

Certified, this date, to be a true copy of the 2010 proposed Amendments to the New Boston Zoning Ordinance, and Building Code, as presented at the public hearings and voted by the Planning Board on December 22, 2009 & January 12, 2010.

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TOWN OF NEW BOSTON  
New Boston Planning Board

Proposed Amendments  
to the  
Town of New Boston Zoning Ordinance  
and Building Code  
for Consideration  
at the  
Ballot Vote of March 9, 2010

AMENDMENTS TO THE ZONING ORDINANCE

**Proposed Amendment #1.**

**ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

Add a new Section 204.10 Workforce and Multi-Family Housing Overlay District

Objective and Characteristics

The purpose of this district is to provide reasonable and realistic opportunities for the development of workforce housing within New Boston in accordance with RSA 674:59 and the housing goals of the Master Plan. The overlay district provides standards and safeguards to ensure that a percentage of the residential housing developed meets the criteria for workforce housing as defined in RSA 674:58. Areas that would typically be appropriate for workforce housing under this overlay district include those with good road access, slopes less than 15 percent on a majority of the parcel, and soil conditions suitable for the level of development proposed.

Uses

Permitted Uses

1. One family dwelling
2. Two family dwelling
3. Multi-family dwelling\*
4. Accessory building or use

Area and Dimensions

<u>Minimum Lot Size</u>		<u>Frontage</u>	<u>Minimum Yard Dimensions</u>		
<u>Use</u>	<u>Area</u>	<u>Width</u>	<u>Front</u>	<u>Each Side</u>	<u>Rear</u>
One & Two-family**	1.5 ac.	150'	50'	20'	20'
Multi-family	2.5 ac.***	200'	50'	50'	50'

- \* Home Business shall not be permitted to occur in multi-family dwellings. Home occupations, as defined in the Open Space Development standards (Article IV, Section 401.2,F), shall be permitted in multi-family dwellings.
- \*\* Two-family dwellings in the workforce and multi-family housing overlay district may be permitted on a lot the same size as that for a One-family dwelling with the limitation of six (6) bedrooms for the Two-family dwelling.
- \*\*\* 2.5 acres for the first three (3) units, plus 0.5 acres for each additional dwelling unit up to a maximum of twelve (12) dwelling units.

Notes: All lots shall accommodate a square, equal to the width of its minimum frontage requirement, at the 50' setback line and parallel to the road.

All lots shall meet all other local, state or federal requirements, including those of the NH DES Subsurface System Bureau.

#### Standards for Workforce Housing

1. The Workforce and Multi-Family Housing Overlay District shall apply only as an overlay in the Residential-One (R-1) and Residential-Agricultural (R-A) Districts.
2. At least 50 percent of the residential units created as part of a development under the workforce and multi-family housing overlay district shall meet the affordability criteria as defined in RSA 674:58 with the minimum number of workforce housing units being one.
3. The architecture shall be consistent with the rural character of the Town.
4. Workforce Housing Units for Sale
  - i. The minimum living space per Workforce Housing Unit for sale shall be 850 square feet.
  - ii. The living space of Workforce Housing Units for sale shall not be increased by more than 20 percent in any 10 year period.
  - iii. All Workforce Housing Units for sale shall be sold with deed restrictions to remain in effect for at least 15 years. The deed restrictions shall limit the resale value of the units to not more than the purchase price or that price which would qualify the dwelling units under RSA 674:58-61, as may be amended, and applied at the time of resale whichever is greater. Any sale not meeting this standard may be enjoined.

Proposed Zoning Ordinance, Building Code and Floodplain Development Ordinance Amendments  
For Ballot Vote March 10, 2009

5. An applicant who applies to the Planning Board for approval of a workforce housing development using the Workforce and Multi-Family Housing Overlay District shall notify the Planning Board in writing of the intention to provide workforce housing as required by RSA 674:60. Notification shall occur within 30 days of application for subdivision and shall be submitted with the application.
6. The applicant shall provide evidence to the Planning Board that the subject parcel has good road access.
7. The applicant shall provide evidence to the Planning Board that the subject parcel has slopes less than 15 percent on at least 50 percent of the parcel.
8. The applicant shall provide evidence to the Planning Board that the subject parcel contains soil conditions suitable for the level of development proposed.
9. The applicant shall provide a feasibility study and assessment by a NHHFA-approved vendor to verify that the proposed development can support the construction of workforce housing units at the current market affordability criteria.
10. The applicant shall disclose the intention to apply for third party subsidy(-ies).
11. Upon approval of a development under the Workforce and Multi-Family Housing Overlay District, the applicant shall have 30 days from the date of approval to review the conditions of approval. One 30-day extension may be granted by the Planning Board at the Board's discretion upon written request by the applicant.
12. The procedure shall then follow RSA 674:60,III,a-d.

