal regulations shall be provided prior to the issuance of a permit.

VI.E. (6) COSTS All costs pertaining to the consideration of an application, including consultants fees, on-site inspections, environmental impact studies, notification of interested persons, and other costs shall be borne by the applicant and paid prior to the issuance of a permit.

VI.E. (7) RESTRICTIONS ON VERY STEEP SLOPES To accomplish the purposes of this Overlay District, the following shall apply to all portions of this overlay with a slope of 25% or greater:

(a) Construction of roads, structures, or driveways on land with a slope of 25% or greater shall be prohibited.

(b) Slopes of 25% or more shall not be used to fulfill any part the area of the minimum lot size as required per Section IV(B)(2).

(Rev. 3/20)

Table IV-2
Residential Density Table

District	Units/ Acre	Restrictions
General District -See Section IV(B)	1/2	Maximum Density Formula
Elderly Housing	4 per acre	See Section V(B)(4)
Conservation Overlay District -See Section VI(B)	1/4	Maximum Density Formula
Wellhead Protection Overlay District *(Rev. 3/01)* -See Section VI(D)	1/4	Maximum Density Formula
Wetlands Conservation Overlay District -See Section VI(A)		Not permitted
Agricultural Soils Overlay District -See Section VI(C)		Open Space Design Required
Steep Slope Protection Overlay District -See Section VI(E)		Special Exception Required 20-25% slopes; Restrictions apply 25%+ slopes
Open Space Design -See Section IX		Maximum Density Open Space Formula

VII. NON-CONFORMITY

This section specifies those rights to which non-conforming uses, structures and lots are entitled.

VII. A. Non-Conforming Use

VII.A. (1) LAWFUL NON-CONFORMING USE Any lawful non-conforming use may continue indefinitely unless abandoned as described below.

VII.A.(2) ABANDONMENT A use that meets the following criteria shall be considered abandoned and shall not be re-established without the appropriate approvals.

(a) The owner or operator has an intention to abandon or relinquish the use; and

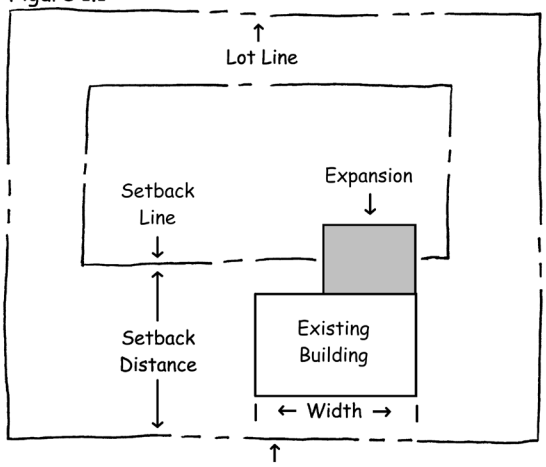
(b) the owner or operator has displayed an overt act or failure to act which carries the implication that the owner or operator neither claims nor retains any interest in the use. For purposes of this clause, the discontinuance of a use for a period of twelve consecutive months is presumed to be an act of abandonment. (*Rev. 3/00)*

VII. B. Non-Conforming Structure

The following control non-conforming structures:
VII.B. (1) Expansion of the portion of a structure that is conforming shall be allowed, provided all aspects of the expansion are conforming.

VII.B. (2) Where a portion or all of a structure violates a setback requirement, and proposed expansion is in a direction away from the lot line which the setback is intended to buffer (see Figure 1.1), the Code Enforcement Officer may grant a building permit provided the following conditions are met:

Figure 1.1



Lot line from which the pre-existing building does not meet setback requirements

(a) the proposed expansion is not within the 100 year floodplain.

(b) septic disposal and water systems are provided and upgraded if necessary.

(c) the proposed expansion does not extend beyond the width of the existing building.

VII.B. (3) Portions of structures within a setback may be enclosed or expanded upwards if granted a Special Exception by the ZBA. The ZBA shall grant the Special Exception only if the following conditions are met:

(a) If an upward expansion, it shall not have any adverse impact on any neighboring property, including but not limited to blocking of views and/or sunlight.

(b) If an upward expansion, it shall not exceed the maximum height limitations specified in this Ordinance.

