

**TOWN OF ANTRIM  
NEW HAMPSHIRE**

**ZONING  
ORDINANCES**

**ADOPTED  
MARCH 5, 1974**

**AMENDED  
MARCH 8, 1977  
MARCH 14, 1978**

**ADOPTED (PREVIOUS VERSIONS & AMENDMENTS REVOKED)  
MARCH 14, 1989**

**AMENDED**

**MARCH 13, 1990  
NOVEMBER 6, 1990  
MARCH 12, 1991  
MARCH 10, 1992  
MARCH 9, 1993  
MARCH 8, 1994  
MARCH 14, 1995  
MARCH 10, 1998  
MARCH 14, 2000  
MARCH 13, 2001**

**MARCH 11, 2003  
MARCH 9, 2004  
MARCH 10, 2005  
MARCH 14, 2006  
MARCH 13, 2007  
MARCH 11, 2008  
MARCH 10, 2009  
MARCH 9, 2010  
MARCH 10, 2015  
MARCH 8, 2016**

**TOWN OF ANTRIM**

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Updated 3/14/16

ARTICLE II – ZONING DISTRICTS  
(Adopted March 14, 1989)

A.     Zoning Districts

The Town of Antrim is hereby divided into the following Zoning Districts:

1. VB – Village Business
2. HB – Highway Business
3. RD – Residential
4. R – Rural
5. LR – Lakefront Residential
6. RC – Rural Conservation
7. SS – Steep Slopes
8. W – Wetlands
9. FDD – Floodplain Development District
10. I – Institutional District
11. SPD – Shoreland Protection District

B.     Official Zoning Map

The location and boundaries of the aforementioned zones are established as shown on the Zoning Maps for the Town of Antrim dated January 1, 1988, January 4, 1990, January 3, 1994, and January 5, 1995. Any changes in the Route 9 Highway Business (HB) District shown on the January 5, 1995 Zoning Map supersedes those shown on the January 1, 1988, the January 4, 1990 and the January 3, 1994 map.

The Rural Conservation District shall include the land north of Route 9 bounded on the west and north by the Town line, on the south by the Highway Business District, on the east by a line running approximately north/south located a distance of 1,000 feet to the west of Liberty Farm Road as shown on the Antrim Addendum dated December 13, 1989. (Adopted March 13, 1990)

C.     Boundaries of Zoning Districts

1. Where a Zoning District Boundary Approximately Follows The Centerline of a Street or Alley: The centerline of such street or alley shall be interpreted to be the Zoning District Boundary.
2. Where a Zoning District Boundary Approximately Parallels a Street Lot Line or Alley Lot Line: The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
3. Where a Zoning District Boundary Approximately follows a Lot Line: The lot line shall be interpreted to be the Zoning District Boundary

4. Where a Zoning District Boundary Follows a Body of Water: The boundary shall be interpreted to be the centerline of a river, creek, stream, or as dimensioned on the Zoning Map.
5. Submerged Areas: In all areas within the Town which are under water and are bounded by two or more Zoning Districts, the boundary lines of these districts shall be extended to the center of the body of water.
6. Classification of Annexed or Unzoned Lands: For zoning purposes, all areas which are discovered to be unzoned due to administrative oversight or a change in municipal boundaries shall be classified as "RA" Rural until such time as the Ordinance and Map are officially amended to include the excluded areas and classify them in accordance with the Town's Master Plan
7. Vacating of Public Ways: Whenever any street or alley is vacated, the Zoning District or Districts adjoining such street or alley shall be automatically extended to the center of such vacated area.
8. Boundary Determination Problems: Where it is not possible or practical for the Board of Selectmen to determine the location of a Zoning District Boundary line, or if a petitioner contests the Board's determination of the boundary, the Zoning Board of Adjustment, upon appeal, shall determine and establish the location of said boundary line.
9. All distances pertaining to the delineation of Zoning Districts as shown on the Zoning Map shall be measured from the existing road right-of-way line when such distance is measured from a public road.
10. Lots in Two Zoning Districts: When a Zoning District Boundary divides a parcel or lot held in single or separate ownership, the regulation as to the use in the less restrictive district shall extend over the portion of the lot in the more restrictive district a distance of not more than fifty (50) feet beyond the district boundary line.
11. Uses by Districts: Permitted uses and uses permitted by Special Exception in the respective Zoning Districts are shown in Appendix A.

Updated 3/14/16

ARTICLE I - GENERAL PROVISIONS  
(Adopted March 14, 1989)

A. Short Title

This Ordinance shall be known as the “Antrim Zoning Ordinance.”

The accompanying map is a part of this Ordinance and shall be known as the “Antrim Zoning Map”. The official map for administrative purposes is on record at the Town Hall.

B. Purpose

The regulations of the “Zoning Ordinance” are made in accordance with the Town’s Master Plan and designed:

1. To secure safety from fire, panic and other dangers.
2. To promote health and the general welfare.
3. To provide adequate light and air.
4. To prevent the overcrowding of land.
5. To avoid undue congestion of the population.
6. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Such regulations are also made with consideration to the character of the districts set forth and their suitability for particular uses, and encouraging the most appropriate use of land throughout the Town.

C. Scope

The “Zoning Ordinance” regulates within the boundaries of the Town of Antrim, New Hampshire:

1. The height and size of buildings and other structures.
2. The percentage of the lot that may be occupied.
3. The size of yards, courts, and other open spaces.
4. The density of population.

5. The location and use of buildings, structures and land for trade, industry, residence or other purposes.
6. The establishment of building lines upon any or all public roads or highways.
7. The amount, location and size of parking and loading facilities required for business, industry, residence or other purposes.
8. Establishes standards for development and review and approval processes for same.

D. Application

In applying the provisions of the Zoning Ordinance they shall be held to be the minimum requirements as they shall apply to the use and/or occupancy of all buildings, other structures and/or lots. Where the Zoning Ordinance imposes greater restriction than those of any statute, other ordinance or regulation, the provisions of the Zoning Ordinance shall govern. The Zoning Ordinance is not intended to interfere with any covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

E. Warning and Disclaimer of Liability

This Ordinance is enacted to protect and promote the public health and general welfare. Accordingly, it is and is hereby declared to be the intent of the Planning Board that no private rights of any kind or nature shall be created by this Ordinance or any permit issued hereunder. The issuance of any such permit is not to be relied upon by the applicant or any other person as a finding that the work and method or manner of performing the same complies with all applicable safety standards, laws, rules, codes and regulations governing same, nor shall such approval be relied upon for any other reason whatsoever, except as expressly set forth in this Ordinance. A permit issued as required by this Ordinance is not intended and shall not, in any manner be construed or held to be an approval, guarantee, warranty or representation of any kind on the part of the Town or any officer, agent or employee thereof, concerning the efficiency, adequacy, suitability and safety of that which is authorized by said permit.

This Ordinance shall not create any liability to any person on the part of the Town, or any officer, agent or employee thereof for any and all injuries and damages that may result from reliance on this Ordinance or any permit issued or decision made hereunder.

Updated 12/2/03

## ARTICLE III - DEFINITIONS

(Adopted March 14, 1989; Amended March 11, 2008; Amended March 9, 2010)

### A. General Interpretation

For the purpose of the Antrim Town Ordinances, certain terms and words used herein shall be interpreted or defined as follows:

1. Words used in the present tense shall include the future.
2. Words used in the singular shall include the plural.
3. The word “person” includes a corporation as well as an individual.
4. The word “lot” includes the words “plot” or “tract” or “site”.
5. The term “shall” is always mandatory.
6. The term “may” is always permissive.
7. The words “used” or “occupied” as applied to any land or buildings shall be construed to include the words intended, arranged or designated to be used or occupied.
8. The word “building” includes the word “structure”.
9. Unless otherwise specified, all distances shall be measured horizontally.
10. Words not specifically defined herein shall have their common meaning.

### B. Definitions

For the purpose of this ordinance, the following definitions are, for the most, placed in alphabetical order. However, due to amendments, changes, additions, etc., some definitions may not be in alphabetical order but listed at the end of this section, non-alphabetically.

**ABUTTER:** Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the municipality of a planning board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association as defined in RSA 356—B:3,XII. (RSA 672:3)

**ACCEPTANCE:** An affirmative vote by a majority of the planning board at a public meeting that an application contains all of the items required by the regulations.

**ACCESSORY BUILDING or STRUCTURE:** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

**ACCESSORY LIVING UNIT:** A separate dwelling unit where at least one member residing in the dwelling unit is related to the property owner by blood, marriage or adoption or be a family caregiver. The dwelling unit may not be rented to the general public, the owner of record must reside on the property, and the utilities are not separately metered. See Article XIII Special Exceptions. (Adopted March 13, 2007)

**ACCESSORY USE:** A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.

**ADDITION:** As applied to a building or structure, means any construction which increases the area or the height of any portion of the building or structure. (Adopted March 11, 2003)

**AGRICULTURE:** The utilization of the land for the production and/or raising and sale of livestock, aquaculture products, floricultural and horticultural crops and other animals and insects as permitted by RSA 21:34-a. (Amended March 11, 2003)

**ALTERATIONS:** As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing utilities, or an enlargement, whether by extending on a side, front or back or by increasing height, or the moving from one location or position to another.

**AMENDMENT:** A change in the wording of an ordinance or regulation.

**ANNEXATION:** A sale, transfer or other conveyance which involves merely an exchange of land among two or more adjacent owners and which does not increase the number of lots.

**ANIMAL HOSPITAL:** See Veterinary Hospital.

**ANTENNA:** The arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves. (Adopted March 11, 2003)

**ANTENNA SUPPORT STRUCTURE:** Any structure mast, pole, tripod, housing, or tower utilized solely for the purpose of supporting an antenna or antennas for the purpose of transmission or reception of electromagnetic waves. (Adopted March 11, 2003)

**APPLICANT:** The owner or agent of the owner of any land for which a change is proposed.

**APPROVAL:** An affirmative vote by a majority of the Planning Board at a public meeting that the project meets the requirements of the regulations and all other applicable ordinances.

**APPROVED APPLICATION:** Means a final plat and all accompanying materials and fees which are required by these regulations. (Adopted March 11, 2008)

**AREA, BUILDING:** The total area at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, patios and steps.

**AUTHORIZED AGENT:**

**Of the Planning Board:** The person given authority by the Planning Board to carry out certain administrative functions, such as receiving an application when it is filed, logging it in, preparing and sending notices, setting the agenda, and keeping the records of the Board. The agent makes no decisions and does not commit the Board to a course of action.

**Of the Owner:** A person or persons designated by the owner of the property to act in their behalf. (Amended March 11, 2003)

**AUTOMOBILE REPAIR SHOPS:** Any commercial enterprise used for automotive and recreational vehicle repairs. (Amended March 11, 2003)

**AUTOMOBILE GRAVEYARD:** See Junk Yard.

**AUTOMOTIVE SALES, SERVICE, AND RENTAL:** Any premise used for selling, servicing, and the rental of automobiles, recreational vehicles, trucks and trailers. (Adopted March 11, 2003)

**AWNING:** A roof-like structure composed of fabric or metal to fit over a fixed or mechanical frame. (Adopted March 11, 2003)

**BANKS AND FINANCIAL INSTITUTIONS:** A financial facility which includes, but is not limited to, Savings & Loans institutions, Credit Unions, Commercial Banks and Savings Banks. (Adopted March 11, 2003)

**BASEMENT:** A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for living purposes and for purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.

**BED & BREAKFAST:** A commercial facility providing shelter and/or food to itinerant travelers, operated by a resident owner or resident manager. The operation is a secondary use to the residential function, and such use shall not change the physical character of the residence. (Adopted March 11, 2003)

**BEVERAGE & BOTTLE DISTRIBUTION:** A facility for the receipt, warehousing, sorting and disbursement of liquid beverages for human consumption which does not involve the formulation or packaging of the product. (Adopted March 11, 2003)

**BOARD, PLANNING:** The Planning Board of the Town of Antrim.

**BOARD OF SELECTMEN:** The local governing body of the Town of Antrim.

**BOARDING HOUSE:** A building containing rooms rented for sleeping purposes by permanent residents and where only a general kitchen and dining accommodations may be provided within the building or in any accessory building. Boarding houses may or may not provide private bathrooms. (Adopted March 13, 2007)

**BOND:** Any form of security, including cash deposit, security bond, collateral, property or instrument of credit.

**BOUNDARY LINE AGREEMENT:** Means the agreement between two adjacent property owners which sets an unknown or poorly defined lot line between the two properties. It is not a subdivision of land (and does not require Planning Board approval), but the agreement is filed with the Hillsborough County Registry of Deeds (see RSA 472). (Adopted March 11, 2008)

**BREEZEWAY:** A roofed open-sided passageway connecting two structures. (Adopted March 11, 2003)

**BUILDING:** See structure (Amended March 14, 2006)

**BUILDING, FRONTLINE OF:** The face of the structure nearest the front of the lot. This face includes sun parlors, decks and covered porches, whether enclosed, or unenclosed but does not include steps.

**BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade of the building to the highest point of the roof.

**BUILDING, MATERIALS:** See Building Materials and Supplies (Adopted March 11, 2003)

**BUILDING MATERIALS AND SUPPLIES:** Any materials or equipment used in the construction of residential or commercial buildings and accessory structures. (Adopted March 11, 2003)

**BUILDING, PRINCIPAL OR MAIN:** A building which houses the principle use of the lot on which it is located. (Amended March 11, 2003)

**BULK FUEL, CHEMICAL or GRAIN STORAGE:** Storage tank(s) used for the storage of liquids, chemicals, or grain which may be located below ground and/or partially or wholly above ground. (Adopted March 11, 2003)

**BUSINESS & PROFESSIONAL OFFICES:** A commercial operation not involving any manufacturing and which would not qualify as a home business or home occupation. (Adopted March 11, 2003)

**CARPOR:** An open structure for the storage of one or more vehicles in the same manner as a private garage.

**CELLAR:** A story partly underground having more than one-half of its clear height below the average level of adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**CERTIFICATE OF OCCUPANCY:** A statement, based on an inspection, signed by the Board of Selectmen or their designee that a building complies with all pertinent ordinances, and is certified for use.

**CERTIFIED SOIL SCIENTIST:** Means a person qualified in soil classification and mapping, which is certified by the State of New Hampshire. (Adopted March 11, 2008)

**CHANGE OF USE:** A change of use of property occurs when the commercial or domestic activity to be conducted on a property differs significantly from that which is the primary activity currently being conducted on the property. Such a change of use requires a site plan review by the Planning Board.

**CHECKLIST:** A list of requirements for a completed application for a subdivision or site plan review.

**CHURCHES:** Any building whose primary use is as a place of worship and has been documented as such by the Internal Revenue Service. (Adopted March 11, 2003)

**CLEAR SIGHT TRIANGLE:** A triangular area of unobstructed vision on corner lots formed by a one hundred (100) foot sight line along the centerline of a secondary or primary road, by a twenty five (25) foot sight line from the right-of-way along the centerline of a local street and by a line joining these two sight lines at the greatest distance from their intersection.

**CLUSTER HOUSING DEVELOPMENT:** An area of land, controlled by a landowner or landowners organization developed as a single entity for a number of dwelling units in accordance with Supplemental Regulations Article XIV, Paragraph O. (Amended March 11, 2003)

**COMMERCIAL:** Engaging in a business, enterprise or other undertaking for profit or non profit. An approved site plan review is required prior to the commencement of the proposed activity unless the enterprise (1) is a Home Occupation or (2) is not a 'Change of Use.' (Amended March 11, 2008)

**COMMERCIAL VEHICLE:** Any vehicle designed, intended or used for the transportation of people, goods or equipment other than private passenger vehicles and trailers for the private, non-profit transport of goods, equipment other vehicles and/or boats. Such vehicles shall include buses, commercially licensed trucks that have a capacity of one (1) ton or more and include trucks, tractor-trailers, tractors, trailers and construction and/or earthmoving equipment. Farm tractors and related farm equipment shall be excluded from this definition.

**CONCEPTUAL CONSULTATION:** An informal discussion which is non binding on all parties and which does not require a public hearing for a review of procedural requirements. (Amended March 11, 2003)

**COMPLETED APPLICATION:** An application, which contains sufficient information to allow the Board to proceed with consideration of the proposal and to make an informed decision. (Amended March 11, 2003)

**CONDOMINIUM:** Real property and any interests therein, lawfully submitted and recorded under the provisions of Condominium Act (RSA 356-B) in which undivided interests in the common area are vested in the unit owners.

**CONDOMINIUM UNIT:** A portion of the condominium designed and intended for individual ownership and use together with the undivided interest in the common area.