Waiver of Specific and General Conditions for a "Workforce Housing" Project

The Planning Board is hereby empowered to approve a project and waive any or all of the above listed standards, but only when it has been demonstrated that construction of a "workforce housing project", (as that term is defined above), is incapable of being feasibly constructed because of those standards for economic reasons. In making such a determination, however, the Planning Board shall not allow the construction of any project when the same will not comply with reasonable standards related to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection. Further, the Board, in making such waiver, shall grant only the minimum waiver(s) demonstrated to be necessary to render the project economically feasible.

An applicant seeking to request a waiver under this section shall apply for the same to the Planning Board according to the procedure set forth in the Non-Residential Site Plan Review Regulations. When making that application, the applicant shall provide sufficient

information to the Board to demonstrate the following, the burden for which shall be on the applicant:

1. The proposed project is incapable of being feasibly constructed within the limitations identified in the specific and general criteria set forth in the above section of the ordinance for economic reasons and that the limitations do not permit any other sufficient realistic or reasonable opportunities to provide workforce housing; and,
2. The granting of waivers will result in the project being feasible, economically and will allow for the construction of "workforce housing" units that are available to the target income group(s); and,
3. The applicant will identify the general and specific standards for which a waiver is being sought and will provide appropriate documentation to demonstrate the manner in which the application of such general or specific standards is causing the project to be incapable of being feasibly constructed for economic reasons; and,
4. The project design is such that it complies with all applicable standards related to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection; and,
5. The project is "affordable" within the meaning of this ordinance and/or the statutory workforce housing provisions found at RSA 674:58, et. seq.; and,
6. The applicant has provided a suitable mechanism to insure that the housing stock proposed to be constructed will be available to persons of the target income group for a period not less than 15 years.

**ARTICLE VI            DEFINITIONS**

Section 602            Term Definitions

Add a definition of Multi-Family Housing for the purpose of workforce housing developments, as follows:

"Multi-Family Housing for the purpose of workforce housing developments, means a building or structure containing 5 or more dwelling units, each designed for occupancy by an individual household."

**Proposed Amendment #2.**

**ARTICLE IV            SPECIAL PROVISIONS**

Section 404            Accessory Dwelling Units

Section 404.1 Authority and Purpose

Delete the words "by special exception granted by the Board of Adjustment" from the second sentence so that the sentence reads as follows: "...For the purposes of providing expanded affordable housing opportunities, including rental potential, and providing flexibility in household arrangements, accessory dwelling units shall be permitted ~~by special exception granted by the Board of Adjustment~~ in the Residential-Agricultural district in conformance with these regulations."

Section 404.3 Requirements/Limitations

Amend Section 404.3,5, by deleting the words indicated in strikethrough and adding the words indicated in bold underlined italics, so that the section reads as follows: "~~In granting a special exception, the Board of Adjustment must find that the~~ ***The*** secondary dwelling unit ~~is~~ ***shall be*** developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single-family residence."

**Proposed Amendment #3.**

**ARTICLE IV SPECIAL PROVISIONS**

Section 404 Accessory Dwelling Units

Section 404.2 Definition

Amend this section by adding a new second paragraph to read as follows: "***In the event that an existing dwelling unit on a lot meets the requirements and limitations of an accessory dwelling unit, a second dwelling of any size, meeting all other zoning and building code requirements, may be built on the same lot to be considered thereafter the principal dwelling unit.***"

**Proposed Amendment #4.**

**ARTICLE IV SPECIAL PROVISIONS**

Section 404 Accessory Dwelling Units

Section 404.3 Requirements/Limitations

Amend Section 404.3,9, by replacing the term "living space" with the term "conditioned space", so that the section reads as follows: "An accessory dwelling unit shall have ~~living~~ ***conditioned*** space of no less than 300 square feet and no greater than 1,000 square feet."