(c) the expansion shall not increase any other non-conforming aspect of the structure or lot. (*Rev. 3/00)*

VII.B. (4) CERTIFIED PLOT PLAN A certified plot plan prepared by a licensed land surveyor must be filed with the code enforcement officer whenever setbacks are proposed to be diminished or when setback determination is in question. *(Rev. 3/07)*

VII. C. Non-Conforming Lots

The following control non-conforming lots:

VII.C.(1) No action shall be permitted to change the boundary of the lot unless it brings the lot closer to conformance with this Ordinance, and it makes no other aspect of the lot and/or all structures thereon more non-conforming.

VII.C.(2) Dimensionally nonconforming lots that are lots of record and duly recorded in the Rockingham County Registry of Deeds and that were created between March 1974 and December 2005 and contain no less than 80,000 sq. ft. may be developed without compliance with the requirements established by Section IV(B)(2). (*Rev. 3/07)*

VII.C. (3) Dimensionally nonconforming lots which were created or existed prior to December 31, 2005 and which contain less than 80,000 square feet may be developed without compliance with the requirements established by Section IV(B)(2) of this ordinance for lot size if granted a Special Exception by the ZBA. The ZBA shall grant the Special Exception only if the following conditions are met *(Rev. 3/08)*:

(a) septic systems shall be located 75 feet or greater from open drainage or surface water, 50 feet or greater from hydric B soils, 75 feet or greater from existing wells; and septic systems must meet all other setback requirements set by the New Hampshire Department of Environmental Services, unless a waiver has been granted by the appropriate state regulatory agency; and,

(b) the well protection radius shall be 75' or greater and may not extend beyond property line. *(Rev. 3/20)*

(c) all other dimensional requirements shall be met. *(Rev. 3/08)*

VII.C. (4) Lots whose maximum width is 100 feet or less shall use the following formula to determine side and rear setbacks:

(lot width x 0.4) / 2
(Rev. 3/06)

The side and rear setback shall never be less than 10 feet. See Table IV-1, Dimensions Table, for general setback requirements. Reductions in the setback from waterbodies shall be governed by § VII(C)(4).

VII.C.(5) Accessory structures are permitted on non-conforming lots if all ordinance requirements are met, with the exception of lot area and road frontage as defined in Section VII (C)(3) *(Rev. 3/06)*

VII.C. (6) CERTIFIED PLOT PLAN A certified plot plan prepared by a licensed land surveyor must be filed with the ZBA application whenever setbacks are proposed to be diminished or when setback determination is in question. *(Rev. 3/07)*

VII. D. Expansion and Conversion of Seasonal Dwellings

VII.D.(1) Purpose: The purpose of this section is to acknowledge the existence of seasonal dwellings contained in non-conforming structures or on non-conforming lots that predate the original adoption of these ordinances in 2000. It is further the purpose of this section to permit the continued use of these seasonal dwellings to the extent permitted by Sections IV, General District and V, Use Regulations while simultaneously reducing damage to streams and lakes from the consequences of excessive and improper construction, erosion, storm water runoff, or effluent from improperly sited sewage disposal systems and preventing increased intensity of use in properties that would otherwise be deemed premature, scattered, or overly dense by the current provisions of this ordinance. Limiting such properties to their pre-existing continuous, uninterrupted and unenlarged seasonal nature is therefore in the interest of public health, safety, and welfare and in furtherance of the goals of the Town of Northwood Master Plan.

VII.D.(2) Applicability: All seasonal dwellings shall be allowed to be used for the same temporal extent as they have been used on a continuous and uninterrupted basis until abandoned or discharged. The burden shall be on the property owner to establish the season or periods of the year of occupancy. In the absence of evidence to the contrary, seasonal summer occupancy shall be presumed to be May 15 through October 14; and seasonal winter occupancy shall be presumed to be October 15 through March 1 for each calendar year. Any expansion or conversion of seasonal dwellings must comply with Sections VII.D.(3) and VII.D.(4) below.

VII.D.(3) Permitted Conversion of Seasonal Dwellings for Year-Round Occupancy: Seasonal dwellings may be expanded to year-round occupancy wherever single-family residential uses are permitted, and as long as the expansion complies with the following requirements:

(a) The lot and structure must comply with all provisions of Section IV. General District.
(b) A Subsurface Disposal System permit approval is obtained from the NH Department of Environmental Services Subsurface Systems Bureau.
(c) The expansion complies with the most recent edition of the Life Safety Code (RSA Chapter 155-A).