**CONFLICT OF INTEREST:** Direct or indirect pecuniary benefit to any person or member of the person's immediate family or to her/his employer or the employer of any member of the person's immediate family; or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interests of those for whom the law authorized and required him to act. (Adopted March 11, 2003)

**CONFORMING USE:** A use of buildings, structures, or land, which complies with all currently applicable provisions of this ordinance. (Adopted March 11, 2003)

**CONSTRUCTED:** Includes, built, erected, altered, reconstructed, moved upon or any physical operation on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction. (Adopted March 11, 2003)

**CONTIGUOUS LOTS:** Lots under the same ownership which share one or more common boundary lines. (Adopted March 11, 2003)

**CONVALESCENT HOME:** See Nursing Home.

**CONVENIENCE STORE:** A facility dedicated to the sale of sundries to the public. (Adopted March 11, 2003)

**CONVERSION APARTMENT:** The remodeling of a building to include two (2) dwelling units or the remodeling of a single-family dwelling into two separate dwelling units; where the dwelling unit(s) is/are rented to the general public as a residence. (Adopted March 13, 2007)

**CUL-DE-SAC:** A local street having only one (1) outlet and having a circular terminal for the safe and convenient reversal of traffic movement.

**DAY CARE CENTER:** An establishment not located in a dwelling unit which provides care for persons, which charges for their care and which holds all legally required licenses and approvals. (Adopted March 11, 2003)

**DAY CARE HOME:** A private home providing day care, which charges for their services and which holds all legally required licenses and approvals. A Day Care Home is operated as a home business. (Adopted March 11, 2003)

**DECISION:** The action taken by majority vote of the Planning Board to approve, conditionally approve, or disapprove an application.

**DENSITY:** A measure of the number of dwelling units, lots or individuals which may occupy an area of land.

**DESIGN REVIEW:** A preliminary, non-binding review of a proposed subdivision or site plan review which does not require a public hearing. (Amended March 11, 2003)

**DISTRICT OR ZONING DISTRICT:** An area constituted by or pursuant to the Zoning Ordinance and delineated by text and/or map as to location, extent, nature and contents.

**DEVELOPER:** The person or persons subdividing a parcel of land or constructing a commercial development or multifamily complex.

**DUPLEX:** A dwelling that was initially designed and constructed to contain two (2) dwelling units. The owner of the dwelling is not required to reside on the property and the dwelling units may be rented to the general public. See Article XIV Supplemental Regulations. (Adopted March 13, 2007)

**DWELLING:** A building containing one or more dwelling units.

**DWELLING UNIT:** Any building or portion thereof, which is designed and used exclusively for residential, purposes of one family, and includes complete kitchen and bathroom facilities.

**EARTH:** Means sand, gravel, rock, soil, or construction aggregated produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock. (Adopted March 11, 2008)

**EARTH-SHELTERED DWELLING:** A dwelling specifically designed so most or all of the structure is situated below the average level of the adjoining ground.

**EASEMENT:** An interest in property owned by another that entitles its holder to a specific limited use. (Adopted March 13, 2007)

**ELDERLY HOUSING:** A dwelling or group of dwellings whose residency is restricted to persons fifty-five (55) years of age or older, or couples where one family member is at least fifty-five (55) years of age. The housing does not provide nursing care or medical care under the direction of licensed health care professionals. See Article XIII Special Exception. (Adopted March 13, 2007)

EXCAVATION: Means a land area which is used, or has been used, for the commercial taking of earth, including all slopes. (Adopted March 11, 2008)

EXCAVATION SITE: Means any area of contiguous land in common ownership upon which excavation takes place. (Adopted March 11, 2008)

EXCAVATION AREA: Means the surface area within an excavation site where excavation has occurred or is eligible to occur. (Adopted March 11, 2008)

FAMILY: The individuals who make up a single housekeeping unit.

FARM: Any parcel of land used for raising agricultural products.

FINAL SUBDIVISION PLAT or FINAL PLAT: The final map or drawing on which the subdivider's plan of subdivision is presented to the Planning Board.

FLOOR AREA, GROSS: The sum of the areas of several floors of a building including basement floor area.

FLOOD HAZARD AREA: The land in the floodplain within a community subject to a one-percent (1%) or greater possibility of flooding in a given year.

FRONT YARD: For the purpose of establishing setbacks, the front yard shall be determined by the 911 address. (Adopted March 13, 2007)

FRONTAGE: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot.

GASOLINE SERVICE STATION: Any retail establishment used for supplying gasoline, oil and minor accessories.

GENERAL LOCATION MAP: See Vicinity Sketch.

GRADE: The slope of a lot, road, street or other public way specified in percentage (%) terms.

GRANDFATHERED STRUCTURE: Non-conforming Structure

GROUP RESIDENCE FACILITY: An establishment that provides room and board to persons who are residents by virtue of receiving specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, their licensed or certified agents or any other responsible nonprofit social service corporation. These services shall be provided in a family environment and only to persons who are children under 18 years of age, physically or mentally handicapped of any age, or elderly who are in need of specialized services.

HIGHWAYS (Town), Classification of: (Adopted March 9, 1993)

Class V highways shall consist of all traveled highways which the Town has the duty to maintain regularly.

Class VI highways shall consist of all other existing public ways, and shall include all highways discontinued as open highways and made subject to gates and bars, and all highways which have not been maintained and repaired by the Town in suitable condition for travel thereon for five (5) successive years or more.

**HOME BASED BUSINESS:** Any commercial activity engaged in by the resident or residents of a property that is clearly secondary to the use of the property as a residence and that meets at least one of the criteria for a Home Based Business listed in Article XIV-A Supplemental Regulations. (Requires Site Plan Review – Adopted March 13, 2007)

**HOME OCCUPATION:** Any commercial activity carried on entirely within a dwelling or other structure accessory to the dwelling by the resident thereof and up to one non-resident employee and does not meet any of the criteria for a Home Based Business listed in Article XIV-A Supplemental Regulations. (Does not require Site Plan Review – Adopted March 13, 2007)

**HOME OFFICE:** An office, used by the occupant of the home, which does not involve regular or frequent visitation by others.

**HOTEL:** A building containing rooms rented for sleeping purposes by itinerant travelers for short-term shelter and subject to the NH meals and room tax. (Adopted March 13, 2007)

**HOSPITAL:** An establishment for the diagnosis, treatment or other care of human ailments.

**HOTEL:** A building containing rooms or rented for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in any accessory building.

**ILLUMINATED SIGN:** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

**IMMEDIATE FAMILY:** Means spouse, civil union partner, parent, child, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandparents, grandchild, domestic partner, and significant other. (Adopted March 11, 2008)

**IMPROVEMENTS:** Improvements built by a subdivider during construction of a subdivision.

**INDUSTRIAL PARK:** A large tract of land that is operated as an integrated facility for a number of individual industries.

**INN:** See Hotel. (Adopted March 13, 2007)

**INSTITUTIONAL USE:** A public or private use or institution such as but not limited to a church, library, public or private school, hospital, shelter house or conference center.

**JUNK YARD:** An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk or automobile parts.

**KENNEL:** An establishment for the raising, boarding or breeding of dogs and cats.

LAND DEVELOPMENT: The improvement of a lot or two or more contiguous lots, tracts or parcels of land.

LAUNDROMAT: A business equipped with individual clothes washing machines and/or dryers and dry-cleaning machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house.

LIGHT MANUFACTURING: The manufacturing, compounding, assembling, processing, packaging or treatment of raw material or other products.

LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials and which abuts upon an alley, street or other appropriate means of access.

LOCAL GOVERNING BODY: See Board of Selectmen.

LOCAL LEGISLATIVE BODY: The Town Meeting for the Town of Antrim and the body responsible for adopting and amending this Ordinance.

LOT: A tract or parcel of land designated for conveyance, or transfer of ownership, improvement or sale.

LOT AREA: The area of a lot which is situated within the property lines of said lot measured only to the right-of-way line of a street or road.

LOT CORNER: A lot situated at the intersection of two (2) streets.

LOT DEPTH: The horizontal distance between the front lot line and the rear lot line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE ADJUSTMENT: The exchange or transfer of land between existing, adjacent lots.

LOT LINES: The lines bounding a lot as defined.

LOT OF RECORD: A tract or parcel of land which is described in a deed recorded at the Hillsborough County Registry of Deeds or which is shown on a subdivision plan recorded at the Hillsborough County Registry of Deeds.

LOT WIDTH: The horizontal distance across the lot, between the side lot lines.

MAJOR SUBDIVISION: All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the municipal utilities or the creation of any public improvements.

**MANUFACTURED HOUSING:** Any structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is three hundred twenty (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 systems required therein. Manufactured housing as defined in this Ordinance shall not include presite built housing as defined in RSA 674:31-a. (Adopted March 9, 1993)

**MANUFACTURED HOUSING LOT:** A parcel of land in a manufactured housing park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured housing unit.

**MANUFACTURED HOUSING PARK:** A parcel of land under single ownership which has been planned and improved for the placement of manufactured housing units for non-transient use.

**MASTER PLAN:** A comprehensive plan for development of the local community, prepared and adopted by the local Planning Board, pursuant to State Law and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

**MAXIMUM LOT COVERAGE:** That portion or percentage of the lot area covered by the total building area of all buildings and/or structures at ground level.

**MINERAL EXTRACTION:** Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land some material, mineral resource or other element of economic value.

**MINOR SUBDIVISION:** Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, or the extension of municipal streets or utilities, or the creation of any public improvements.

**MIXED USE:** Any combination of residential, commercial, public, etc. (as listed under permitted uses.) (Adopted March 9, 2010)

**MOTEL:** Any group of attached or detached buildings containing individual sleeping or housekeeping units designed for transients.

**MULTI-FAMILY:** A building containing three (3) or more dwelling units and designed to be used or occupied as a residence by three (3) or more families living independently of each other and with each unit having its own exterior entrance, or an entrance from an interior hall. (Requires Site Plan Approval – Adopted March 13, 1990)

**NONCONFORMING STRUCTURE:** An entire structure, or a section or part of a structure, that does not fully comply with the requirements of the Antrim Zoning Ordinance or amendments heretofore and hereafter enacted, where such structure lawfully existed prior to the application of the Ordinance or amendments thereto. Such nonconforming structures include, but are not limited to, nonconforming signs. When only a section or part of the structure does not comply with the requirements of the Ordinance, only that section or part shall be subject to any restrictions or regulations concerning nonconforming structures.

**NON-CONFORMING USE:** A use, whether of land or structure, which does not conform with the use regulations of the district in which it is located as stated in the Antrim Zoning Ordinance or amendment heretofore and hereafter enacted, where such use is lawfully in existence prior to the enactment of the Ordinance or amendment thereto.

**NURSING HOME:** A proprietary or non-profit facility licensed by the State of New Hampshire for the accommodation of convalescents or chronically ill persons, in which nursing care and medical services are prescribed by, or are performed under, the general direction of persons licensed to provide such care or services in accordance with State law.

**OPEN SPACE:** An unoccupied space open from the ground to the sky.

**OWNER:** A person, group of persons, firm or firms, corporation or other legal entity having legal title to or sufficient proprietary interest in the land in question.

**PARKING SPACE:** A space for the temporary parking of automotive vehicles.

**PATIO:** An outdoor space generally used for dining, leisure, social gatherings, and/or recreation that often adjoins a residence and is typically paved with concrete, stone slabs, or paving bricks. (Amended March 11, 2008)

**PERFORMANCE GUARANTEE:** A cash deposit, irrevocable letter of credit, or performance bond in an amount and form satisfactory to the Planning Board. (Adopted March 11, 2008)

**PLAN OR PLAT:** The maps or drawings accompanying an application showing the specific location, lot boundaries and design of any proposed improvements.

**PLANNING BOARD:** The duly constituted Planning Board of the Town of Antrim, Hillsborough County, New Hampshire, in accordance with New Hampshire Statutes Annotated Chapter 673.

**PORCH:** A roofed-over structure projecting from the front, side or rear wall of a building.

**PREMISE:** Any lot, parcel or tract of land and any building constructed thereon.

**PRESITE BUILT HOUSING (Modular Home):** Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufactured facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation or assembly and installation, on the building site. for the purpose of this Ordinance, presite built housing shall not include manufactured housing as defined in RSA 674:31. (March 9, 1993)

**PRINCIPAL USE:** The major, dominant use of the premises.

**PRIVATE CLUB:** An organization catering exclusively to members and their guests.

**PROFESSIONAL OFFICE:** The office of a member of a recognized profession.

**PUBLIC HEARING:** Means a meeting, notice of which must be given per RSA 675:7 and 676:4, I (d), at which the public is allowed to offer testimony. (Amended March 11, 2008)

**PUBLIC IMPROVEMENT:** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**PUBLIC MEETING:** Means the regular business meeting of the Planning Board as required per RSA 673:10. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board. (Adopted March 11, 2008)

**PUBLIC NOTICE:** Notice requirements for public hearings required under the provisions of RSA 675:7 as amended.

**RECREATION FACILITY (Adopted March 9, 1993):** Classified as public, commercial, or non-commercial. They are defined as follows:

**Public recreation facilities:** Facilities or areas owned and/or operated by a local, county, or state government or school district for the use of the general public.

**Commercial recreation facilities:** Indoor and/or outdoor facilities that are operated as a business and where the facility is available to the general public.

**Non-commercial recreation facilities:** Buildings and related facilities owned or operated by a private, semi-public, or non-profit corporation, association, organization, institution, or group of individuals and established for fraternal, social, educational, recreational, or cultural enrichment of its members or patrons. Such facilities may include, but are not limited to: facilities providing temporary living quarters for recreation, education, or vacation purposes; summer camp facilities operated by a YM/WCA, scout organization or similar institution; retreat centers, private clubs or lodges, etc.; camps and retreat centers sponsored and/or owned by religious organizations; camps, recreation facilities, and other similar uses operated by a YM/WCA, United Way, or similar non-profit organization, agency or group.

**RECREATIONAL VEHICLE:** A temporary dwelling for travel, recreation, and vacation use.

**REGISTERED CIVIL ENGINEER:** A civil engineer properly registered and licensed in the State of New Hampshire.

**REGISTERED LAND SURVEYOR:** A land surveyor properly registered and licensed in the State of New Hampshire.

**RETAIL STORE:** Any enterprise whose primary business is the retail sale of purchased merchandise which involves regular frequent visits by others. (Adopted March 10, 1998)

**RIDING ACADEMY:** Any establishment where horses are kept for riding or driving or are incidental to the operation of any club, association, ranch or similar establishment.

**RIGHT-OF-WAY:** The entire width between the boundary lines of any public highway, street, avenue, or road.

**RIGHT-OF-WAY WIDTH:** The distance between property lines measured at right angles to the center line of any street.

**ROAD, DEAD END:** A road or portion of a street with only one (1) vehicular traffic outlet.

**SCREENING:** A material of sufficient height and density to conceal from view the structures and uses on the premises on which the screen is located.

**SETBACK:** The distance between a building and the nearest property line or the right-of-way of an adjacent road or street.

**SEWAGE DISPOSAL SYSTEM (INDIVIDUAL):** Means any onsite sewage disposal or treatment system that receives either sewage or other wastes, or both. For the purposes of this regulation, this means all components of the system, including the leach field. (Adopted March 11, 2008)

**SHELTER HOUSE:** See Group Residence Facility.

**SIGN:** Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

**SINGLE-FAMILY:** A dwelling containing one dwelling unit. (Adopted March 13, 2007)

**SITE SPECIFIC PERMIT:** A permit, which is issued when the surface area of soil is to be disturbed, as required by the State of New Hampshire Department of Environmental Services.

**SPECIAL EXCEPTION:** The granting of a modification of the provisions of the Antrim Zoning Ordinance as authorized in specific instances.

**STEEP SLOPE:** A slope in excess of fifteen percent (15%).

**STOOP:** A covered or uncovered area at a front, side or rear door not exceeding twenty-four (24) square feet in area.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STORY, HALF:** Space under a sloping roof which has a line of intersection of the roof and the wall face not more than three (3) feet above the floor level.

**STRUCTURE:** Any temporary or permanently constructed, erected or placed material or combination of materials in or upon the ground, including, but not limited to, buildings, garages, manufactured housing, radio towers, sheds and storage bins, storage tanks, trash disposal bins, portable carports, swimming pools and tennis courts. Signs, fences, driveways, roads, parking

areas, mailboxes, stonewalls, walkways, subsurface waste disposal facilities and essential services are exempt under this definition. (Amended March 14, 2006)

**SUBDIVIDER:** The owner of record of the land to be subdivided.

**SUBDIVISION:** The division of a lot, tract, or parcel of land into two (2) or more lots.

**SWIMMING POOL, PRIVATE:** A reasonably permanent pool or open tank used for swimming.

**TOWN MEETING:** The local legislative body of the Town of Antrim.

**TOURIST HOME:** A furnished dwelling unit rented to transients for a period of less than 180 days and subject to the NH meal and room tax. Tourist Homes provide private bathroom and kitchen facilities. Meals and cleaning services are on a self-service basis; Sometimes known as Corporate Housing. (Adopted March 13, 2007)

**TRAILER:** See Recreational Vehicle.

**TRAVELED WAY:** That portion of the right-of-way that is used for vehicular use.

**USE:** The specific purpose for which land or a building is designed or for which it is or may be occupied or maintained.