**Proposed Amendment #5.**

**ARTICLE III           GENERAL PROVISIONS**

Section 307           Yards on Corner Lots

Delete the existing section and replace with the following language:  
**"A corner lot shall be required to have one front yard for the purpose of these regulations."**

**Proposed Amendment #6.**

**ARTICLE III           GENERAL PROVISIONS**

Section 314           Off-Street Parking

Amend this section by adding the words indicated in bold underlined italics, so that the second sentence of the section reads as follows:  
"...All parking areas shall be prohibited within the **entire required minimum front yard area and within the** first 50% of the required minimum **side and rear** yard areas for any district, with the exception of one or two-family dwellings that do not have any non-residential uses occurring therein. ..."

**Proposed Amendment #7.**

**ARTICLE IV           SPECIAL PROVISIONS**

Section 404           Accessory Dwelling Units

Section 404.3       Requirements/Limitations

Amend Section 404.3, 1, by deleting the words "except in Open Space Developments", so that the section reads as follows: "Accessory dwelling units are permitted in the Residential-Agricultural "R-A" District ~~except in Open Space Developments.~~"

**Proposed Amendment #8.**

**ARTICLE IV           SPECIAL PROVISIONS**

Section 403           Personal Wireless Service Facilities

Amend Section 403.12, Timing of Operation, by deleting the words indicated in strikethrough and adding the words indicated in bold underlined italics, as follows: "Operation of a personal wireless service facility shall commence no later than ~~nine (9)~~ **twelve (12)** months from the date the application was approved. If the personal wireless service facility is not operating and providing the citizens

of the Town with personal wireless services, as defined, within this time period, the applicant shall report to the Planning Board in writing stating the reasons why the personal wireless service facility is not operating. The applicant may request an extension to the deadline for operation and the Planning Board may consider same or, at its discretion, may revoke ~~its~~ the approval."

**Proposed Amendment #9.**

**ARTICLE VI            DEFINITIONS**

Section 602            Term Definitions

Amend the definition of Building to read as follows:

Building: A constructed unit having a roof and forming a shelter for persons, animals or property ~~and having a roof and being permanently located on the ground~~. Where the context allows, the word "building" shall be construed as followed by the words "or part thereof".

Amend the definition of Structure to read as follows:

Structure: Anything constructed or erected ~~with a fixed~~ which requires a location on the ground, or ~~attached~~ an attachment to something having a ~~fixed~~ location on the ground. Structure includes, but is not limited to a building, swimming pool and associated barrier/fence, manufactured home, billboard, or poster panel. It shall not include a minor installation such as a fence six feet or less in height, mail box, flagpole or accessory building of 100 square feet or less. (Amended March 13, 2001 and March 13, 2007.)"

**Proposed Amendment #10.**

**ARTICLE II:            ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

Section 204.6            Wetlands Conservation and Stream Corridor District

Amend Section 204.6, C, 4, c, 1, by adding the words indicated in bold underlined italics, to read as follows:

- "        1. A natural woodland or vegetative buffer means a forested or vegetated area consisting of various species of indigenous trees, saplings, shrubs, and ground covers in any combination and at any stage of growth. For the purposes of this section, "maintained" shall mean the avoidance of clear cutting or complete removal or replacement with a lawn; however, clearing of some undergrowth, limited non-lethal limbing of trees to clear a view, the creation of foot paths to the water, the replacement of some shrubs with other native species of groundcover, the removal of trees or limbs that present an imminent

threat to safety or property, and the removal of diseased or dangerously damaged trees shall be permitted so long as such actions preserve the natural root systems of the trees and an understory vegetated by native species of shrubs and groundcovers."

**Proposed Amendment #11.**

**ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

Section 204.1 "IND" Industrial

Replace Permitted Use #3 "Newspaper and Printing" with two separate uses: "#3 Newspaper" and "#4 Printing/Copying", and renumber the remaining Permitted Uses in the Table.