(d) The expansion complies with the Code for Energy Conservation in New Building Construction (NH RSA Chapter 155-D).

(e) Where multiple seasonal dwellings exist on one lot, only one seasonal dwelling may be converted for year-round occupancy. All seasonal dwellings not being converted shall be eliminated.

VII.D.(4) Prohibited Expansion of Seasonal Dwellings**:** Multiple seasonal dwellings on one (1) lot shall not be expanded in dimension or temporal use without complying with all provisions of these ordinances including, but not limited to, lot size, setback, frontage and height requirements.

(Rev. 3/20)

VIII. SIGN REGULATIONS

VIII. (1) Purpose

The purpose of this section is to establish regulations for the installation and modification of signs in the Town of Northwood. These objectives are accomplished by providing uniform standards regulating the number of permanent signs and the maximum size of permanent off premises signs, which will be permitted in connection with a particular business activity in the Town. Signs perform important functions that are essential for public safety and general welfare, including communicating messages, providing information about goods and services, orienting and directing people, and are a form of protected free speech under both the United States and New Hampshire Constitutions. It is the intent of this ordinance to provide a content-neutral regulatory scheme for the placement of signs. It is further recognized that because of potential detrimental impacts, signs must be regulated to:

(a) Support business and community vitality through informing the public of available goods, services, and activities; and

(b) Complement the historic and scenic character of the Town of Northwood; and

(c) Prevent hazards to vehicular and pedestrian traffic safety by controlling the number, location, and placement of signs; and

(d) Provide easy recognition and legibility of permitted signs and uses and promote visual order and clarity on streets.

VIII. (2) Sign Permit

(a) It shall be unlawful for any person to erect or modify any sign within the Town, except where exempted as provided herein without first applying for and obtaining a sign permit from the Code Enforcement Officer. "Person," as it is used in this section shall include any natural person, firm, partnership, corporation or other business association. "Modify," as it is used herein shall mean any change in or to the location, size or supporting structure of an existing permanent sign.

(b) Any person aggrieved by the actions of the Code Enforcement Officer or the Planning Board with respect to either the manner in which the application

for sign approval is handled or the attachment of conditions and/or stipulations to said approval shall have the right to appeal the decision to the Zoning Board of Adjustment.

(c) A fee for sign permits shall be required and payable in such sums as the Board of Selectmen may from time to time establish by resolution.

VIII. (3) General Requirements

(a) All Signs shall be in conformance with this section, NH RSA 155-A:2, and the NH RSA 236:69-89.

(b) All signs shall obtain a permit from the building inspector except for those exempt under Section VIII(5)(a) of this ordinance. Permit applications are available in the Code Enforcement Office.

(c) The copy on any commercial sign may be substituted with non-commercial copy.

(d) Official town, state or federal signs, including traffic control devices, are considered government speech and shall be exempt from this Section.

VIII. (4) Sign Properties

(a) No sign or related outdoor lighting fixture shall focus light directly into any oncoming traffic or any street or into any window of any residence that abuts or is in the immediate vicinity of the fixture.

(b) Flashing, revolving, animated signs, or signs with visible moving parts or intermittent lighting to create visual effect of movement shall be prohibited. When signs have the capability of changing messages, messages and message backgrounds shall not scroll, flash or otherwise change appearance. Messages shall not change more frequently than once every 60 seconds.

(c) Where a freestanding sign projects over a vehicular traffic area, such as a driveway or a parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be fourteen (14) feet.

(d) Sign area shall be measured as that area contained within the outside dimensions of the background surface or that area which would have been so contained if a background surface had been utilized to enclose the copy. Structural elements shall not be included in the calculation of sign area to the extent they do not contain sign copy.

(e) Sign height is not to exceed 20 feet.

(f) No sign shall emit audible sound, noise, or visible matter.

VIII. (5) Temporary Signs

(a) Temporary signs which are less than 6 square feet in size and are posted for a period not to exceed 7 total days per calendar year do not require a permit. All

such non-permitted temporary signs must state somewhere on the face of the sign, legibly, the date the sign was first erected/posted.

(b) The maximum surface area shall not exceed forty (40) square feet in all areas.