**USE, MIXED:** The occupancy of a building for more than one use.

**VARIANCE:** Permission granted by the Zoning Board of Adjustment for an adjustment to some requirement of the Zoning Ordinance.

**VETERINARY OR ANIMAL HOSPITAL:** A building used for the treatment, housing or boarding of domestic and farm animals by a veterinarian; also includes veterinary clinic.

**VICINITY SKETCH:** A map upon which the location of a proposed subdivision in the Town of Antrim is shown in relation to the streets, roads, and surface waters of the Town.

**WETLAND:** Areas of land where water is so abundant that it is a major factor dictating the nature of plant growth on the site.

**WETLAND SCIENTIST:** A person qualified in wetland classification that is certified by the State of New Hampshire. (Adopted March 11, 2008)

**YARD:** A space that is open to the sky and unoccupied and located on the same lot with a building or structure.

**ZONING:** A legal and administrative process whereby a municipality divides its territory into Districts and applies to each District a number of regulations to control the use of land.

**ZONING BOARD OF ADJUSTMENT:** The Zoning Board of Adjustment of the Town of Antrim duly constituted by and established pursuant to the provisions of RSA 673:1 and 673: 3.

ZONING OFFICER: The individual authorized by the Board of Selectmen to be the administrator of the daily application of the provisions contained in this Zoning Ordinance.

Updated 4/05/10

ARTICLE IV - VILLAGE BUSINESS DISTRICT (VB)  
(Adopted March 14, 1989, Amended March 9, 2010)

A. Purpose

The Village Business District is intended to be a district comprised mainly of small businesses, community and municipal buildings, other public and semi public uses, and residences.

B. Permitted Uses (Adopted March 8, 1994)

1. Principal permitted uses:

- a. Single family dwellings
- b. Duplex dwellings
- c. Multifamily dwellings (requires Site Plan Review)
- d. Public and private schools (all levels)
- e. Churches (see Article XIV Supplemental Regulations)
- f. Home-based businesses (see Article XIV Supplemental Regulations)
- g. Retail business
- h. Convenience stores
- i. Restaurants
- j. Business and professional offices
- k. Veterinary clinics
- l. Banks and financial institutions
- m. Personal services (Deleted March 13, 2001)
- n. Hospitals and nursing homes
- o. Motels, hotels, motor inns, tourist homes and bed and breakfast establishments
- p. Funeral homes
- q. Social clubs

- r. Gasoline service stations
  - s. Laundromats and dry cleaning establishments
  - t. Wholesale, warehouse and storage facilities
  - u. Mini-warehouse/storage facilities (Deleted March 14, 2000)
  - v. Laboratories
  - w. Printing and publishing establishments
  - x. Building materials and supply
  - y. Recreational facilities
  - z. Roadside stands
  - aa. Condominiums and cluster developments (requires Site Plan Review)
  - bb. Elderly housing (requires Site Plan Review)
  - cc. Light Manufacturing (requires Site Plan Review)
  - ee. Mixed Use (Any combination of residential, commercial, public, etc.) (as listed under primary uses) (Adopted March 9, 2010)
2. Accessory uses: (Adopted March 8, 1994)
- a. Any use accessory to a principal permitted use
  - b. Signs as permitted in Article XVII.
  - c. Fences as permitted in Article XIV
  - d. Parking and loading facilities as permitted in Article XV.
  - e. Storage or parking of major recreation equipment as permitted in Article XIV
  - f. Private swimming pools, tennis courts and greenhouses (See Article XIV) (Adopted March 9, 1993)
3. Special exception uses (as permitted in Article XIII):
- a. Conversion apartments.

C. Lot, Yard and Height Requirements

1. Areas served by public sewer and water:

- a. Single-family detached dwelling units: The minimum lot size (area) shall be 20,000 square feet with a minimum frontage of 100 feet and minimum depth of 100 feet.
- b. Duplex dwellings: The minimum lot size (area) shall be 30,000 square feet with a minimum frontage of 125 feet and a minimum depth of 150 feet.
- c. Multi-family dwellings
  - (1) The required lot size (area) is 10,000 square feet per dwelling unit.
  - (2) The minimum required site (tract) for a multi-family dwelling is 40,000 square feet.
  - (3) The total number of dwelling units permitted on a site is calculated by dividing the size of the site by 10,000 square feet per dwelling unit, with a limit of six (6) units per dwelling.
  - (4) The minimum lot frontage is 200 feet and the minimum lot depth is 200 feet.
- d. Elderly housing:
  - (1) The required lot size (area) is 3,600 square feet per dwelling unit.
  - (2) The minimum required site (tract) for an elderly housing structure is 40,000 square feet.
  - (3) The total number of dwelling units permitted on a site is calculated by dividing the size of the site by 3,600 square feet per dwelling unit.
  - (4) The minimum lot frontage is 200 feet and the minimum lot depth is 200 feet.
- e. Non—residential structures/uses: The minimum lot size (area) shall be 20,000 square feet with a minimum frontage of 100 feet and a minimum depth of 100 feet.
- f. Back Lots (See Article XIV Supplemental Regulations)

2. Areas not served by public sewer and water:

- a. Single-family detached dwelling units: The minimum lot size (area) shall be 90,000 square feet with a minimum frontage of 200 feet and a minimum depth of 200 feet.
- b. Duplex dwellings: The minimum lot size (area) shall be 130,000 square feet with a minimum frontage of 300 feet and a minimum depth of 200 feet.
- c. Multi-family dwellings and elderly housing: Permitted only in cluster housing developments. (see Article XIV)
- d. Non-residential structures/uses: The minimum lot size (area) shall be 90,000 square feet with a minimum frontage of 200 feet and a minimum depth of 200 feet.
- e. Back lots (see Article XIV Supplemental Regulations)

3. Yard requirements:

- a. Minimum front yard depth for all uses and structures shall be 50 feet as measured from the street right-of-way.
- b. Minimum side yard depth shall be:
  - (1) Principal structures and accessory structures with more than 120 square feet of floor area - 20 feet each side.
  - (2) Accessory structures with less than 120 square feet of floor area:
    - (a) Interior lot line - 5 feet.
    - (b) Street side corner lot - 20 feet.
- c. Minimum rear yard depth shall be:
  - (1) Principal structures and accessory structures with more than 120 square feet of floor area - 20 feet.
  - (2) Accessory structures with less than 120 square feet of floor area - 5 feet.
- d. Non-residential, multi-family and elderly units: The minimum side and rear yards shall be 20 feet from the lot line or 50 feet from the nearest adjacent residence, whichever is greater.
- e. Exceptions: Walls and fences shall be exempt from side and rear yard requirements as noted above. (See Article XIV)

4. Maximum lot coverage for principal and accessory structures shall be as follows:
  - a. Single family and duplex dwellings: 35 percent of total lot area.
  - b. Multi-family/elderly units: 30 percent of total lot area.
  - c. Non-residential uses: 40 percent of total lot area.
5. Maximum height for all buildings: 2 1/2 stories or 35 feet, whichever is less.
- D. Special Setback (Buffer Strip) Provisions

An establishment engaged in commercial activity shall maintain as green space fifty percent (50%) of the front, side and rear yard setback areas. The front yard setback shall be landscaped and the side and back yard setbacks shall be maintained to provide a reasonable measure of protection to the adjacent properties as determined by a Site Plan Review.

Updated 4/05/10

ARTICLE V - HIGHWAY BUSINESS DISTRICT (HB)  
(Adopted March 14, 1989, Amended March 9, 2010)

A. Purpose

The Highway Business District is intended to foster the development of commercial and light manufacturing uses, public and semi-public uses and residential uses in the Route 202, Route 9 and the area just north of Route 9 in the vicinity of North Branch Village.

B. Permitted uses

1. Principal permitted uses:

- a. Single family dwellings
- b. Duplex dwellings
- c. Multi-family dwellings (requires Site Plan Review)
- d. Public and private schools (all levels)
- e. Churches (see Article XIV Supplemental Regulations)
- f. Home-based businesses (see Article XIV Supplemental Regulations)
- g. Retail businesses
- h. Convenience stores
- i. Restaurants
- j. Business and professional office
- k. Veterinary clinics
- l. Kennels, boarding and/or breeding
- m. Banks and financial institutions
- n. Personal services (Deleted March 13, 2001)
- o. Hospitals and nursing homes
- p. Motels, hotels, motor inns, tourist homes and bed and breakfast

- q. Funeral homes
- r. Social clubs
- s. Automotive sales, service and rental
- t. Gasoline service stations
- u. Laundromats and dry cleaning establishments
- v. Wholesale, warehouse and storage facilities
- w. Motor freight (truck) terminals, bulk storage, warehousing truck repair facilities, and outside parking for tractor-trailers and employees (see Article XIV Supplemental Regulations)
- x. Truck, recreational vehicle, marine and heavy equipment sales and service
- y. Mini-warehouse/storage facilities
- z. Beverage and bottling distribution
- aa. Laboratories
- bb. Industrial parks
- cc. Printing and publishing establishments
- dd. Building materials supply
- ee. Recreational vehicle park
- ff. Recreational facilities
- gg. Farms and agricultural activities excluding pelt ranching and raising of more than (20) swine
- hh. Roadside stands
- ii. Stables and riding academies
- jj. Condominiums and cluster housing developments
- kk. Light manufacturing

- ll. Farm employee housing as permitted in Article XIV Supplemental Regulations
- mm. Manufactured Housing Units (per Article XIV, Section W)(Adopted March 13, 2001)
- oo. Mixed Use (Any combination of residential, commercial, public, etc.) (as listed under primary uses) (Adopted March 9, 2010)

2. Accessory uses:

- a. Any use accessory to a principal permitted use
- b. Signs as permitted in Article XVII.
- c. Fences as permitted in Article XIV.
- d. Parking and loading areas as permitted in Article XV.
- e. Storage and parking of major recreation equipment as permitted in Article XIV
- f. Private swimming pools, tennis courts and greenhouses. (See Article XIV) (Adopted March 9, 1993)

3. Special Exception uses (as permitted in Article XIII):

- a. Conversion apartments (Adopted March 9, 1993)
- b. Elderly housing
- c. Manufactured housing parks

C. Lot, Yard, and Height Requirements

1. Lot Requirements: Areas not served by public sewer and water:

- a. Minimum lot size: 90,000 square feet
- b. Minimum lot frontage: 200 feet
- c. Minimum lot depth: 200 feet
- d. Minimum front yard setback: 50 feet from the street or highway right-of-way line.
- e. Minimum side yard setback: 20 feet

- f. Minimum rear yard setback: 20 feet.
- g. Maximum lot coverage for principal and accessory structures: 40 percent.
- h. Maximum height for all buildings: 2 1/2 stories or 35 feet whichever is less.
- i. Duplex dwellings: see Article IV Section C - Lot, Yard and Height requirements.
- j. Multi-family and elderly dwellings: see Article IV Section C - Lot, Yard and Height requirements.
- k. Back Lots (see Article XIV Supplemental Regulations)

Lot Requirements:

- 2. Lot Requirements: Areas served by public sewer and water:
  - a. Same as required in Article IV Section C.1.

D. Special Setback (Buffer Strip) Provisions

An establishment engaged in commercial activity shall maintain as green space fifty percent (50%) of the front, side and rear yard setback areas. The front yard setback shall be landscaped and the side and back yard setbacks shall be maintained to provide a reasonable measure of protection to the adjacent properties as determined by Site Plan Review.

Updated 4/05/10

ARTICLE IX - RURAL CONSERVATION DISTRICT (RC)  
(Adopted March 14, 1989)

A. Purpose

The Rural Conservation District is intended to protect, conserve and preserve the remote mountainous portions of Antrim from excessive development pressures and/or activities that would be detrimental to the unique environmental characteristics and qualities of this district and detract from the peaceful enjoyment and tranquillity that this district affords local residents.

B. Permitted Uses

1. Principal permitted uses:

- a. Single-family dwellings.
- b. ~~Duplex dwellings~~ (Deleted March 10, 2005)
- c. Public and private schools (all levels)
- d. Churches (see Article XIV Supplemental Regulations)
- e. Home-based businesses (see Article XIV Supplemental Regulations)
- f. Kennels, boarding and/or breeding
- g. Public and private recreational facilities
- h. Farms and agricultural activities excluding pelt ranching and raising of more than twenty (20) swine
- i. Roadside stands
- j. Stables and riding academies
- k. Farm employee housing (see Article XIV Supplemental Regulations)
- l. Manufactured Housing Units (See Article XIV, Section W)(Adopted March 13, 2001)

2. Accessory uses:

- a. Any use accessory to a principal permitted use
- b. Signs as permitted in Article XVII
- c. Fences as permitted in Article XVI
- d. Parking and loading facilities as permitted in Article XV

- e. Storage or parking of major recreation equipment as permitted in Article XIV
  - f. Private swimming pools, tennis courts and greenhouses as permitted in Article XIV (Adopted March 9, 1993)
  - g. Retail sales of antiques, arts and crafts, handiwork and garden produce when an accessory use to a residence (Site Plan Review required)
3. Special Exception uses:
- a. ~~Multi-family dwellings (Site Plan Review required)~~ (Deleted March 10, 2005)
  - b. Bed and breakfast establishments
  - c. Recreational vehicle park
  - d. Manufactured housing parks
  - e. Raising animals for their pelt or pelt ranches (Adopted March 9, 1993)
  - f. Accessory Living Units (Adopted March 9, 2004) (See Article XIV)

C. Lot and Area Requirements

- 1. Minimum: 130,000 square feet.
- 2. Minimum lot frontage: 300 feet.
- 3. Minimum lot depth: 300 feet.
- 4. Minimum front yard setback: 75 feet.
- 5. Minimum side yard setback: 50 feet each side.
- 6. Minimum rear yard setback: 50 feet.
- 7. Maximum lot coverage: 25 percent.
- 8. Maximum height for all buildings: 2 1/2 stories or 35 feet, whichever is less.
- 8. Back Lots (See Article XIV Supplemental Regulations)

Updated 3/10/05

ARTICLE VI - RESIDENTIAL DISTRICT (RD)  
(Adopted March 14, 1989)

A. Purpose

The Residential District is intended to be a district that provides a diversity of housing types to meet the needs of various age and interest groups. The district essentially encompasses the residential portion of the Town served by the sanitary sewer and water systems.

B. Permitted Uses

1. Principal permitted uses:

- a. Single-family dwellings
- b. Duplex dwellings
- c. Home-based businesses (see Article XIV Supplemental Regulations)

2. Accessory uses:

- a. Any use accessory to a principal permitted use
- b. Signs as permitted in Article XVII
- c. Fences as permitted in Article XIV
- d. Parking and loading facilities as permitted in Article XV
- e. Storage or parking of major recreation equipment as permitted in Article XIV
- f. Private swimming pools, tennis courts and greenhouses as permitted in Article XIV (Adopted March 9, 1993)
- g. Retail sales of antiques, arts and crafts, handiwork and garden produce when an accessory use to a residence (requires Site Plan Review)

3. Special Exception uses (as permitted in Article XIII):

- a. Multi-family dwellings (require Site Plan Review)
- b. Public and private schools (all levels)
- c. Churches (see Article XIV Supplemental Regulations)
- d. Social clubs

- e. Condominiums and cluster housing developments (requires Special Exception and Site Plan Review)
- f. Conversion apartments
- g. Elderly housing (requires Special Exception and Site Plan Review)
- h. Bed and Breakfast

C. Lot, Yard and Height Requirements

1. Areas served by public sewer and water:

- a. Single-family detached dwelling units: The minimum lot size (area) shall be 20,000 square feet with a minimum frontage of 100 feet and a minimum depth of 100 feet.
- b. Duplex dwellings: The minimum lot size (area) shall be 30,000 square feet with a minimum frontage of 125 feet and a minimum depth of 150 feet.
- c. Multi-family dwellings:
  - (1) The required lot area is 10,000 square feet per dwelling unit.
  - (2) The minimum required site (tract) for a multi-family dwelling is 40,000 square feet.
  - (3) The total number of dwelling units permitted on a site is calculated by dividing the size of the site by 10,000 square feet per dwelling unit, with a maximum of six (6) units per dwelling building. Amended March 14, 2006)
  - (4) The minimum lot frontage is 200 feet and the minimum lot depth is 200 feet.
- d. Elderly housing:
  - (1) The required lot area is 3,600 square feet per dwelling unit.
  - (2) The minimum required site (tract) for an elderly housing structure is 40,000 square feet.
  - (3) The total number of dwelling units permitted on a site is calculated by dividing the size of the site by 3,600 square feet per dwelling unit.