Replace Special Exception Use #1 "Vehicular Sales and Repair Facility" with two separate uses: "#1 Vehicular Sales Facility" and "#2 Vehicular Repair Facility", and renumber the remaining Special Exception Uses in the Table.

Replace Special Exception Use #5 "Research and/or testing laboratory" with "Research & Development Facility".

**Proposed Amendment #12.**

**ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

Section 204.2 "COM" Commercial

Change the title of the district from "'COM" Commercial" to "Small Scale Planned Commercial District".

**Proposed Amendment #13.**

**ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

Section 204.3 "R-1" Residential-One

Add a Permitted Use #6: "Open Space Development in accordance with the provisions of Article IV."

**Proposed Amendment #14.**

**ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

Section 204.4 "R-A" Residential-Agricultural

Amend the Objectives and Characteristics paragraph by deleting the words "...some land having slopes over 15%,..." in the second sentence, so that the sentence reads as follows: "Types of factors limiting development are the remoteness from the town center, ~~some land having slopes of over 15%~~, poor town roads often difficult to travel on during the spring, and large areas not suitable for on-site sewage disposal."

Change Permitted Use #6 "Cluster Residential Development..." to "Open Space Development...".

Change the note that reads: "Home business shall not be permitted to occur in cluster residential developments." to read "Home business as defined in this ordinance shall not be permitted to occur in Open Space Developments. However, Home Occupations are permitted as defined in Article IV, Section 401, Open Space Development Standards."

**ARTICLE VI            DEFINITIONS**

Section 602            Term Definitions

Add a new definition for Home Occupation to read as follows:  
"Home Occupation: Home Occupation shall be as defined in Section 401.2, F, of this Ordinance."

**Proposed Amendment #15.**

**ARTICLE III            GENERAL PROVISIONS**

Section 309            Location of Driveways

Replace the word "Selectmen" in the last sentence with the words "Road Agent and/or Planning Board", so that the sentence reads as follows:  
"Driveway Permits shall be obtained from the ~~Selectmen~~ **Road Agent and/or Planning Board** for town roads, and from the N.H. Department of Transportation for state roads."

**Proposed Amendment #16.**

**ARTICLE VI            DEFINITIONS**

Section 602            Term Definitions

Add the words "...all operations of a farm as..." to #2 in the definition of Agriculture, Farm & Farming, so that the section reads as follows: "2. The words "agriculture" and "farming" shall mean ~~these items~~ **all operations of a farm as** listed in RSA 21:34-a, as

amended, and shall also include the practice of veterinary medicine.  
(Amended March 13, 2001.)

**Proposed Amendment #17.**

**ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

**Section 204.7 Groundwater Resource Conservation District**

Amend Section 204.7 by deleting the text indicated by strikethrough and adding the text indicated by bold underlined italics, so that the section reads as follows:

A. Authority and Purpose

Pursuant to the authority granted under RSA 674:21, as amended, the Town of New Boston hereby adopts the following regulations. The purpose of these regulations is, in the interest of public health, safety and general welfare, to protect, preserve and maintain existing and potential groundwater supply **areas and to protect surface waters that are fed by groundwater** ~~and groundwater recharge areas within known aquifers~~ from adverse development, land use practices or depletion.

This is to be accomplished by regulating land uses which would contribute polluted water and pollutants to designated **wells and/or** aquifers identified as being needed for present and future public and private water supply.

B. District Defined

The Groundwater Resource Conservation District shall encompass those areas which ~~have been designated as having high and medium potential to yield groundwater as shown on the Town of New Boston Groundwater Conservation District map which is on file with the Planning Board. The basis for said map is the map titled "Availability of Ground Water in Lower Merrimack River Basin, Southern New Hampshire", which was prepared by the U.S. Geological Survey in cooperation with the New Hampshire Water Resources Board and dated 1977 which is on file with the U.S. Geological Survey office in Concord~~ **are identified on the map entitled "Town of New Boston Aquifer Transmissivity Levels", dated June 2009, as prepared by the Southern New Hampshire Planning Commission. This map is based upon the stratified drift aquifer data available on NH GRANIT. This transmissivity data was automated from maps generated as part of a larger study of groundwater resources in the State and is based on a study conducted under a cooperative agreement between the U.S. Geological Survey, Pembroke, NH and the NH Department of**

**Environmental Services, Water Resources Division. From time to time, this data may be amended or superseded by the U.S. Geological Survey and the NH Department of Environmental Services, or by the Planning Board as provided herein.**

**The Groundwater Resource Conservation District shall also include all the Wellhead Protection Areas for public water supply wells as defined under Section J of this ordinance.**

The Town of New Boston ~~Groundwater Conservation District map~~ **Aquifer Transmissivity Levels Map** is hereby adopted by reference as a zoning overlay district within which additional standards apply to the underlying zoning classification. In all cases where the standards for this district conflict with those of the underlying district, the more restrictive requirement shall apply.