(c) Temporary signs shall be removed within fifteen (15) days of the special event or activity, where applicable.

(d) Temporary signs are limited to one per lot.

(e) A temporary sign is permitted on a property being sold, leased or developed. Such a sign shall be removed promptly when it has fulfilled its function within fifteen (15) days.

VIII. (6) Sign Location and Count

(a) No more than two off-building signs per lot shall be permitted.

(b) Signs are prohibited within the public way.

(c) No Sign shall be closer than ten (10) feet from side or rear property lines.

(d) Projecting Signs shall not be closer than two (2) feet from the curb and must be a minimum of nine (9) feet above ground.

(e) Off-premise signs are prohibited in the Town or Northwood except where such signs comply with the provisions of this ordinance and the regulations in this section:

[1] No more than one off-premises sign shall exist on an individual parcel.

[2] No business shall be allowed to utilize more than two off-premises signs within the Town of Northwood.

[3] The total sign area for an off-premises sign shall not exceed sixty-four (64) square feet, calculated by excluding the second side of any copy which is double-faced.

VIII. (7) Pre-Existing Signs

(a) Pre-existing signs. Any sign located within the Town of Northwood on the date of adoption of this Ordinance, whether or not it conforms to the provisions of the Ordinance, is a pre-existing sign and is permitted.

(b) Loss of non-conforming Status. A non-conforming sign shall immediately lose its pre-existing status if:

[1] The sign is replaced, other than replacing the sign in its exact original location and size;

[2] The sign is altered in any way in location or size which makes the sign less in compliance with the requirements of this section than it was before the alteration;

[3] The sign advertises and is located on the same premises with a legal non-conforming use which loses its non-conforming status; and

[4] The sign advertises a business or activity which is no longer carried on, whether generally or at the particular premises, unless said business or activity is on the market for sale.

VIII. (8) Severability

The invalidity of any provision of this Ordinance shall not affect validity of any other of the provisions. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding will not affect or impair any other section, clause, provision or portion of this ordinance. *(Rev. 03/20)*

IX. OPEN SPACE DESIGN

IX. A. Purpose The purpose of this section is to encourage residential subdivision designs, multi-family residential developments, and elderly housing developments, which allow creation of high quality, traditional residential neighborhoods while also protecting important components of the natural landscape. The primary mechanism to accomplish this purpose is the reduction in individual lot sizes and dimensions, with the balance of the land put into a common open space. The purpose of the open space may vary, but shall include one or more of the following purposes*: (Rev. 3/05)*

IX. A. (1) Protection of prime agricultural lands, agricultural lands of statewide importance, or unique agricultural lands.

IX. A. (2) Protection of steep slopes.

IX.A. (3) Protection of wildlife habitat.

IX.A. (4) Provision of land for active recreation.

IX.A. (5) Protection of open space for aesthetics, passive recreation, viewshed, or other passive use. *(Rev. 3/00)*

IX.A. (6) Preservation of unique natural or man-made features, including but not limited to unoccupied historic sites.

IX.A.(7) Connecting protected areas with each other to create a linked patchwork of open or protected space.

IX.A. (8) Implement the Master Plan philosophy, vision, policies and implementation strategies. *(Rev.3/07)*

IX.B. Application Procedures

IX.B. (1) Subdivision applications, and site plan applications for multi-family residential developments or elderly housing developments, under the Open Space Design provisions shall follow the standard application review process specified in the Subdivision and Site Plan Review Regulations.

IX.B. (2) The applicant shall prepare a statement describing the purpose of the proposed open space, and this shall be consistent with the purposes stated in § IX(A). The applicant must obtain the Planning Board's agreement on the statement of purpose before proceeding with a particular open space design, and shall then use this statement to evaluate the suitability of land and access proposed for open space, ensuring sound design and function of both the open space as well as the developed areas. *(Rev. 3/00)*

IX. C. Location Open Space Design shall be permitted in all districts.

IX. D. Incentives for Open Space Design To encourage Open Space Design, certain dimensional requirements are relaxed to provide for increased design flexibility necessary to accomplish the purposes of this Section. The setback shall be depicted on all plans for Open Space Design subdivisions. The setback is a building setback only and shall not be included in the calculation of the size of the open space. Specific incentives are listed in the following table:

Table IX-1
Open Space Design Incentives

Requirement	Units	General District
Minimum Road Frontage *(Rev.3/02)(Rev. 3/04)*	feet	125
Minimum Lot Size *(Rev.3/02) (Rev. 3/04)*	acres	1.5
Maximum Residential Density *(Rev.3/02) (Rev. 3/04)*	Units/ acre	1/1.5
Minimum Road Setback *(Rev.3/02)*	feet	20
Minimum Side/Rear Setback *(Rev.3/02) (Rev. 3/04)*	feet	20
Minimum Waterbody Setback	feet	20
Maximum Structure Height	feet	35

IX. E. Open Space Requirements

IX.E. (1) MINIMUM SIZE OF OPEN SPACE The following standards shall apply:

(a) the area of open space provided shall at least equal the total amount of reduction in building lot areas;

(b) the area of open space provided shall be 33% or more of the gross area of the subdivision or lot approved for multi-family residential development or elderly housing development; *(Rev. 3/05)*

(c) the open space shall be designed such that its shape and extent conform to the area of concern, and so that the purposes of this Section are fulfilled. In general, the open space should be a single contiguous area of substantial size, and should not be a thin strip simply surrounding the subdivision or lot to buffer abutters; and *(Rev. 3/05)*

(d) Residential Density The number of lots in an open space development shall not exceed the number of lots allowed under current zoning regulations. The maximum number of units allowed shall be determined using the following formula:

$$M = RD\,[A-(U+R+0.5xO)],$$

Where the letters represent the following:

M = Maximum # of Units Permitted (dwelling units)
RD = Residential Density (Conservation Overlay District, Wellhead Protection Overlay District, or Open Space Incentives)(dwelling units/acre)
A = Total Site Area (in acres)
U = Unbuildable Land (in acres)
R = Road and Utility Right of Way (in acres)
O = Open Space Required to Be Set Aside

(Note: In applying the above formula, a result that contains a remainder of less than 0.5 shall be rounded down to the next whole number; a result that contains a remainder of 0.5 or greater shall be rounded up to the next whole number) *(Rev. 3/07)*

Residential Density Formula (Open Space) Example

Residential Density (RD)	*Total Site Area (A)*	*Unbuildable Land (U)*	*Road and Utility Right of Way (R)*	*Open Space Required to be Set Aside*

1/1.5 (one dwelling unit per 1.5 acres)	*10 acres*	*2 acres*	*0.5 acres*	*0.33% of Total Site Area =3.33 acres*

The Maximum Number of Dwelling Units (M) permitted is calculated by entering these figures in the formula. Using the numbers from the above example:

M = RD [A-(U+R+0.5xO)]
M = (1/1.5)[10-(2+0.5+0.5x3.33)]
M = (1/1.5)[5.83]
M = 3.89 dwelling units; therefore, a maximum of 4 dwelling units are permitted.

(e) in all cases, a minimum of (2) two acres of open space is required.

IX.E.(2) The minimum required Open Space shall not contain more than 50% of the sum of the following kinds of unbuildable land:

(a) Wetlands, as defined elsewhere in this ordinance or, if not so defined, as found in state law, or
(b) Slopes exceeding a grade of 25%, or
(c) Land used for septic systems, or
(d) Floodways, and floodway fringe within the 100-year floodplain as shown on official FEMA maps, or
(e) Public utility easements. *(Rev. 3/04)*

IX.E.(3) ACCESS AND USE Open space land shall be useable for the proposed purpose(s), and shall have suitable access for the residents of the subdivision or lot, or for the public where the land is deeded to the town. *(Rev. 3/04) (Rev. 3/05)*

IX.E.(4) The required open space shall be in common ownership by the owners of the lots within the subdivision or owners of condominium rights of any part of a lot or structure in a multi-family residential development or elderly housing development. It shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for whatever purpose is intended. Covenants or other legal arrangements shall specify: ownership of the open space; method of maintenance; responsibility for maintenance; maintenance of taxes and insurance; compulsory membership and compulsory assessment provisions for all subdivision lot owners or condominium owners in a multi-family residential development or elderly housing development which guarantees that any association formed to own and maintain the open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board. *(Rev. 3/01) (Rev. 3/04) (Rev. 3/05)*

IX.F. Performance Standards

IX.F.(1) There is no minimum size subdivision which may be designed using these Open Space Design provisions.