(4) The minimum lot frontage is 200 feet and the minimum lot depth is 200 feet.

e. Back Lots (see Article XIV Supplemental Regulations)

2. Areas not served by public sewer and water:

a. Single-family detached dwelling units: The minimum lot size (area) shall be 90,000 square feet with a minimum frontage of 200 feet and a minimum depth of 200 feet.

b. Duplex dwellings: The minimum lot size (area) shall be 130,000 square feet with a minimum frontage of 300 feet and a minimum depth of 200 feet.

c. Multi-family dwellings and elderly housing: Permitted only in cluster housing developments. (see Article XIV)

d. Back Lots (see Article XIV Supplemental Regulations)

3. Yard requirements:

a. Minimum front yard depth for all uses and structures shall be 50 feet as measured from the street right-of way line.

b. Minimum side yard depth shall be:

(1) Principal structures and accessory structures with more than 120 square feet of floor area--20 feet each side.

(2) Accessory structures with less than 120 square feet of floor area:

(a) Interior lot line - 5 feet.

(b) Street side corner - 20 feet

c. Minimum rear yard depth shall be:

(1) Principal structures and accessory structures with more than 120 square feet of floor area--20 feet.

(2) Accessory structures with less than 120 square feet of floor area--5 feet.

d. Multi-family and elderly units: The minimum side and rear yards shall be 20 feet from the lot line or 50 feet from the nearest adjacent residence, whichever is greater.

- e. Exceptions: Walls and fences shall be exempt from side and rear yard requirements as noted above; (see Article XIV)
4. Maximum lot coverage for principal and accessory structures shall be as follows:
- a. Single family and duplex dwellings: 35 percent of the total lot area.
  - b. Multi-family/elderly units: 30 percent of the total lot area.
5. Maximum height for all buildings: 2 1/2 stories or 35 feet, whichever is less.
6. Non-residential uses: All non-residential uses permitted in this district shall meet the following minimum requirements:
- a. Minimum lot size - 40,000 square feet if water and sewer service and 90,000 square feet if area not served by water and sewer.
  - b. Minimum lot frontage - 200 feet.
  - c. Minimum lot depth - 200 feet.
  - d. Minimum front yard depth - 50 feet as measured from the street right-of-way line.
  - e. Minimum side and rear yard setbacks - 20 feet each.
  - f. Maximum lot coverage - principal and accessory structures, 35 percent of lot area.
  - g. Maximum building height - 2 1/2 stories or 35 feet, whichever is less.

Updated 12/2/03

ARTICLE VII - RURAL DISTRICT (R)  
(Adopted March 14, 1989)

A. Purpose

The rural district is intended to be a district of rural residential dwellings complemented by other traditional rural/agricultural uses. The district also permits certain nonresidential uses that are compatible with the rural character of the district. Such uses are permitted by Special Exception.

B. Permitted Uses

1. Principal permitted uses:

- a. Single family dwellings.
- b. Duplex dwellings.
- c. Public and private schools (all levels)
- d. Churches (see Article XIV Supplemental Regulations)
- e. Home-based businesses (see Article XIV Supplemental Regulations – requires Site Plan Review)
- f. Kennels, boarding and/or breeding
- g. Public and private recreational facilities
- h. Farms and agricultural activities excluding pelt ranching and the raising of more than twenty (20) swine
- i. Roadside stands
- j. Farm employee housing as permitted in Article XIV Supplemental Regulations
- k. Manufactured Housing Units (Per Article XIV, Section W)(Adopted March 13, 2001)

2. Accessory uses:

- a. Any use accessory to a principal permitted use
- b. Signs as permitted in Article XVII.
- c. Fences as permitted in Article XIV.

- d. Parking and loading facilities as permitted in Article XV
- e. Storage and parking of major recreation equipment as permitted in Article XIV
- f. Private swimming pools, tennis courts and greenhouses as permitted in Article XIV (Adopted March 9, 1993)
- g. Retail sales of antiques, arts and crafts, handiwork and garden produce when an accessory use to a residence (requires Site Plan Review)

C. Special Exception Uses (See Article XIII)

- a. ~~Multi-family dwellings (requires Site Plan Review)~~ (Deleted March 10, 2005)
- b. Restaurants
- c. Business and professional Offices
- d. Veterinary clinics
- e. Hospitals and nursing homes
- f. Motels, hotels, motor inns, tourist homes and bed and breakfast establishments
- g. Social clubs
- h. Building materials
- i. Recreational vehicle park
- J. Conversion apartments
- k. Elderly housing (requires Special Exception and Site Plan Review)
- l. Manufactured housing parks
- m. Raising animals for their pelt or pelt ranches (Adopted March 9, 1993)

D. Lot, Yard and Height Requirements

- a. Minimum lot size: all uses except duplexes and as noted in Article VII Section C: 90,000 square feet.
- b. Minimum lot frontage: 200 feet

- c. Minimum lot depth: 200 feet.
- d. Minimum front yard setback: 50 feet from the street right-of-way line.
- e. Minimum side yard setback: 20 feet from property lines or minimum distance between adjacent buildings of 50 feet, whichever is greater.
- f. Minimum rear yard setback: 20 feet.
- g. Maximum lot coverage: 40 percent.
- h. Maximum building height for all buildings: 2 1/2 stories or 35 feet, whichever is less.
- i. Duplex dwellings: the minimum lot size (area) shall be 130,000 square feet with a minimum frontage of 300 feet and a minimum depth of 200 feet.
- j. Back lots (see Article XIV Supplemental Regulations)

Updated 3/10/05

ARTICLE VIII - LAKEFRONT RESIDENTIAL DISTRICT (LR)  
(Adopted March 14, 1989)

A. Purpose

The Lakefront Residential District is intended to protect certain ponds and lakes from excessive density and development with particular emphasis on: (1) protecting the water quality and adjacent shorelines of these lakes and ponds, and (2) maintaining and/or ensuring the privacy and tranquillity of those residents who own shoreline or waterfront property. The following lakes and ponds are included in this district: Gregg Lake, Franklin Pierce Lake, Willard Pond, Steele's Pond, Rye Pond, and Campbell Pond.

It is also the intent of this district to provide housing and recreational opportunities for seasonal and year-round residents who prefer to live in single-family detached housing with access to aforementioned water bodies.

B. Permitted Uses

1. Principal permitted uses:

- a. Single-family dwellings.

2. Accessory uses:

- a. Any use accessory to a principal permitted use
- b. Signs as permitted in Article XVII.
- c. Fences as permitted in Article XIV.
- d. Parking and loading facilities as permitted in Article XV
- e. Storage or parking of major recreation equipment as permitted in Article XIV
- f. Private swimming pools, tennis courts and greenhouses as permitted in Article XIV (Adopted March 9, 1993)

3. Special Exception Uses (See Article XIII)

- a. Public and private recreational facilities
- b. Accessory Living Units (Adopted March 9, 2004) (See Article XIV)
- c. Duplex Dwellings (Adopted March 10, 2005)(See Article XIV)

C. Lot, Yard and Height Requirements

1. Minimum lot size - all uses *except duplexes*: 90,000 square feet. Duplexes shall have a lot size of 130,000 square feet. (Amended March 10, 2005)
  2. Minimum lot frontage: 200 feet
  3. Minimum lot width all uses *except duplexes*: - 200 feet. Duplexes shall have a lot width of 300 feet. (Amended March 10, 2005)
  4. Minimum front yard setback: 50 feet from the street or road right- of-way line. And, if the property also borders on a lake or pond, the yard fronting on the water shall have 100 feet from the normal high water mark
  5. Minimum side yard setback: 20 feet each side.
  6. Minimum rear yard setback: 20 feet.
  7. Maximum lot coverage: 40 percent.
  8. Maximum building height: 2 1/2 stories or 35 feet, whichever is less.
  9. Back Lots (See Article XIV Supplemental Regulations)
- D. Unless otherwise indicated on the Zoning Map, the Lakefront Residential District shall be an area within five hundred (500) feet of the high water mark of the bodies of water shown on the Zoning Map (Franklin Pierce Lake, Gregg Lake, Willard, Steele's, Rye and Campbell Ponds).
- E. All buildings and dwellings must comply with the regulations of the State Water Supply and Pollution Control Division so there will be no pollution of lakes, rivers or streams. Any person, firm or corporation shall be required to correct his or its septic or sewage disposal system, at his or its own expense, if said system is found to be contaminating any lake, river or stream.

Updated 3/10/05

ARTICLE X - STEEP SLOPES DISTRICT (SS)  
(Adopted March 14, 1989; Amended March 13, 2007)

A. Purpose

The Steep Slopes District is intended to reduce damage to streams and lakes from erosion, storm water run-off caused by improper or excessive construction, or effluent from improperly sited sewage disposal systems; to preserve vegetative cover and wildlife habitat; to preserve scenic views and protect unique and unusual natural areas.

B. The Steep Slopes District shall be considered as overlaying the Rural District and those areas, in all other districts, that are not served by public sewer and water. Any use permitted, or lot size established, in those districts so overlaid, shall only be permitted subject to the provisions of this Article.

C. Overlay Map:

The Steep Slopes District includes all areas on the overlay map, titled Town of Antrim Slopes Map and dated September 1, 1988, that show slopes in excess of fifteen (15) percent . The map is incorporated into this Ordinance by reference.

D. Permitted Uses:

Permitted uses and uses allowed by special exception in the underlying district are allowed so long as the lot size meets the standards in Section E below.

E. Minimum Lot Size: (Adopted March 10, 1992)

In areas not served by public water and sewer and where there are wetlands and/or steep slopes, the area of contiguous, non-group 5, poorly drained soils, or non-group 6 soils, floodplain or very poorly drained soils, shall meet the following requirements:

1. Single-family homes with four bedrooms or less shall have 68,000 square feet with a slope less than 8%, 76,000 square feet with a slope 8 - 15%, or 86,000 square feet with a slope more than 15% and less than 25%.
2. Single family homes with more than four bedrooms shall have 15% more area for each additional bedroom over and above that required for four-bedroom, single-family homes.
3. Duplex dwellings with a total of not more than five bedrooms shall have 95,000 square feet with a slope less than 8%, 100,000 square feet with a slope 8 - 15% or 120,000 square feet with a slope more than 15% and less than 25%.

4. Duplex dwellings with more than five (5) bedrooms shall have 15% more area for each additional bedroom over and above that required for a five-bedroom, duplex dwelling. (Adopted March 13, 2007)

Note: A variance may be granted based on the results of a High Intensity Soil Survey and the Model Subdivision Regulations for Soil Based Lot Size, Rockingham County Conservation District, June 1991.

F. In the event an area is incorrectly designated as being a steep slope of between 15 and 25% or of being over 25% on the Town of Antrim Summary of Natural Features Map or that an area not so designated meets the criteria for a steep slope designation, and evidence to that effect is satisfactorily presented to the Planning Board during a site plan review or during an application for subdivision approval, or to the Board of Selectmen during an application for a building permit, such Board may determine that the restrictions contained in this article shall or shall not apply, whichever the case may be. Any necessary testing or expenses incurred to clearly delineate questionable steep slopes areas shall be at the expense of the landowner or developer.

Updated 3/13/07

ARTICLE XI - WETLANDS DISTRICT (W)

(Adopted March 14, 1989; Amended March 11, 2008, Amended March 9, 2010)

A. Purpose

The Wetlands District is intended to protect the public health, safety, general welfare and property. This ordinance section for wetlands is intended:

1. To be a guide in the use of wetlands in Antrim,
2. To aid in the protection of persons and property from the danger of floods by preserving natural floodwater storage areas,
3. To encourage those uses that can appropriately and safely be located in wetlands areas.

B. The Wetlands District shall be considered as overlaying any other districts established by this Ordinance. Any use permitted in the portions of the district so overlaid shall only be permitted subject to all provisions of this Article. Any lot size established in the districts so overlaid shall only be permitted subject to the provisions of Paragraph E.2 of this Article. The Wetlands District includes all areas of wetlands identified by the use of soil surveys, examination of vegetation and/or shown on wetlands maps.

C. Wetlands as defined by this Ordinance within the Town of Antrim shall include:

1. Areas of retention of fresh water and their associated drainage ways (brooks, rivers, streams, ponds, or lakes),
2. Areas where the soil series are classified as “very poorly drained” or “poorly drained” by the most recent National Cooperative Soil Survey conducted by the U.S. Department of Agriculture Soil Conservation Service and titled Soil Survey of Hillsborough County New Hampshire-Western Part or other updated survey editions.
3. Areas where site-specific soils survey performed by a Town approved professional soil scientist locates poorly or very poorly drained soils not identified in the SCS published survey.
4. Areas where the vegetation community is dominated by water tolerant species (hydrophytes). The vegetation communities may include but are not limited to the following species:
  - a. Scrub/Shrub and/or Forested Wetlands are areas where the water table is at or near the ground surface for a significant part of the year. The vegetation communities consist mostly of trees and woody shrubs including, but not limited to:

Alders

Poison Sumac

Arrow-wood	Red Maple
Atlantic White Cedar	Rhodora
Black Ash	Sphagnum Moss
Black Gum	Spicebush
Black Spruce	Sweet Pepperbush
Buttonbush	Tamarack (Larch)
Common Elder	Willow
High-bush Blueberry	Winterberry
Marsh Rose	

- b. Emergent Wetlands, Also known as marshes, wet meadows or fens are characterized by erect rooted, herbaceous hydrophytes. Vegetation is present and the soil is saturated for most of the growing season. Flooding may be seasonal, permanent, irregular or temporal. The vegetation community includes, but is not limited to the following:

Arums	Poison Sumac
Bladderworts	Pickrel Weeds
Bur-reeds	Rushes
Cattails	Sedges, including Bulrushes, Cotton-grasses and Wool-grasses
Duckweeds	Smartweeds
Eelgrass	Sweet Gale
Frog's-bit	Waterlillies
Horsetails	Water Milfoil
Hydrophylus Grasses	

- c. Bogs include areas where mosses cover substrates other than rock and where emergent shrubs or trees make up less than 30% of the area cover. The substrate is saturated to the surface. The water in a bog is practically devoid of oxygen and nutrients. Bogs usually develop in undrained glacial depressions. Typical plants include, but are not limited to:

Atlantic White Cedar	Pink Laurel
Black Spruce	Pitcher Plants
Bladderworts	Rhodora
Bog or Buckbean	Sedges
Bog Laurel	Sheep Laurel
Bos-rosemary	Sphagnum Moss
Cotton Grass	Sundews
High-bush Blueberry	Sweet Gale
Leather Leaf	

Where it is alleged that an area has been incorrectly delineated as a wetland in Antrim, or that an area not so designated meets the criteria for wetlands designation, the Planning Board shall determine whether the regulations contained herein have application.

The Planning Board shall make its judgment under this section only upon the determination by a qualified professional soil scientist and/or biologist, or botanist on the basis of additional on-site

investigation or other suitable research that the information contained on the most current Antrim Wetlands Map or SCS survey map is incorrect. This evidence shall be acceptable only when presented in written format by said scientists to the Planning Board. Any necessary testing or expenses incurred to clearly delineate questionable wetland areas shall be at the expense of the landowner or developer.

D. Permitted Uses:

1. Forestry, using the Best Management Practices as outlined in the 1979 Water Supply and Pollution Control Division booklet, "Erosion Control Guidelines for Timber Harvesting," in order to protect streams from damage to prevent sedimentation.
2. Cultivation and harvesting of agricultural crops according to recognized soil conservation practices, including the protection of wetlands from pollution caused by the use and/or storage of fertilizers, pesticides, and herbicides used in such cultivation and sedimentation caused by erosion.
3. Wildlife refuges, parks, recreation uses consistent with the purpose and intent of this Ordinance such as nature trails and conservation areas.
4. Open spaces as permitted or required by the Subdivision regulations or the Zoning Ordinance.
5. State approved wetland impoundments.
6. Construction of wells and water supply.
7. Dry hydrants and fire protection ponds.

E. Special Provisions

1. No septic tank or leach field may be constructed, repaired or enlarged closer than seventy-five (75) feet to any wetland.
2. No construction or ground disturbance shall occur within twenty-five (25) feet based on the recommendation of the Hillsborough County Soil Conservation Service of the wetland areas defined in this article, except for those items listed in Section G of this Article. This twenty-five (25) foot buffer zone shall be parallel to and surveyed from the edge of the wetland on a horizontal plane; for the purposes of protection the buffer zone shall be subject to the same regulations that apply to the filling and uses of wetlands.
3. The minimum dry land area must be contiguous and sufficient in size and configuration to adequately accommodate all required utilities such as sewage disposal and water supply, and leach field locations. This minimum contiguous dry land area shall be the required building site with accommodating utilities thereon. All contiguous areas shall be a

minimum of fifty (50) feet in width in order to be considered contiguous.  
(Adopted March 11, 2008)

F. Minimum Lot Size (Adopted March 10, 1992)

In areas not served by public water and sewer and where there are wetlands and/or steep slopes, the area of contiguous non-group 5, poorly drained soils, or non-group 6 soils, floodplain or very poorly drained soils, shall meet the following requirements:

1. Single-family homes with four bedrooms or less shall have 68,000 square feet with a slope less than 8%, 76,000 square feet with a slope 8 - 15%, or 86,000 square feet with a slope more than 15% and less than 25%
2. Single family homes with more than four bedrooms shall have 15% more area for each additional bedroom over and above that required for four-bedroom, single-family homes.
3. Duplex dwellings with a total of not more than five bedrooms shall have 95,000 square feet with a slope less than 8%, 100,000 square feet with a slope 8 - 15% or 120,000 square feet with a slope more than 15% and less than 25%.
4. Duplex dwellings with more than five (5) bedrooms shall have 15% more area for each additional bedroom over and above that required for a five-bedroom, duplex dwelling. (Adopted March 13, 2007)

Note: A variance may be granted based on the results of a High Intensity Soil Survey and the Model Subdivision Regulations for Soil Based Lot Size, Rockingham County Conservation District, June 1991.