C. Incorrectly Designated Zones

When the actual boundary of the Groundwater Resource Conservation District is disputed by any owner or abutter affected by said boundary, the Planning Board, at the owner/abutter's expense and request, may engage the services of a professional geologist or hydrologist to determine more accurately the precise boundary of said District. The Planning Board shall have the authority to make the final determination as to the location of a disputed boundary.

D. Prohibited Uses

The following uses shall not be permitted within the Groundwater Resource Conservation District:

1. **The development or operation of a hazardous waste disposal facility as defined by RSA 147-A.**
2. **The development or operation of a solid waste landfill or the disposal of solid waste other than brush or stumps.**  
(Brush and stump dumps require state permits.)
3. **The development or operation of a petroleum bulk plant or terminal or the subsurface storage of petroleum and refined petroleum products and chemicals.**
4. **The development or operation of a wastewater or septage lagoon or the disposal of liquid or leachable wastes, except from residential, commercial or industrial systems which discharge human sanitary wastes only.**

5. Industrial uses which discharge contact type process waters on site. Non-contact cooling water discharge is permitted.
6. Outdoor unenclosed or uncovered storage of road salt or other deicing chemicals in bulk.
7. The development or operation of a snow dump or the dDumping of snow containing de-icing chemicals if the snow is brought in from outside the Groundwater Resource Conservation District.
8. Commercial animal feedlots.
9. Excavation of sand or gravel, except where conducted in accordance with a permit issued pursuant to RSA 155-E and the Town of New Boston ~~Sand and Gravel Ordinance~~ Earth Removal Regulations, a Conditional Use Permit issued by the Planning Board, or except when incidental to a permitted use.
10. Disposal, processing or recycling of hazardous or toxic materials.
11. Automotive service or repair shops.
12. Junk and salvage yards, unless such facility is certified by the NH DES as a Green Yard under the Phase II: Compliance Assurance and Certification component of the NH DES Green Yards Program.
13. Bulk storage of toxic materials for resale or distribution.

E. Permitted Uses

Any use permitted in the underlying district shall be permitted within the Groundwater Resource Conservation District, including uses allowed by Special Exception or Conditional Use, except those which are expressly prohibited in Section D, ~~above of this Ordinance.~~ **All Permitted Uses, Conditional Uses, and uses Permitted by Special Exception must comply with the Performance Standards of Section I of this Ordinance as well as, with the following additional limitations:**

- ~~1-~~ No more than 30 percent of any lot shall be rendered impervious by building and pavement.
- ~~2-~~ Petroleum products, chemicals, road salt, and other materials which have the potential for contaminating groundwater shall be stored within a fully enclosed

structure designed to contain any spill within the structure.

- ~~3. In the case of any sand or gravel excavation permitted in accordance with RSA 155-E and the Town of New Boston Sand and Gravel Ordinance, or with respect to any earth removal allowed as being incidental to any permitted use, such excavation or removal shall not be carried out within four (4) vertical feet of the seasonal high water table.~~
4. 3. Storm drainage facilities shall be designed so that normal infiltration to groundwater is retained.

F. Special Exceptions

In the case of any use which may be allowed by special exception in the underlying zoning district, it must be found by the Zoning Board of Adjustment, in written findings of fact, that all of the following are true:

1. The proposed use will not have a detrimental effect on the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
2. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer, or in the storage capacity of the aquifer;
3. The proposed use will discharge no wastewater on site other than that which is permitted under the provisions of this Article; and,
4. The proposed use complies with all other applicable sections of this Article.