IX.F.(2) Originality in lot layout and individual building design is encouraged to achieve the best possible relationship between the development and the land.

IX.F. (3) The design of the road network may provide for access to adjacent developed areas, or may reserve right-of-ways for future connection to adjacent properties which, in the judgment of the Planning Board, are likely to be developed. This objective, however, shall be secondary to the goal of protecting the open space.

X. FLOODPLAIN MANAGEMENT ORDINANCE

(Adopted 3/03)

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Northwood Floodplain Management Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Northwood Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the County of Rockingham, NH", so titled as, and dated May 17, 2005 or as amended, together with the associated Flood Insurance Rate Maps, so titled as, and dated May 17, 2005 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference. *(Rev. 3/05)*

X. A. Definition of Terms:

The following definitions shall apply only to this Floodplain Management Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Northwood.

X.A.(1) "Area of Special Flood Hazard" is the land in the floodplain within the Town of Northwood subject to a one-percent or greater possibility of flooding in any given year. The area is designated as Zone A on the FIRM.

X.A. (2) "Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.

X.A. (3) "Basement" means any area of a building having its floor sub-grade on all sides.

X.A. (4) "Building" - see "structure".

X.A.(5) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operation.

X.A. (6) "FEMA" means the Federal Emergency Management Agency.

X.A. (7) "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters, or

(b) the unusual and rapid accumulation or runoff of surface waters from any source.

X.A. (8) "Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

X.A.(9)"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

X.A. (10) "Functionally dependent use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

X.A. (11) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

X.A. (12) "Historic Structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

[1] by an approved state program as determined by the Secretary of the Interior, or

[2] directly by the Secretary of the Interior in states without approved programs.

X.A. (13) "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely

for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

X.A. (14) "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days.

X.A. (15) "Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

X.A. (16) "New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

X.A. (17) "l00-year flood" - see "base flood"

X.A. (18) "Recreational Vehicle" is defined as:

(a) built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) designed to be self-propelled or permanently towable by a light duty truck; and
(d) designed primarily **not** for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
(e)

X.A. (19) "Special flood hazard area" means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on the FIRM as Zone A. (See - "Area of Special Flood Hazard")

X.A. (20) "Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

X.A. (21) "Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

X.A. (22) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

X.A. (23) "Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal:

(a) the appraised value prior to the start of the initial repair or improvement, or
(b) in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

X.A. (24) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

X. B. Permits

All proposed development in any special flood hazard areas shall require a permit.

X. C. Construction Requirements

The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

X.C. (1) be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,

X.C. (2) be constructed with materials resistant to flood damage,

X.C.(3) be constructed by methods and practices that minimize flood damages,

X.C.(4) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

X. D. Water and Sewer Systems

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

X. E. Certification

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the building inspector:

X. E. (1) the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.

X. E. (2) if the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed.

X. E. (3) any certification of floodproofing.

The Building Inspector shall maintain the aforementioned information for public inspection, and shall furnish such information upon request.

X. F. Other Permits

The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

X. G. Watercourses

X.G.(1) In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by the RSA 482-A: 3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau and the Northwood Conservation Commission.

X.G.(2) The applicant shall submit to the Building Inspector certification provided by a registered professional engineer assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

X.G.(3) The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

> "No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

X. H. Special Flood Hazard Areas

X.H. (1) In unnumbered A zones the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site plan approvals).

X.H. (2) The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in zone A that:

(a) All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation.

(b) That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or together with attendant utility and sanitary facilities, shall:

[1] be floodproofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

[2] have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

[3] be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

(c) All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the 100-year flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(d) All recreational vehicles placed on sites within Zones A shall either:

[1] be on the site for fewer than 180 consecutive days;
[2] be fully licensed and ready for highway use; or,
[3] meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c) (6) of Section 60.3.

(e) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:

[1] the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
[2] the area is not a basement;
[3] shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of

floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

X. I. Variances and Appeals

X.I. (1) Any order, requirement, decision or determination of the building inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

X.I. (2) If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:

(a) the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

(b) if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

(c) the variance is the minimum necessary, considering the flood hazard, to afford relief.

X.I. (3) The Zoning Board of Adjustment shall notify the applicant in writing that:

(a) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(b) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

X. I.(4) The community shall:

(a) maintain a record of all variance actions, including their justification for their issuance, and

(b) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.