G. Special Use Permit (Adopted March 10, 2005, Amended March 9, 2010)

The following uses are permitted within the Wetlands District only after obtaining a Special Use Permit from the Planning Board. All such uses must comply with other applicable ordinances and regulations of the Town of Antrim as well as state and federal regulations. In granting the Special Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse affect of the proposed use on adjoining properties, and preserve the intent of this Ordinance. The Planning Board shall act upon the application in accordance with the procedural requirements of the Site Plan Review Regulations and RSA 676:4. This ordinance is an innovative land use control subject to the exclusive jurisdiction of the Planning Board.

1. Streets, roads and other access ways, utility right-of-way easements, including power lines and pipelines, if so located and constructed to minimize any detrimental impact of such uses upon the wetland.
2. Water impoundments.

3. The undertaking of a use not otherwise permitted in wetlands (that is not already listed in Section D of this Article), if it can be shown that it meets the purposes and intentions listed in Section A of this Article.

In granting the Special Use Permit, the Planning Board shall consider the following:

1. The Special Use Permit shall be conditioned upon the granting of a permit to cross the wetland issued by the New Hampshire Department of Environmental Services Wetlands Bureau.
2. Reports submitted by the Conservation Commission and the Water and Sewer Department if located in the Water and Sewer District prior to the public hearing or thirty (30) days having elapsed following referral to said commission and department without receipt of report.
3. All possibilities for the avoidance of the wetlands have been exhausted short of denying the creation of a legal building lot which meets all zoning requirements for the district.
4. The disturbance of the 25-foot buffer zone will not adversely affect the property involved or any abutting properties by creating a drainage problem.
5. Where water and other effluents leave a man-made drainage system, adequate measures, including but not limited to buffer zones and natural treatment swales, shall be provided to protect the wetland from pollution, erosion, or siltation.
6. Adequate erosion control, including but not limited to haybales, silt fences, and temporary rip-rap, shall be maintained before, during, and after construction (until site stabilization) to protect undisturbed wetland areas from intrusion and siltation.

Updated 4/05/10

ARTICLE XI-A SHORELAND PROTECTION DISTRICT  
(Adopted March 11, 2003)

AUTHORITY

Pursuant to the authority granted by RSA 674:16 this ordinance is adopted by the town of Antrim in order to protect the public health, safety, and general welfare.

2. PURPOSE

This ordinance establishes standards for the subdivision, use and development of shorelands adjacent to public waters, as defined herein, for the purpose of minimizing degradation of shorelands and assuring retention of the benefits provided by such shorelands. These benefits include: maintenance of safe and healthy conditions; prevention and/or control of water pollution; protection of important fish, bird and wildlife habitat; reduction or elimination of flooding and accelerated erosion; protection of wetlands and their important natural functions; maintenance of water quantity and related stream flows during low flow periods; protection of shoreland cover as a means of maintaining water quality; and the conservation and protection of natural beauty and the scenic qualities which are critical attributes of the State.

3. DEFINITIONS

I. "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

II. "Accessory structure" means a structure detached from the primary building on the same lot which is customarily incidental and subordinate to the primary building or use, such as a pump house, gazebo or woodshed.

III. "Basal area" means the cross sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.

IV. "Boat slip" means a volume of water, 20 feet long, 6 feet wide and 2 feet deep, as measured at normal high water, and located adjacent to a structure to which a watercraft may be secured.

V. "Commissioner" means the commissioner of the department of environmental services or designee.

VI. "Department" means the department of environmental services (DES).

VII. "Disturbed area," means an area in which natural vegetation is removed, exposing the underlying soil.

VIII. "Ground cover" means any herbaceous plant which normally grows to a mature height of 4 feet or less.

IX. "Lot of record," means a single parcel of land in common ownership throughout as shown on or described in an instrument with courses, distances, metes and bounds, or other entries, from which dimensions might be ascertained, which instrument is recorded in the registry of deeds.

X. "Marina" means a commercial waterfront facility whose principal use is the provision of publicly available services such as the securing, launching, storing, fueling, servicing, repairing and sales of watercraft, watercraft equipment and accessories.

XI. "Municipality" means a city, town, and village district if specifically authorized to zone by the legislature, or county in respect to unincorporated towns or unorganized places or any combination thereof pursuant to RSA 53-A.

XII. "Natural woodland buffer" means a forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

XIII. "Ordinary high water mark" means the line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark is not easily discernible, the ordinary high water mark may be determined by DES.

XIV. "Person" means a corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and any political subdivision of a state or any agency or instrumentality thereof.

XV. "Primary building line" means a setback from the reference line.

XVI. "Primary structure" means a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure on the same premises.

XVII. "Protected shoreland" means for natural fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters.

XVIII. "Public waters" shall include:

(a) All fresh water bodies listed in the official list of public waters published by the department pursuant to RSA 271:20, II, whether they are great ponds or artificial impoundments.

(b) Coastal waters, being all waters subject to the ebb and flow of the tide, including the Great Bay Estuary and the associated tidal rivers.

(c) Rivers, meaning all year round flowing waters of fourth order or higher, as shown on the current version of the US Geological Survey 7½" topographic maps.

XIX. "Reference line" means:

- a. For natural fresh water bodies without artificial impoundments, the natural mean high water level as determined by the Water Division of the Department.
- b. For artificially impounded fresh water bodies with established flowage rights, the limit of the flowage rights, and for water bodies without flowage rights, the waterline at full pond as determined by the elevation of the spillway crest.
- c. For coastal waters, the highest observable tide line, which means a line defining the furthest landward limit of tidal flow, not including storm events, which can be recognized by indicators such as the presence of a strand line of flotsam and debris, the landward margin of salt tolerant vegetation, or a physical barrier that blocks further flow of the tide.
- d. For rivers, the ordinary high water mark.

XX. "Removal or removed" means cut, sawed, pruned, girdled, felled, pushed over, buried, burned, killed, or otherwise destructively altered.

XXI. "Residential unit" means a structure, or portion thereof, providing complete and independent living facilities, including permanent facilities for living, sleeping, eating, cooking, and sanitation which are used in common by one or more persons.

XXII. "Sapling" means any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than 6 inches at a point 4 feet above the ground.

XXIII. "Shoreline Frontage" means the average of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the reference line.

XIV. "Shrub" means any multi-stemmed woody plant which normally grows to a mature height of less than 20 feet.

XXV. "Structure" means anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, as well as anything constructed or erected with a fixed location on or in the ground, exclusive of fences.

XXVI. "Subdivision" means subdivision as defined in RSA 672:14.

XXVII. "Tree" means any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of 6 inches or more at a point 4 feet above the ground.

XXVIII. "Urbanization" means the concentrated development found in the sections of towns or cities where there has been a historic pattern of intensive building for commercial or industrial use, or mixed residential, commercial, and industrial use.

XXIX. "Water Dependent Structure" means a dock, wharf, pier, breakwater, or other similar structure or any part thereof, built over, on or in the waters of the State.

#### 4. SHORELAND PROTECTION DISTRICT

The Shoreland Protection District is an overlay which is superimposed over the conventional existing zoning and includes within its boundary the protected shorelands adjacent to all public waters within the municipality.

#### 5. PROHIBITED USES

- a. Establishment or expansion of:
  - (1) Salt storage yards
  - (2) Automobile junk yards
  - (3) Solid or hazardous waste facilities
- b. No fertilizer, except limestone shall be used within 25 feet of the reference line of any property. Twenty-five feet beyond the reference line, low phosphate, slow release nitrogen fertilizer or limestone may be used on lawns or areas with grass.
- c. Bulk storage of chemicals.
- d. Bulk storage of petroleum products or hazardous materials.
- e. Sand and gravel excavations as defined in RSA 155-E.
- f. Processing of excavated materials
- g. Dumping or disposal of snow and ice collected from roadways or parking areas outside the district.

#### 6. RESTRICTED USES

- a. A water dependent structure, meaning one which is a dock, wharf, pier, breakwater or other similar structure, or any part thereof, built over, on or in the waters of the state, shall be constructed only as approved by the department through the division of water, pursuant to RSA 482-A.
- b. Public water supply facilities, including water supply intakes, pipes, water treatment facilities, pump stations and disinfectant stations as permitted by the Commissioner of DES.
- c. Public water and sewage treatment facilities as permitted by the Commissioner of the DES
- d. Hydroelectric facilities, including, but not limited to dams, dikes, penstocks, and powerhouses, shall be recognized as water dependent, permitted by the Commissioner of the DES, as necessary.
- e. Public utility lines and associated structures and facilities as permitted by the Commissioner of DES.

- f. An existing solid waste facility which is located within 250 feet of the reference line of public waters under this chapter may continue to operate under an existing permit, provided it does not cause degradation to an area in excess of that area under DES permit.
- g. No solid waste facility shall place solid waste within 250 feet of the reference line of public waters under this chapter except as expressly permitted under RSA 483-B:9, IV-c. However, any solid waste facility may be allowed, subject to permitting conditions under RSA 149-M:10, to erect accessory structures and conduct other activities consistent with the operation of the facility within 250 feet of the reference line of public waters under this chapter, such as filling, grading and installing monitoring wells and other drainage structures as is consistent with its solid waste permit as issued by the department of environmental services. Under no circumstances shall the toe of any slope encroach within 150 feet of the reference line

## 7. NATURAL WOODLAND BUFFER

- a. Where existing, a natural woodland buffer shall be maintained within 150 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish, bird and wildlife habitat, and respecting the overall natural condition of the protected shoreland.
- b. Within the natural woodland buffer of the protected shoreland under conditions defined in RSA 483-B:9, V the following prohibitions and limitations shall apply:
  - (1) Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native or naturalized species may be permitted to maintain the 50 percent level. Trees, saplings, shrubs and ground covers which are removed to clear an opening for building construction, accessory structures, septic systems, roadways, pathways, and parking areas shall be excluded when computing the percentage limitations under section 7.b.(1).
  - (2) Dead, diseased, unsafe or fallen trees, saplings, shrubs, or ground cover may be removed. Their removal shall not be used in computing the percentage limitations under section 7.b.(1).
  - (3) Stumps and their root systems which are located within 50 feet of the reference line shall be left intact in the ground, unless removal is specifically approved by the department through the division of water, pursuant to RSA 482-A.
  - (4) Dead and living trees that provide dens and nesting places for wildlife are encouraged to be preserved.

(5) Planting efforts that are beneficial to wildlife are encouraged to be undertaken.

## 8. SUBSURFACE WASTEWATER DISPOSAL SYSTEMS

- a. All new lots, including those in excess of five acres, created within the protected shoreland are subject to subdivision approval by the DES division of water subsurface bureau under RSA 485-A29 and Env-Ws 1000.
- b. All subsurface waste disposal systems must be designed and installed in accordance with the DES, Division of Water, their publication entitled Subdivision and Individual Sewage Disposal System Design Rules Env-Ws 1000.
- c. The following conditions, based on the characteristics of the receiving soils as they relate to U.S. Department of Agriculture, Natural Resources Conservation Service drainage classes shall dictate the setback requirements for all new leaching portions of new subsurface wastewater disposal systems adjacent to ponds, lakes, estuaries and the open ocean, as follows:
  - (1) Where the receiving soil downgradient of the leaching portions of a subsurface wastewater disposal system is a porous sand and gravel material with a percolation rate equal to or faster than 2 minutes per inch, the setback shall be at least 125 feet from the reference line;
  - (2) For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the reference line; and
  - (3) For all other soil conditions the setback shall be no less than 75 feet.
- d. Adjacent to rivers the setback shall be no less than 100 feet, and may be greater if approved by the commissioner.
- e. The placement of all septic tanks and leaching portions of subsurface wastewater treatment systems for replacement systems shall comply with the requirements of subparagraph 8.c to the maximum extent feasible.

## 9. EROSION AND SILTATION CONTROL

- a. All new structures within the protected shoreland shall be designed and constructed in accordance with rules adopted by the DES pursuant to RSA 541-A, relative to terrain alteration under RSA 485-A:17, for controlling erosion and siltation of public waters, during and after construction and shall, at a minimum reflect the recommendations of the publication entitled Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire prepared for the DES by the Rockingham County Conservation District, in cooperation with the USDA Natural Resources Conservation Service, August, 1992.
- b. New structures within the protected shoreland shall be designed and constructed to prevent the release of surface runoff across exposed mineral soils.
- c. A permit pursuant to RSA 485-A:17, I shall be required for improved, developed or subdivided land within the protected shoreland whenever there is a contiguous disturbed area exceeding 50,000 square feet.

## 10. MINIMUM LOT REQUIREMENTS

- a. The minimum size for new lots in areas dependent upon on-site subsurface wastewater treatment systems shall be determined by soil type lot size determinations, as established by the water supply and pollution control division in accordance with Env-Ws 1,000, but in no event less than the minimum lot size prescribed in the underlying zoning district.
- b. For projects in areas dependent upon on-site subsurface wastewater treatment systems, the total number of residential units in the protected shoreland shall not exceed one unit per 200 feet of shoreland frontage. All new lots within the Overlay District which abut a waterbody shall contain a minimum shoreland frontage of 200 feet.
- c. Setback. No primary structure shall be located within 100' of the reference line.
- d. Accessory structures such as storage sheds and gazebos but excluding automobile garages may be located within the 100' setback as a special exception provided:
  - (1) The location and construction of the structure is consistent with the intent of the ordinance to maintain a vegetated buffer.
  - (2) The structure is required as a shelter for humans, equipment, or firewood.
  - (3) The structure is usually customary and incidental to a legally authorized use located within the shoreland district.
- e. Building Heights. No structure within the Shoreland District shall exceed 2 1/2 stories or 35' in height as measured from average ground level around the structure to the highest point on the roof excluding chimneys.
- f. Building Placement. Buildings should be sited to minimize impact on habitat and the watershed.
- g. Parcel Coverage by impervious materials shall not exceed 20%.

## 11. WATER DEPENDENT USES AND STRUCTURES.

The following uses and structures are permitted within the shoreland protection district provided they comply with all applicable local, state and federal regulations.

- a. Marinas developed in accordance with the following:
  - (1) Minimum shoreland frontage shall be 300' with an additional 25' of shore frontage for each slip.
  - (2) Off street parking shall be provided at a rate of 500 square feet per boat slip.
  - (3) Submission of an environmental impact study which indicates mitigation measures to minimize potential negative impact on the public waters including but not limited to:

- (a). Measures to be taken to prevent leakage or spills of fuels, lubricants, waste products or other potential pollutants into the public waters.
  - (b). Assurances that impact on wetlands and related sensitive areas and habitats will be avoided.
- (4) Submission of a site plan for review by the planning board which includes location of parking, rest rooms, buildings and related support facilities with assurances that these facilities are permanently available to the project.
- (5) Receipt of a permit from the DES.
- b. Water dependent structures including, but not limited to, decks, wharves, swimming floats and boat ramps.
  - c. Other water dependent uses and structures approved as special exceptions by the Zoning Board of Adjustment in accordance with the following:
    - (1) The use is in keeping with the purpose and intent of these regulations;
    - (2) The least impacting route and methodology for the use have been selected and represent the best practicable alternative.
    - (3) Canopies and seasonal covers extend only over the boat slips and shall be removed during the non boating season.

## 12. CLUSTER OR OPEN SPACE DEVELOPMENTS

The grouping of residential units on a parcel within the Shoreland district is permitted and encouraged to the extent that valuable shoreland resources and open spaces are retained. Such developments should meet the requirements of Article XIV, Supplemental Regulations, Paragraph O.

A minimum of 60% of the total parcel shall remain as common open space for the use and enjoyment of the residents and/or the general public. It shall be permanently restricted for open space, agriculture, parks, public easements, recreation or conservation uses by means of an instrument satisfactory to the Planning Board and/or Town Counsel; and said document shall be recorded in the Hillsborough County Registry of Deeds.