The Zoning Board of Adjustment may require that the applicant for a special exception provide data or reports prepared by a professional engineer or qualified groundwater consultant to assess any potential damage to the aquifer that may result from the proposed use. The Zoning Board of Adjustment may engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above-mentioned criteria. Cost for any of the above-mentioned services shall be paid by the applicant.

Prior to rendering a decision on an application for a special exception, the Zoning Board of Adjustment shall request from the

Planning Board and the Conservation Commission opinions as to whether the proposed use is consistent with the purpose of this Article.

G. Conditional Uses

A Conditional Use Permit is required for the following uses. In granting such permit, the Planning Board must first determine that the proposed use is not a prohibited use and such use shall be in compliance with the additional limitations for Permitted Uses in Section E, including the Performance Standards of Section I of this Ordinance.

1. Construction of ponds subject to site plan review.
2. The siting or operation of Green Yards as certified by the NH DES under the Phase II: Compliance Assurance and Certification component of the NH DES Green Yards Program.
3. The siting or operation of a commercial composting facility.
4. The siting or operation of a commercial car wash. The facility must be designed and operated as a closed-loop system.
5. Any sand or gravel excavation permitted in accordance with RSA 155-E and the Town of New Boston Earth Removal Regulations, or with respect to any earth removal allowed as being incidental to any permitted use, such earth excavation or removal shall not be carried out within four (4) vertical feet of the seasonal high water table.

H. Exemptions

The following uses and activities are exempt from the specified provisions of this Ordinance as long as they are in compliance with all applicable local, state and federal requirements.

1. Single and two-family residential development and accessory dwelling units.
2. Activities designed for conservation of soil, water, plants and wildlife.
3. Outdoor recreation, nature study, boating, fishing and hunting and other activities directly associated with the conservation of wildlife.

4. Normal operation and maintenance of existing water bodies and dams, splash boards and other water control, supply and conservation devices.
5. Foot, bicycle, horse paths, ski and snowmobile trails and bridges.
6. Maintenance, repair of any existing structure, providing there is no increase in impervious surface above the limit established by this Ordinance.
7. Farming, gardening, nursery, forestry, harvesting and grazing provided that fertilizers, herbicides, pesticides, manure and other leachables are used appropriately at levels that will not cause groundwater contamination. Materials will be stored under shelter.

I. Performance Standards

The following Performance Standards shall apply to all uses in the Groundwater Resource Conservation District unless Exempt under Section H of this Ordinance. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facility required for compliance with the Performance Standards.

1. Any use requiring the storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, are required to have in place an adequate plan to prevent, contain, and minimize releases from catastrophic events such as spills or fires which may cause large releases of regulated substances.
2. For any use that will render impervious more than 15% or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the Planning Board determines is consistent with the New Hampshire Stormwater Manual, New Hampshire Department of Environmental Services, Volumes 1 - 3, December 2008, as amended; Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992; Best Management Practices for Urban Stormwater Runoff, NH Department of Environmental Services, January 1996; and, the Town of New Boston, Subdivision Regulations, Section V-V, Stormwater Management and Erosion and Sediment Control Regulations.

GJ. Definitions

For the purpose of this Article, the following terms shall have the meaning given herein:

Animal Feedlots: A commercial agricultural establishment consisting of confined feeding areas and related structures used for the raising of livestock.

~~Aquifer: Aquifer means a geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supply.~~ A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

~~Groundwater: Water in the subsurface zone at or below the water table.~~ Subsurface water that occurs beneath the water table in soils and geologic formations.

Hazardous or Toxic Materials and Waste: Waste material which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed. Examples of hazardous waste include: toxic (poisonous) wastes; flammable wastes (paint, varnish removers, solvents and oils); reactive wastes; and corrosive wastes (acids).

Impervious: Not readily permitting the infiltration of water.

Impervious Surface: A surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Asphalt, earthen, wooden or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.

Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk (e.g. scrap metal, used appliances), or for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary landfills. The word does not include any motor vehicle dealers registered with the Director of Motor Vehicles under RSA 261:104 and controlled under RSA 236:126.

Leachable Wastes: Waste materials including solid wastes, sludge, and agricultural wastes that are capable of releasing contaminants to the surrounding environment.