## 13. NON-CONFORMING LOTS OF RECORD

Existing, individual, undeveloped, non-conforming lots of record within the Shoreland Protection District may be used for any permitted use or use permitted by special exception for related facilities, including, but not limited to, decks, piers, boat houses, boat loading ramps, walkways and other water dependent structures in accordance with the following:

- a. All leach fields shall meet the setback requirements of Section 8.
- b. In the event that the leach field cannot physically be located on the lot in or a permanent easement to such land for this purpose in so far as practicable.
- c. Should additional undeveloped land not be available, allowable sewage loading shall be reduced by decreasing the number of bedrooms, requiring low-flow fixtures and

limiting the maximum sewage loading to 300 gallons per day, in accordance with Env-Ws 1008.01.

#### 14. NON-CONFORMING STRUCTURES

No existing non-conforming use or structure shall be reconstructed, extended or enlarged except as follows:

- a. Existing non-conforming structures which do not comply with the dimensional requirements of this ordinance may remain in use. No change in such a structure is permitted which would result in increasing the non-conformity with these requirements in any way.
- b. An expansion that increases the sewerage load to an on-site wastewater treatment system, for example, additional bedrooms, shall require approval by the department. Between the primary building and the reference line, no alteration shall extend the structure closer to the public water.

#### 15. NON-CONFORMING USES

Existing uses which are non-conforming under this ordinance may continue until the use ceases to be active or is discontinued for a period of one year. An existing non-conforming use may not be changed to another non-conforming use; existing non-conforming uses shall be required to meet the shoreland natural buffer, drainage and related water quality protection requirements of this ordinance to the maximum extent feasible.

#### 16. COMMONLY USED WATER FRONT PARCELS OR LOTS

Shorefront lots/parcels, which are intended for use for common access by the non-shoreland property owners within the development or subdivision which owns or has control over the common land, shall:

- a. Contain a minimum of one acre and an additional one tenth of an acre for each user in excess of ten users.
- b. Have a minimum shoreland frontage of 200 feet for the first ten users and an additional 20 feet for each additional user.
- c. Have no structures other than toilet facilities, picnic shelters and/or recreational facilities. Necessary leach fields shall be located at least 125' from the reference line.
- d. Half the shoreland frontage shall be designated for swimming and shall be separate from boating areas. Swimming areas shall be separated from boating areas by ropes and appropriate marks, subject to the approval of the Safety Services Division of the NH Department of Safety.
- e. Off street parking shall be provided on the basis of 300 square feet for each residential unit 1/4-mile or more from the common area which has use of the area.
- f. Toilet facilities shall be provided on the basis of one facility each for men and women for each 25 residential units.

- g. Impervious cover for roof area, parking lots, access roads, sidewalks and any other similar cover over or on the parcel or lot shall not exceed 10% of the area of the parcel or lot.

#### 17. LAND CLEARING FOR AGRICULTURE PURPOSES

All agricultural activities and operations in the state as defined in RSA 21:34-a and as governed by RSA 430, including the use of animal manure, lime, wood ash, irrigation and the clearing of land for agricultural utilization, and other agricultural technologies, shall be exempt from the provisions of this ordinance, provided such activities and operations are in conformance with the most recent best management practices determined by the United States Department of Agriculture Natural Resources Conservation Service, the United States Department of Agriculture Cooperative Extension Service and the Department of Agriculture. Persons carrying out such agricultural activities and operations in the protected shoreland shall work directly with the local representatives of the above agencies for their particular property.

#### 18. RELATIONSHIP BETWEEN STATE AND LOCAL REQUIREMENTS

Where both the State and the municipality have existing requirements the more stringent shall govern.

#### 19. SAVING CLAUSE

Where any provision of this ordinance is found to be unenforceable it shall be considered savable and shall not be construed to invalidate the remainder of the ordinance.

#### 20. EFFECTIVE DATE

This ordinance shall be effective upon adoption by the municipal governing body.

Updated 12/2/03

ARTICLE XI-B AQUIFER AND WELLHEAD PROTECTION DISTRICT  
(Adopted March 11, 2008)

1. AUTHORITY

The Town of Antrim hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls, in order to protect the public health, safety, and general welfare.

2. PURPOSE

The purpose of this ordinance is, in the interest of public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas, drinking water sources, and surface waters that are fed by groundwater. The purpose is to be accomplished by regulating land uses which could contribute pollutants to designated wells and/or aquifers identified as being needed for present and/or future public water supply.

3. DEFINITIONS

A. "Aquifer" means a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

B. "Petroleum bulk plant or terminal" means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline tank car, tank vehicle, portable tank, or container.

C. "Department" means the New Hampshire department of environmental services.

D. "Floor drain" means an opening in a floor that is not specifically included in an authorized discharge under one or more of the following regulatory mechanisms:

- (1) A NH groundwater discharge permit;
- (2) A registration required by Env-Ws 1500 or successor rules in subtitle Env-Wq;
- (3) A national pollutant discharge elimination system permit; or
- (4) A local authorization to discharge to the local wastewater treatment facility.

E. "Groundwater" means subsurface water that occurs beneath the water table in soils and geologic formations.

F. "Gasoline station," means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.

G. "Impervious" means not readily permitting the infiltration of water.

H. "Impervious surface" means a surface through which regulated contaminants cannot pass when spilled. The term includes concrete and asphalt unless unsealed cracks or holes are present, but does not include earthen, wooden, or gravel surfaces or other surfaces that could react with or dissolve when in contact with the substances stored on them.

I. "Junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, 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.

J. "Mini-Mart," See Gasoline Station.

K. "Outdoor storage" means storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

L. "Owner" means the owner of the facility or site on which the potential contamination source is located.

M. "Person" means "person" as defined in RSA 485-C:2, XI, namely "any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity."

N. "Potential contamination source" means, as specified in RSA 485-C:7, I, human activities or operations upon the land surface that pose a foreseeable risk of introducing regulated substances into the environment in such quantities as to degrade the natural groundwater quality. Examples of potential contamination sources are listed in RSA 485-C:7, II.

O. "Public water system" means 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 25 individuals daily at least 60 days out of the year.

P. "Regulated container" means any device in which a regulated substance is stored, transported, treated, disposed of, or otherwise handled, with a capacity of greater than or equal to 5 gallons, other than a fuel tank attached to a motor vehicle for the sole purpose of supplying fuel to that motor vehicle for that vehicle's normal operation.

Q. "Regulated substance" means any of the following, with the exclusion of ammonia, sodium hypochlorite, sodium hydroxide, acetic acid, sulfuric acid, potassium hydroxide, and potassium permanganate:

- (1) Oil as defined in RSA 146-A:2, III;

(2) Any substance that contains a regulated contaminant for which an ambient groundwater quality standard has been established pursuant to RSA 485-C:6; and

(3) Any substance listed in 40 CFR 302, 7-1-05 edition.

R. "Sanitary protective radius" means the area around a public water supply well which must be maintained in its natural state as required by Env-Ws 378 or 379 (for community water systems); Env-Ws 372.12 and Env-Ws 372.13 (for other public water systems).

S. "Secondary containment" means a structure, such as a berm or dike with an impervious surface, that is adequate to hold any spills or leaks at 110% of the volume of the largest regulated container in the storage area.

T. "Service Station," See Gasoline Station.

U. "Sludge" means, as defined by RSA 485-A:2, XI-a, the solid or semisolid material produced by water and wastewater treatment processes, excluding domestic septage; provided, however, sludge which is disposed of at solid waste facilities permitted by the department shall be considered solid waste and regulated under RSA 149-M. For the purposes of this ordinance, 'sludge' includes industrial sludge, sludge mixed with another sludge or material, and sludge derived from human waste.

V. "Storage area" means a place where a regulated container is kept for a period of 10 or more consecutive days.

W. "Snow dump" means, 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.

X. "Stratified-drift aquifer" means a geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

Y. "Surface water" means streams, lakes, ponds and tidal waters, including marshes, water-courses and other bodies of water, natural or artificial.

Z. "Wellhead protection area" means the surface and subsurface area surrounding a water well or wellfield supplying a community and/ or non-community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

#### 4. AQUIFER AND WELLHEAD PROTECTION DISTRICT

A. The Aquifer and Wellhead Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries:

(1) All Wellhead Protection Areas approved by the N.H. Department of Environmental Services (NH DES) for active public water supply wells in Antrim, as defined under

Section 3, part (I) of this ordinance. The district is shown on the map entitled, Town of Antrim - Aquifer and Wellhead Protection District, dated January 30, 2007.

(2) All Stratified Drift Aquifer(s) in the Town of Antrim, as delineated by the 1995 U.S.G.S. Water-Resources Investigations Report 92-4154, titled, "Geohydrology and Water Quality of Stratified-Drift Aquifers in the Contoocook River Basin, South-Central New Hampshire," and shown on the map entitled, Town of Antrim - Aquifer and Wellhead Protection District, dated January 30, 2007.

B. The Planning Board may revise or amend the aquifer and wellhead protection district boundary upon the availability of new information, new studies, or subsequent updates.

## 5. APPLICABILITY

This Ordinance applies to all uses in the Aquifer and Wellhead Protection District, except for those uses exempt under Section 12 (Exemptions) of this Ordinance.

## 6. PERFORMANCE STANDARDS

The following Performance Standards apply to all uses in the Aquifer and Wellhead Protection District unless exempt under Section 12:

A. 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 Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992 and Best Management Practices for Urban Stormwater Runoff, NH Department of Environmental Services, January 1996.

B. Conditional uses, as defined under Section 10 shall develop stormwater management and pollution prevention plans and include information consistent with Stormwater Management For Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices. (US EPA, 1992). The plan shall demonstrate that the use will:

- 1) Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater;
- 2) Demonstrate that recharge to groundwater will not result in violation of Ambient Groundwater Quality Standards (Env-Ws 410.05) at the property boundary;
- 3) Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI).

C. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 2005, and any subsequent revisions;

D. All regulated substances stored in regulated containers with a capacity of 5 gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;

E. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;

F. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;

G. Secondary containment must be provided for outdoor storage of regulated substances if an aggregate of 275 gallons or more of regulated substances are stored outdoors on any particular property;

H. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;

I. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules.

## 7. SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) PLAN

Conditional uses, as described under Section 10, part (A), using regulated substances shall submit a spill control and countermeasure (SPCC) plan to the Planning Board who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. The Planning Board reserves the right to refer the SPCC to a consultant or consultants for review and comment and the applicant shall bear all costs of such consultants. Prior to referral, the applicant shall post a performance guarantee assuring payment of such services. The SPCC shall include:

A. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.

B. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.

C. A list of all regulated substances in use and locations of use and storage;

D. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure.

E. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.

## 8. PERMITTED USES

All uses permitted by right or allowed by special exception in the underlying district are permitted in the Aquifer and Wellhead Protection District unless they are Prohibited Uses or Conditional Uses. All uses must comply with the Performance Standards unless specifically exempt under Section 12.

## 9. PROHIBITED USES

The following uses are prohibited in the Aquifer and Wellhead Protection District.

A. The development or operation of a hazardous waste disposal facility as defined under RSA 147-A;

B. Facilities that generate, treat, store, or dispose of hazardous waste subject to Env-Wm 500-900 except for;

1. Household hazardous waste centers and events regulated under Env-Wm 401.03(b)(1) and Env-Wm 501.01(b); and

2. Water remediation treatment works approved by NH DES for the treatment of contaminated ground or surface waters;

C. The storage of regulated substances in greater than household quantities (i.e. 5-gallons), unless in a free-standing container within a building or above ground with secondary containment adequate to contain 110% of the container's total storage capacity;

D. The development or operation of a solid waste landfill;

E. The outdoor storage of road salt or other deicing chemicals in bulk;

F. The development or operation of a junkyard;

G. The development or operation of a snow dump;

H. The development or operation of a wastewater or septage lagoon or sludge monofills;

I. The development or operation of a petroleum bulk plant or terminal;

J. The development or operation of gasoline stations.

K. The storage of liquid petroleum products, except the following:

1. Normal household use, outdoor maintenance, and heating of a structure;

2. Waste oil retention facilities required by statute, rule, or regulation;

3. Emergency generators required by statute, rule, or regulation;

4. Treatment works approved by NH DES for treatment of ground or surface waters;

provided that such storage, listed in items (1.) through (4.) above, is in free-standing containers within buildings or above ground with secondary containment adequate to contain a spill 110% the size of the containers total storage capacity;

L. The storage of animal manure unless covered or contained in accordance with the specifications of the United States Natural Resources Conservation Service;

M. The storage of commercial fertilizers, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

N. Non-sanitary treatment works which discharge to the ground and that are subject to Env-Ws 1500, except the following:

1. the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;

2. treatment works approved by NH DES designed for the treatment of contaminated groundwater;

## 10. CONDITIONAL USES

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted within the underlying district, if the permitted use is involved in one or more of the following:

A. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with Section 7, is approved by the Planning Board;

B. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater.

In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use and will be in compliance with the Performance Standards and Section 6 as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

## 11. EXISTING NONCONFORMING USES

Existing nonconforming uses may continue without expanding or changing to another nonconforming use, but must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices for Groundwater Protection Rules.

## 12. EXEMPTIONS

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

- A. Any private residence is exempt from all Performance Standards, except home based businesses;
- B. Any business or facility where regulated substances are not stored in containers with a capacity of 5 gallons or more is exempt from Section 6, Performance Standards, sections E through H;
- C. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard E;
- D. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards E through H;
- E. Storage and use of office supplies is exempt from Performance Standards E through H;
- F. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards E through H;
- G. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;

H. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b) are exempt from Performance Standards E through H;

I. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Section 14 of this ordinance.

### 13. RELATIONSHIP BETWEEN STATE AND LOCAL REQUIREMENTS

Where both the State and the municipality have existing requirements the more stringent shall govern.

### 14. MAINTENANCE AND INSPECTION

A. For uses requiring planning board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded, so as to run with the land on which such structures are located, at the Hillsborough County Registry of Deeds. The description so prepared shall comply with the requirements of RSA 478:4-a.

B. Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Zoning Officer, or another designated agent, at reasonable times with prior notice to the landowner.

C. All properties within the Aquifer and Wellhead Protection District known to the Zoning Officer or another designated agent as using or storing regulated substances in containers with a capacity of 5 gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under Section 12, shall be subject to inspections under this Section.

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

### 15. 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.

### 16. SAVING 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.

### 17. EFFECTIVE DATE

This ordinance shall be effective upon adoption by the municipal governing body.

Updated: 3/20/08

ARTICLE XII - FLOODPLAIN DEVELOPMENT DISTRICT (FDD)  
(Adopted March 13, 1990, Amended March 8, 1994, Amended March 13, 2007, Amended June 29, 2009)

A. Purpose

The Floodplain Development District is intended to protect all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study for the County of Hillsborough, NH" dated September 25, 2009, together with the associated Flood Insurance Rate Maps dated September 25, 2009, which are declared to be part of this ordinance.

B. Definition of Terms

1. "Area of Special Flood Hazard" is the land in the floodplain within the Town of Antrim subject to a one-percent or greater chance of flooding in any given year. The area is designated as Zone(s) A and AE on the Flood Insurance Rate Map (FIRM).
2. "Base Flood" means the flood level having a one-percent chance of being equaled or exceeded in any given year.
3. "Basement" means any area of a building having its floor subgrade on all sides.
4. "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, excavation, drilling operations, or storage of equipment or materials.
5. "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.
  - b. The usual and rapid accumulation of runoff of surface waters from any source.
6. "Flood Elevation Study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards.
7. "Flood Insurance Rate Map" (FIRM) means an official map of a community on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
8. "Flood Insurance Study" - see "Flood Elevation Study".
9. "Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

10. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
11. "Floodway" - see "Regulatory Floodway".
12. "Functionally dependent use" means a use which 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.
13. "Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
14. "Historic Structure" means any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department 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.
  - 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.
    - (2) Directly by the Secretary of the Interior in states without approved programs.
15. "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.

16. “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 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.
17. “Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
18. “Mean Sea Level” means the National Geodetic Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a FIRM are referenced.
19. “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.
20. “100 - year Flood” - see “Base Flood”.
21. “Regulatory Floodway” means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
22. “Recreational Vehicle” means a vehicle which is:
  - a. built on a single chassis;
  - b. 400 square feet or less 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.
23. “Special Flood Hazard Areas” - see “Area of Special Flood Hazard”.

24. “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.
25. “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.
26. “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.
27. “Substantial Improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds 50 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.
  - 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 which 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 the alteration will not preclude the structure’s continued designation as a “historic structure”.
28. “Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3(b)(5), (c)(4), (c)(10),

(d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

29. "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.

#### C. Permit

All proposed development in any special flood hazard areas shall require a permit. The Building Inspector or designated town agent shall review all building permit applications for new construction or substantial improvements to determine whether the proposed building site is in a floodprone area further, all new construction of substantial improvements shall:

1. Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. Be constructed with materials resistant to flood damage.
3. Be constructed by methods and practices that minimize flood damage.
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.

#### D. Water and Sewer Systems

Where new or replacement water and sewer systems (including on-site systems) are proposed in floodprone areas 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.

#### E. Certification of Flood-Proofing

The Building Inspector shall maintain for public inspection, and furnish upon request, any certification of flood-proofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement. If the structure has been floodproofed, certification shall include the as-built elevation (in relation to mean sea level) to which the structure was floodproofed. This information must be furnished by the applicant.

#### F. Permits from State and Federal Agencies

The Building Inspector shall review proposed developments to assure 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. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.

G. Alteration or Relocation of a Watercourse

1. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector. Further, the applicant shall be required to submit copies of said notification to adjacent communities as determined by the Building Inspector.
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.
3. Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.
4. Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zone AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
5. 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."

H. Construction in Flood Hazard Areas

1. In special flood hazard areas, the Building Inspector shall determine the 100-year flood elevation in the following order of precedence according to the data available.

- a. In zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
  - b. In zone A, the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from federal and state agencies, and development proposals submitted to the community (i.e. subdivisions, site plans or other sources).
2. The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in zones A and AE that:
- a. All new construction or substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation.
  - b. All new construction or substantial improvement 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 effects of buoyancy.
    - (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. Recreational vehicles placed on sites within zones A and AE shall either:
    - (1) be on the site for fewer than one hundred eighty (180) consecutive days,
    - (2) be fully licensed and ready for highway use,
    - (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.
  - d. 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 base

flood level; and be securely anchored to resist flotation, 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. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- e. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding meet the following requirements.
  - (1) The enclosed area is unfinished or flood resistant, or used 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 floodwaters. 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 floodwaters.

#### I. Variances and Appeals

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.
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.
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 \$25.00 for \$100.00 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.

4. The community shall:

- a. Maintain a record of all variance actions, including the justification for their issuance, and
- b. Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

Updated 8/24/09

ARTICLE XII-A – INSTITUTIONAL DISTRICT  
(Adopted November 6, 1990)

A. Purpose

1. The Institutional District is intended to provide for the orderly establishment of institutional uses in Antrim. The Institutional District is an overlay of all those parts of Antrim both north of Route 9 and east of a line one thousand (1,000) feet west of Liberty Farm Road.
2. The Institutional District shall be considered as overlaying any other districts established in the above area. Any use permitted in the portions of the district so overlaid shall continue to be permitted.

B. Permitted uses

1. Hospitals
2. Camps
3. Shelter Houses
4. Conference Centers
5. Colleges
6. Primary and Secondary Schools

C. Lot Requirements

- |                                       |   |
|---------------------------------------|---|
| 1. Minimum lot sizes                  | 15 acres                                  |
| 2. Minimum lot depths                 | 300 feet                                  |
| 3. Minimum setback all sides          | 100 feet                                  |
| 4. Minimum lot frontage               | 300 feet                                  |
| 5. Maximum building height            | 35 feet or 2 ½ stories, whichever is less |
| 6. Maximum permanent resident density | 6 per acre                                |

Updated 12/2/03

ARTICLE XIII - SPECIAL EXCEPTIONS  
(Adopted March 14, 1989; Amended March 13, 2007 & March 11, 2008)

A. Where the provisions of this Ordinance allow certain exception uses in various zoning districts, the Zoning Board of Adjustment may grant or deny such uses pursuant to the standards and criteria contained herein. The Board of Adjustment shall have the power to hear and decide requests for Special Exceptions to the terms of this Ordinance, and in doing so may grant approval in appropriate cases and subject to appropriate conditions and safeguards for the protection of the public health, safety and welfare. Special Exceptions may be approved if the Board finds that:

1. The proposed use may be similar to one or more of the uses already authorized in that district and is in an appropriate location for such a use.
2. Such approval would not adversely affect the neighborhood, nor otherwise be injurious, obnoxious or offensive.
3. The use will not create excessive traffic congestion, noise, or odors in the neighborhood where it is proposed.
4. Such approval would be consistent with the intent of the Zoning Ordinance.  
(Amended March 11, 2008)
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
6. If the proposed special exception is listed in Article XIII, D, then it must meet all conditions of that Article.

The Zoning Board of Adjustment cannot legally approve a special exception for a prohibited use if the ordinance does not identify that use. Furthermore, the Board of Adjustment cannot legally approve a special exception if all of the stipulated conditions cannot be met. Likewise, the Board of Adjustment cannot legally refuse to grant the special exception if the special exception is listed in the ordinance and all of the conditions are met. (Adopted March 11, 2008)

B. Upon application and in accordance with the provision of the Zoning Ordinance and rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of any one of the following Special Exceptions to the zoning district regulation. The proposed use shall also conform with all the provisions for the Special Exception use in the particular zoning district in which it is to be located, and all other provisions of the Zoning Ordinance, except as prescribed in this section. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of the Zoning Ordinance. The Board may authorize or deny a permit for the following Special Exception uses as outlined in Section D below.

C. Any addition, expansion or alteration of an existing use for which a Special Exception has been granted must receive a new Special Exception if there is expansion of over 50% of the area of the existing structure, or expansion on to new land for which a Special Exception has not been granted.

D. Special Exception Uses:

1. Conversion apartments: Permitted subject to the following conditions:
  - a. Each dwelling unit shall have separate and complete kitchen and bathroom facilities.
  - b. Each dwelling unit shall have a minimum of 400 square feet of livable floor area.
  - c. There shall be no exterior alteration of the structure except to provide for separate entrances and changes shall be in keeping with the existing architectural style of the Building. (Amended March 9, 2004)
  - d. Each unit shall have a safe and proper means of ingress and egress.
  - e. Only the dwellings shall be used for conversion apartments. (Amended March 9, 2004)
  - g. The maximum number of units shall not exceed two (2) units in any dwelling including any attached structure. (Adopted March 13, 2001)
  - h. Each conversion apartment shall have separate off-street parking as provided in Article XV.
  
2. Elderly Housing: It is declared to be in the public interest and general welfare of the Town of Antrim to encourage the development of housing for the elderly/handicapped as defined by the regulations of the U.S. Department of Housing and Urban Development, 24 CFR231-2(1) and 24 CFR885.5, as amended.

All Elderly Housing projects must satisfy the following Special Exception conditions.

Where the regulations in this subsection differ from other sections of this Zoning Ordinance, the provisions of this subsection shall take precedence.

- a. Any site proposed for elderly housing under this subsection shall be used only in conformity with the regulations of the U.S. Department of Housing and Urban Development cited in the paragraph above, and of the Farmers Home Administration of the U.S. Department of Agriculture.
  
- b. The review of any site proposed for elderly housing shall recognize the desirability of locating such developments as close as possible to those areas of the community where support services for the elderly are usually available - services such as shopping, especially food stores, medical

facilities and supplies, places of worship, public transportation, and library.

- c. Any “building” in an elderly housing project shall be separated from any other “building” in that project by at least twenty (20) feet. No single-story “building” that is part of an elderly housing project shall contain more than six (6) dwelling units. No two (2) story building that is part of any elderly housing project shall contain more than four (4) dwelling units on any floor.
- d. No elderly housing project shall contain more than sixty (60) dwelling units. A community building or room is not considered a dwelling unit and may be attached to, or incorporated in, a building containing dwelling units.
- e. No elderly housing unit shall have a total livable floor area that is less than the minimum floor area required by the U.S. Dept. of Housing and Urban Development for elderly housing units. Note: All new elderly housing developments meet the requirements of the Americans with Disabilities Act (ADA) for handicap access.
- f. All parking spaces shall be off the street right-of-way, but with direct access thereto, except that no parking spaces shall be located within the front yard setback from the street.
- g. A vehicular drop-off area to a building may be permitted within the required setback or front yard area of the project to facilitate the needs of the elderly.
- h. Each elderly housing project shall conform to the following density limitation requirement: not more than two persons shall reside in a dwelling unit.
- i. The architectural design of buildings shall be of such character as to harmonize with the neighborhood, to accomplish a transition between areas of unlike character, to protect property values in the neighborhood and to preserve the appearance of the community.
- j. The site plan and arrangement of buildings including landscaping, grading, storm drainage, sanitary sewers, outdoor illumination, vehicular access, and parking spaces shall be of such character as to harmonize with the neighborhood, to accomplish a transition between areas of unlike character, to protect property values in the neighborhood, to preserve the appearance and beauty of the community, and to avoid undue traffic congestion.

- k. If a “subdivision”, as defined in the Town of Antrim Subdivision Regulations, is involved, the applicant must obtain subdivision approval from the Antrim Planning Board, provided however, that the rental of individual dwelling units is not considered a subdivision.
3. Manufactured Housing Park: No manufactured housing used for dwelling purposes shall be constructed, erected, located or relocated within the Town of Antrim unless the same shall be located within a duly-licensed manufactured housing park or approved manufactured housing subdivision in accordance with the following provisions:
- a. Manufactured housing parks may be permitted under the Special Exception provisions contained herein and upon application to and approval by, the Zoning Board of Adjustment. Manufactured housing parks will be permitted only in the Rural District.
    - (1) Application must be made in writing and shall include a map showing the proposed location of the park, and a site plan showing the lot and street layout and describing plans for supplying adequate water, street construction, drainage and facilities for sewage disposal that will meet State requirements.
    - (2) If the Zoning Board of Adjustment determines that the proposed manufactured housing park is desirable and will be a general benefit to the Town, after a hearing in accordance with the ordinance adopted August 1, 1967 by the Town of Antrim, they shall approve the application and issue a permit.
    - (3) Any proposed manufactured housing park must meet the following requirements:
      - i. The park shall contain at least ten (10) acres.
      - ii. A minimum of ten thousand (10,000) square feet shall be provided for a single manufactured housing lot.
      - iii. Front, side and back yard setbacks shall be at least twenty-five (25) feet.
      - iv. No portion of any manufactured housing unit shall be closer than one hundred fifty (150) feet from an existing residence or the centerline of a public street.
      - v. All lots shall abut on a private right-of-way not less than fifty (50) feet wide. Roads shall be well drained, have a

gravel or hard surface, and be maintained in good condition by the owner of the park.

- vi. The owner of the park shall arrange to give the Town Clerk information showing the date of arrival, the name or the make, year, serial number, width and length of each manufactured housing unit installed and the name of the occupants and ages of minor children.
- (4) Proposed manufactured housing parks shall have received approval of the State Water Supply and Pollution Control Division prior to the issuance of a variance by the Zoning Board of Adjustment.
  - (5) Manufactured housing units, when placed upon the land and attached to a water supply and/or sewage system, are to be considered a dwelling. Also, any addition attached to such a unit changes the mobility of such unit, so that it is considered to be a dwelling whether the wheels remain or are removed.
- b. Manufactured housing subdivisions may be permitted only in the Rural and Rural Conservation districts, under the conditions specified below, and upon application to and approval by the Planning Board of a subdivision plan developed in accordance with the 1991 edition of the Antrim Subdivision and Site Plan Review Regulations as amended.
- (1) Manufactured housing subdivisions shall contain a minimum of five (5) lots.
  - (2) Each lot in a manufactured housing subdivision shall meet the lot size, frontage, depth, setback, and yard specifications for the district in which it is located.
  - (3) If located in an area served by the Antrim Water and/or Sewage Treatment System, each lot in the manufactured housing subdivision shall have a connection to the respective Town systems.
  - (4) If not located in an area served by the Antrim Water or Sewage Treatment Systems, approval of the application will not be granted by the Planning Board until the New Hampshire Water Supply and Pollution Control Division and/or the New Hampshire Water Resources Board has certified that adequate water supply and sewage disposal systems are available to serve all proposed lots.
  - (5) No more than one manufactured housing unit shall be permitted on any lot in a manufactured housing subdivision.

- (6) Application for manufactured housing subdivisions shall meet all the requirements of the 1991 edition of the Antrim Subdivision and Site Plan Review Regulations as amended.
  - (7) Plans and layouts for manufactured housing subdivision shall meet all the relevant requirements of Sections III, V and IX of the 1991 edition of the Antrim Subdivision and Site Plan Review Regulations, as amended.
  - (8) Construction of manufactured housing subdivisions shall be governed by Sections VII, VIII and IX of the 1991 edition of the Antrim Subdivision and Site Plan Review Regulations, as amended.
4. Recreation Vehicle Parks and Campgrounds: Recreation vehicle parks and campgrounds are allowed in accordance with all applicable regulations of the State of New Hampshire and are allowed only in the Rural District and the Rural Conservation District as a Special Exception granted by the Zoning Board of Adjustment.
5. Junk Yards and Automobile Graveyards: See the provisions of Article XIV, 10.
6. Accessory Living Units: Permitted subject to the following conditions: (Adopted March 9, 2004; Amended March 13, 2007)
- Purpose & Intent: In order to provide for non-rental housing alternatives for immediate family members or family caregivers, a single family home may contain not more than one (1) accessory living unit.
- a. The unit shall be within or attached to the primary dwelling unit. A detached accessory living unit is allowed when located on a lot that has twice the minimum required lot size.
  - b. The unit shall be occupied as a residence by no more than two (2) persons
  - c. The dwelling unit shall have a minimum area of 400 square feet of livable floor area but shall not exceed twenty-five percent (25%) of the total floor area.
  - d. The unit shall have a separate entrance and shall have adequate egress in the case of fire or other hazard. The additional entrances shall be located to the side or the rear of the building.
  - e. Any changes to the structure shall be in keeping with the existing architectural style of the building.

- f. The sewerage disposal system designed for the residence, either existing or as it may be modified, shall be approved by the New Hampshire Division of Water Supply and Pollution Control and must meet any other applicable regulations.
- g. At least one (1) common interior access between the principal dwelling unit and the accessory living unit will be provided.
- h. Separate utility service connections and/or meters for the primary dwelling unit and the accessory living unit are not permitted.
- i. Each accessory living unit shall have separate off-street parking as provided in Article XV.
- j. The house number for the accessory living unit shall be determined at the time of the building permit application.
- k. If a property containing an accessory living unit is conveyed and the new owner wishes to maintain the accessory unit, the new owner shall apply for a certificate of occupancy for the dwelling unit. The purpose is to ensure that one of the two dwellings is owner occupied.
- l. An accessory living unit is limited to one bedroom.
- m. There shall be no occupancy of an accessory living unit until the Building Inspector has issued a certificate of occupancy.
- n. The driveway shall be designed so as to appear as a driveway of a single-family residence and no new curb cut from the street shall be constructed.

Updated 3/20/08

## ARTICLE XIV - SUPPLEMENTAL REGULATIONS

(Adopted March 14, 1989. Amended: March 13, 2007; March 11, 2008; March 10, 2015; March 8, 2016)

The provisions of this Zoning Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following Supplemental Regulations. Note: These regulations may not be in alphabetical order.

### A. Additional Dwellings

1. Residential uses: Individual lots or parcels shall have no building or buildings in addition to the principal building on the same lot used for living purposes except in the case of multi-family or cluster developments where more than one dwelling may be permitted on a lot.
2. Nonresidential uses: Where a lot or tract is used for a non-residential purpose, more than one principal building may be located upon the lot or tract but only when such buildings conform to all open space and yard requirements for the district in which the lot or tract is located.

### B. Cellar Dwellings: No dwelling unit shall be placed in a cellar.

C. Clear Sight Triangle: A clear sight triangle shall be a triangular area of unobstructed vision on corner lots formed by a one hundred (100) foot sight line along the centerline of a secondary or primary road, by a twenty-five (25) foot sight line from the right-of-way along the centerline of a local street and by a line joining these two sight lines at the greatest distance from their intersection. In order to prevent the creation of a traffic hazard by limiting visibility, no structure, building, earthen bank or planting shall be allowed within this area that obstructs vision as defined above.

### D. Accessory Buildings: No accessory building shall be used for residential purposes.

E. Essential Services: Essential services, such as, including but not limited to the provision of gas, electricity, water, waste water, or telephone shall be permitted in all districts, subject to restrictions recommended by the Planning Board and approved by the Zoning Board of Adjustment with respect to use, design, yard area, setback and height.

### F. Fences or Hedges: Subject to the following conditions, fences may be erected along boundaries of a lot:

1. Fences, hedges, or other plantings, structures or walls at street corners shall not be located so as to interfere with the clear sight triangle on corner lots. The height of such objects is restricted to three (3) feet within the clear sight triangle above the centerline of the adjacent road surface.
2. In all districts, fences may be erected to a height not exceeding six (6) feet.

3. Walls and fences shall be exempt from side and rear yard requirements noted in the previous Zoning Districts. In existing developments, walls and fences shall not be placed closer than one (1) foot from the adjacent property line. However, upon the submission of properly executed joint maintenance easement agreements between adjacent property owners, walls and fences may be placed on the property line. Such agreements shall be reviewed and approved by the Board of Selectmen or the Zoning Officer. In the case of new subdivisions or land developments where walls and/or fences are contemplated or proposed as part of the architectural design (to serve as privacy screens and/or decorative separations between properties), a five (5) foot maintenance easement shall be required on either side of the wall or fence.