Outdoor Storage: Storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

Public Water System: A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year [New Hampshire Administrative Rule Env-Ws 302.02 (bg) and RSA 485:I-a,XV].

Regulated Substance: Petroleum, petroleum products and substances listed under 40 CFR 302.4, 7-1-90 Edition, or current edition [US Code of Federal Regulations], excluding the following substances: ammonia, sodium hypochlorite, sodium hydroxide, acetic acid, sulfuric acid, potassium hydroxide, potassium permanganate and propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure. Copies of 40 CFR 302.4, 7-1-90 Edition, or current edition, are available online at the Environmental Protection Agency (EPA) website or in the Planning Board Office.

Sanitary Protective Radius: The area around a well that must be maintained in its natural state as required by Env-Ws 378 or 379 (for community water systems) and Env-Ws 372.13 (for other public water systems).

Secondary Containment: A structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated-substances container that will be stored there.

Snow Dump: For the purposes of this Ordinance, a location where snow which is cleared from roadways and/or motor vehicle parking areas is placed for disposal.

Sludge: Residual materials produced by water and sewage treatment processes and domestic septic tanks.

Solid Wastes: Any discarded or abandoned material including refuse, putrescible material, septage, or sludge as defined by New Hampshire Solid Waste Rules He-P 1901.03. Solid waste includes solid, liquid, semi-solid, or certain gaseous waste material resulting from residential, industrial, commercial, mining, and agricultural operations and from community activities.

Stratified Drift-Aquifer: A geologic formation of predominantly well sorted sediment deposited by or in bodies of glacial melt

water, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

Surface Waters: Streams, lakes, ponds, and tidal waters, including marshes, water courses, and other bodies of water, natural or artificial.

Wellhead Protection Areas: The surface and subsurface area surrounding a water well or well field supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field. [RSA 485-C:2, Definitions.]

HK. Non-conforming Uses

Any non-conforming use may continue and may be maintained, repaired and improved, unless such use is determined to be an imminent hazard to public health and safety by the Selectmen, Health Officer or Building Inspector. No non-conforming use may be expanded, changed to another non-conforming use, or renewed after it has been discontinued for a period of twelve (12) months or more.

HL. Site Plan Review

All development proposals, other than single family and two family construction, shall be subject to review in accordance with the provisions of the Non-Residential Site Plan Review Regulations administered by the Planning Board.

M. Inspections

All Permitted Uses under Section E, Conditional Uses granted under Section G and Special Exceptions granted under Section F of this Ordinance may be subject to annual inspections by the Building Inspector/Code Enforcement Officer or another agent, that agent must be approved by both the Board of Selectmen and the Planning Board.

1. Inspections may be required to verify compliance with Performance Standards, Section I, and the additional standards of Section E of this Ordinance. Such inspections shall be performed by the Building Inspector/Code Enforcement Officer at reasonable times with prior notice to the landowner.
2. All properties within the Groundwater Resource Conservation District known to the Building Inspector/Code Enforcement

Officer as using or storing regulated substances in containers with a capacity of 10 gallons or more except for facilities where all regulated substances stored are exempt from this Ordinance under Section H, shall be subject to inspections under this Section.

3. The Planning Board may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Planning Board as provided for in RSA 41-9:a.

N. Enforcement Procedures and Penalties

Any violation of the requirements of this Ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676.

O. Savings Clause

If any provision of this Ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the Ordinance.

AMENDMENTS TO THE BUILDING CODE

Proposed Amendment #1.

CHAPTER NB-1.5 Adoption

Amend Section NB-1.5.1, as follows: "The Town, by this Ordinance, shall adopt the ~~International Residential Code, 2000, as published by the International Code Council, and as amended~~ New Hampshire Building Code, as defined in RSA 155-A:1,IV. In addition, amendments to the referenced codes adopted by the State building code review board shall apply. (Section added March 9, 2004.)"

Proposed Amendment #2.

CHAPTER NB-2.0 Administrative

Section NB-2.8 Plans

Amend this section by adding the word "wetlands" after the words "property lines" in the second sentence, to read as follows:  
"...Plans shall show a plot plan drawn to scale showing the location of easements, drainage facilities, adjacent grades, property lines, wetlands, the proposed building and of every existing building on the property."