G. General Storage: No lot or premise shall be used as a storage area for junk automobiles, appliances or the storage or collection of any other miscellaneous items. Also, no lot or premise shall be used as a garbage dump or a dead animal rendering plant nor may any manure, rubbish or miscellaneous refuse be stored in the open within any District where the same may be construed as a menace to the public health or safety.

H. Height Regulation Exceptions

1. Public, semipublic or public service buildings, hospitals, public institutions, schools, churches or temples, when permitted in a district, may be erected to a height not exceeding fifty (50) feet, if the building is set back from each yard line at least one (1) foot for each additional two (2) feet of building height above the height limit otherwise specified in the district in which the building is located.
2. Special industrial structures such as cooling towers, elevator bulkheads, fire towers, tanks and water towers that require a greater height than allowed in the district may be erected provided:
  - a. The structure shall not occupy more than twenty five (25) percent of the lot area.
  - b. The yard requirements of the district in which the structure is erected shall be increased by one (1) foot for each foot of height over the maximum height permitted.
3. The height limitations of this Zoning Ordinance shall not apply to flagpoles, church spires, belfries, chimneys or antennas. For the purposes of this Ordinance, this exemption does not apply to Personal Wireless Service Facilities.

I. Junk Yards: All junk yards, automobile graveyards, etc. as defined in this Ordinance and established after the effective date of this Ordinance, shall comply with provisions of RSA 236 sections 90-129 as amended. They shall also comply with the following provisions and other applicable Town or State regulations. Where there is a conflict between regulations, the more restrictive regulation(s) shall apply.

1. Locational requirements for the aforementioned facilities shall comply with the requirements of RSA 236:96 and RSA 236:118 as amended and other applicable setback requirements for the district in which the facility is located.
2. No material shall be placed in any establishment in such a manner that is capable of being transferred off the premises by wind, water or other natural causes.
3. No material shall be placed or stored within the required front, side, or rear yard setback area. All yard setback areas shall at all times be clean, vacant and well maintained. All unpaved yard setback areas shall be covered with grass or similar vegetative material.
4. All paper, cloth, rags and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
5. No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be attended and controlled at all times.
6. All junk yards shall be maintained in such a manner as to not create a public or private nuisance, nor cause any offensive or noxious sounds or odors, nor cause the breeding or harboring of rats, flies or other vectors.
7. The establishment shall at all times be maintained in such a manner as to prevent (1) any menace to public health and safety, (2) offensive or obnoxious odors, (3) the breeding, harboring or infecting of rats and other rodents and vermin, and (4) violation of any health or sanitary law, ordinance or regulation of the Town of Antrim or the State of New Hampshire.
8. No burning shall be permitted on the premises except in suitable containers. Fire hazards shall be minimized by the segregation of combustible from noncombustible materials and the provision of adequate aisles for access for fire fighting equipment.
9. The storage of material shall not exceed ten (10) feet in height.
10. The manner of storage and arrangement of junk and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water.
11. Every structure erected upon the lot after the effective date of this Ordinance shall be of fireproof construction.

J. Patios: A patio, as defined in Article III, constructed at “grade level” and with no roof or walls, may extend into any required yard space. However, at any point in the future, only that portion of the patio that is within the required building setback lines may be enclosed by applying for a building permit. (Amended March 11, 2008)

K. Private Swimming Pools: Private swimming pools, including above-ground and in-ground pools, shall comply with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
2. It may be located only in the rear yard or side yard of the property on which it is an accessory use.
3. The pool, including any above-ground decking, shall be within the setback lines for the zoning district in which the pool is located. (Adopted March 13, 2007)
4. The swimming pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall not be less than four (4) feet but not more than six (6) feet in height and maintained in good condition. When a fence is used, it shall not have any openings greater than two (2) inches in width, except for necessary gates; and when fence is formed of metal or wire, such metal or wire shall not be less than number six (6) gauge.

L. Recreational Vehicles and Recreational Equipment: Trailers as defined within the terms of this Zoning Ordinance and including travel trailers, pickup campers or coaches, motorized homes, boat trailers and other recreational equipment may be parked or stored subject to the following requirements:

1. Major recreational equipment as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.
2. Occupancy: No such units shall be used for living, sleeping or housekeeping purposes except under the following conditions:

Travel trailers, pickup campers or coaches, motorized dwellings and tent trailers may be temporarily parked and occupied for sleeping and living purposes in areas other than designated recreation vehicle parks or campgrounds but only in accordance with the following provisions:

- a. The temporary parking and occupancy shall not exceed twenty—one (21) days.
- b. Such units shall be parked on adequate off-street parking areas.
- c. Such units may be parked and occupied as temporary housing on the same lot where a dwelling is being constructed provided:

- (1) The unit will only be occupied six (6) months from issuance of a building permit unless extended by the Board of Selectmen, regardless of (2)(a). below.
  - (2) Sanitary (domestic) sewage will be disposed of by using one of the following methods:
    - (a) The unit will be connected to the Town sewer system.
    - (b) The unit will be connected to a State-approved septic system.
    - (c) The unit will be served by a State-approved portable toilet facility.
    - (d) The unit will have its own self-contained sanitary system and formal provisions will be made to have the sewage disposed at the Antrim Sewage Treatment Plant.
3. Permanent Parking and Storage of Camping and Recreational Equipment: Permanent storage of such equipment shall be permitted in any Zoning District provided parking of the unit conforms with all applicable yard setback requirements of the Zoning District.
4. Spacing: Major recreational equipment six (6) feet or more in average height above the ground shall be governed as to spacing with respect to buildings on the lot as though it were a building.
5. Lot Coverage: Major recreational equipment six (6) feet or more in average height shall be included on the same basis as buildings for regulation of lot coverage by all buildings with area covered computed on the basis of the largest horizontal area covered by such equipment.
6. Derelicts: No major recreational equipment shall be stored outdoors on a residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it is intended.
- M. Temporary Uses: The following uses are permitted temporarily (from a period of one (1) to four (4) weeks in one calendar year, except as provided in 4. below). A permit is required from the Board of Selectmen or Zoning Officer (see Article XVIII, D.).
1. Christmas tree sales in the Highway and Village Business Districts.

2. Carnivals, circuses and street fairs in Highway and Village Business or the Rural Districts.
3. Mobile amusement and lighting equipment for promotion, advertisement and grand openings in Highway and Village Business Districts.
4. A manufactured housing unit may be used as a construction trailer or a temporary dwelling following a fire and/or other disaster or during construction of permanent housing subject to the following conditions:
  - a. The unit is temporarily installed on the same premises as the damaged residence.
  - b. The unit is connected to the Town sewer system, or the existing and functioning State-approved septic system.
  - c. A permit for temporary occupancy is secured from the Board of Selectmen or Zoning Officer.
  - d. The temporary occupancy shall not exceed nine (9) months.
  - e. The manufactured housing must be removed after the approved period of occupancy.

N. Yard Requirements

1. All yards required under this Zoning Ordinance shall be unobstructed by any building or structure in excess of twenty-four (24) square feet, except for accessory buildings in the rear and side yards and fences.
2. The following structures may project into the required yards as established in this Zoning Ordinance:
  - a. Steps, stoops and handicapped access ramps.
  - b. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projection of chimneys and flues into the rear or side yard not exceeding three and one-half (3 1/2) feet in width and placed so as not to obstruct light and ventilation.
  - c. Sills, eaves, belt courses, cornices and ornamental features not exceeding two (2) feet in width.
  - d. Patios.

3. The front yard requirements heretofore established shall be adjusted in the Village Business District and Residential District in the following cases: (Amended March 11, 2008)
  - a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front cornices of the adjacent structures on the two (2) sides.
  - b. When a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
4. Irregular Lots: Where any main wall of a structure located on any irregularly shaped lot does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line at every point shall be at least equal to the minimum dimension required for the yard or distance to the lot line.

O. Home Occupations: (Amended March 11, 2008)

1. Conducted solely by resident members of the immediate family and one non-resident employee.
2. Clearly secondary to the use of the dwelling for dwelling purposes.
3. Not change the residential character of the dwelling in any visible manner.
4. Not create objectionable noise, odor, vibration, smoke, dust, heat, glare, or unsightly conditions noticeable off the premises.
5. Not create electronic interference.
6. Not create a health or safety hazard.
7. Not show any exterior evidence of a home occupation except for signs as permitted in Article XVII, Section D – Signs Permitted in All Districts without Permit. (Amended March 22, 2012)
8. Provide off-street parking facilities for any employees and visitors, as provided in Article XV.

P. Ruins: No owner or occupant of land in any district shall permit fire or other ruins to be left, but shall remove and/or fill same to ground level within six (6) months after the event that caused such ruins.

Q. Light Manufacturing: (Adopted March 13, 1990) An establishment engaged in manufacturing, assembly, compounding, processing/packaging, treatment or distribution of projects including primary product production from raw materials, or production of services, but excluding establishments which produce or emit toxic or noxious gases, odors or fumes, excessive noise, vibration or electrical interference, or similar substances or conditions onto adjacent or other properties.

1. All manufacturing must be carried on within the primary building(s) if located in the Village Business District.
2. No less than one (1) parking space per employee shall be provided.

R. Back Lots: (Adopted March 10, 1992 & Amended March 11, 2008) One back lot shall be allowed for each front lot with the following provisions.

1. The front lot shall: Meet all the requirements for the district in which it is located.
2. The back lot shall:
  - a. Have a minimum lot size of not less than three (3) times the required lot size for the district in which it is located.
  - b. Have a minimum frontage of fifty (50) feet which shall serve as access right-of-way owned in fee simple by the owner of the back lot. The area of the right-of-way shall be included in the size of the back lot.
  - c. Meet all the other yard requirements of the district in which it is located. In the back lot, the front yard setback will be measured from the property line closest to the nearest street right-of-way line.
3. Creation of back lots will require normal subdivision approval.
4. The further subdivision of back lots after their establishment will require additional subdivision approval from the Planning Board.

S. Recreation Facilities

1. Such facilities shall not include activities that create excessive noise or disturbance in the neighborhood.
2. One permanent caretaker residence is allowed per facility.
3. Public or non-commercial facilities may charge user or membership fees to cover the cost of operation.

T. Farm Employee Housing: Additional housing shall be permitted without subdivision of the land providing:

1. It is used strictly for farm employees,
2. It complies with all building and all other zoning requirements,
3. If and when the farming operation ceases,
  - a. The building shall be removed, or
  - b. The land shall be subdivided in accordance with the requirements in effect when the building permit was issued.

U. Manufactured Housing Units

1. Manufactured Housing Units located on individual lots require a permanent foundation approved by the Zoning Officer (Adopted March 13, 2001)
2. Skirting of Manufactured Housing Units may be required at the discretion of the Zoning Officer (Adopted March 13, 2001)
3. Standards of construction for Manufactured Housing Units must meet current HUD Code requirements (Adopted March 13, 2001)

V. Duplex Housing (Adopted March 9, 2004, Amended March 13, 2007)

1. Each duplex shall be served by a single curb cut only.
2. The units shall be separated by a firewall per the BOCA Building Code.
3. Each unit must have separate and independent heating/cooling and electrical systems.
4. There shall be no interior egress between units.

W. Multifamily Dwellings

Multifamily dwellings shall only be permitted on property served by municipal water and sewer. (Adopted March 10, 2005)

X. Lighting Standards (Adopted March 8, 2016)

1. The purpose of this section is to maintain the rural character of Antrim in part by preserving the visibility of night-time skies and minimizing the impact of artificial lighting on nocturnal wildlife, while at the same time recognizing the importance of lighting for safety and security.

2. These standards apply to any new outside lighting, whether or not the proposal is part of a site plan review. Removing or replacing any existing fixtures will require the lighting to comply with these standards.
3. The following are exempt from the provisions of this sections: Emergency lighting required by local, state and/or federal entities; temporary construction lighting; seasonal holiday decorative lighting; flag illumination; and any lighting that emits less than 1800 lumens.
4. Moving, fluttering, blinking or flashing lights are not permitted, except as seasonal holiday decorations.
5. No new lighting may use mercury vapor lights, and all must use the most energy-efficient luminaires available at the time of application.
6. All new lighting must be designed, constructed and installed so as to control glare and light trespass, including being fully shielded so that the illumination is directed downward. No light from any luminaire shall extend beyond its property line.
7. Total illumination shall be the lowest intensity possible for the intended use.
8. Lighting at businesses shall be reduced after hours, if not turned off; motion detector lighting is recommended.
9. Height Limitations: No new lighting fixture may exceed the height calculated accordingly:  $\text{Height} = 3 + \text{Distance in Feet from the Property Line}/3$ . (For example, if the Light Pole is proposed to be located 10 feet from the Property Line, then  $3 + (10/3) = 6$  feet of maximum height.)
10. A Lighting Plan may be required of the applicant during Site Plan Review or the Building Permit application, if it is deemed necessary to determine compliance with these regulations.
11. Definitions:
  - a. Fully Shielded – Means that all light that is emitted is projected below the horizontal plane.
  - b. Glare – Means excessive brightness that makes it difficult to see or that causes discomfort.
  - c. Light Trespass – Means light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.

- d. Lighting Plan – Means a visual and/or narrative depiction of the location, height, type of fixture(s) and intensity of all proposed lighting. If deemed necessary, a plan showing that the lighting does not leave the property will be required.
- e. Lumen – Means a unit of luminous flux. One foot-candle equals one Lumen per square foot.
- f. Luminaire – Means a complete lighting unit that consists of a lamp or lamps together with the parts that distribute the light, position and protect the lamps, and connect the lamps to the power supply.

ARTICLE XIV-A HOME BASED BUSINESSES  
(Adopted March 13, 2007)

1. PURPOSE

- A. Permit residents of the community the use of their homes as a place of livelihood for the production or supplementing of personal and family income.
- B. Protect the community at large and neighboring properties from potential adverse impacts of activities associated with home based businesses.
- C. Establish regulatory criteria and standards for home based businesses.

2. DEFINITIONS

Home Based Business - Any commercial activity engaged in by the resident or residents of a property that is clearly secondary to the use of the property as a residence. Any activity that meets at least one of the below listed criteria will be considered a Home Based Business for purposes of this ordinance.

3. CRITERIA FOR HOME BASED BUSINESS

Any activity that meets at least one of the below listed criteria will be considered a Home Based Business for purposes of this ordinance.

- A. The commercial activity on the premises is not performed entirely within a dwelling or structure accessory to the dwelling.
- B. The number of on premises, non-resident employees is greater than one.
- C. Changes the residential character of the property in any visible manner.
- D. Shows exterior evidence of the commercial activity except for signs as permitted in article XVII of Antrim's zoning ordinances.
- E. Displays or stores materials, goods, supplies or equipment outdoors.
- F. Parks or stores more than two (2) vehicles used in the commercial activity on the premises.
- G. Involves the presence of mechanical equipment used in a business.

4. CONSTRAINTS

Home Based Businesses must:

- A. Not create objectionable noise, odor, vibration, smoke, dust, heat, glare or unsightly conditions noticeable off the premises.
- B. Not create electronic interference.
- C. Not create a safety, health, or environmental hazard.
- D. Provide for adequate off-street parking facilities for employees and visitors.
- E. Not be allowed in Multi-family dwellings.

## 5. ADMINISTRATION AND ENFORCEMENT

### Home Based Business Permit

- A. Purpose – The purpose of a home based business permit is to:
  - 1. Ensure the applicant understands the conditions set forth in the ordinance for the operation of a home based business.
  - 2. Gives the town access to data that can be used to assess the economic vitality of the community and develop appropriate planning ordinances and regulations.
- B. Authority – The Planning Board has the authority to grant home based business permits.
- C. Home Based Businesses require a home based business permit in order to operate.
- D. Appeals – The decision of the Planning Board may be appealed to the Antrim Zoning Board of Adjustment.
- E. Time period – Home Based Business Permits are granted for an indefinite time period or until a change of ownership.
- F. The Board of Selectmen has the authority to revoke a home based business permit upon a determination that the home based business is not in compliance with the conditions set forth in this ordinance.
- G. Site Plan Review – The Planning Board will require a Site Plan Review when:
  - 1. Any existing commercial activity being performed rises to the level of a home based business.
  - 2. Any change of use that results in the commercial activity meeting the criteria for a Home Based Business.

Updated 3/13/07

## ARTICLE XIV-B - PERSONAL WIRELESS SERVICE FACILITY

(Adopted March 13, 2001. Amended: March 13, 2007; March 10, 2009; March 10, 2015; March 8, 2016)

1. **AUTHORITY.** This Ordinance is adopted by the Town Antrim in accordance with the authority granted by the New Hampshire Revised Statutes Annotated 674:16. In addition, pursuant to the provisions of NH RSA 674:21, the Antrim Planning Board is hereby granted the authority to issue Conditional Use Permits for the establishment of Personal Wireless Services Facilities, subject to the provisions in this Ordinance.
2. **PURPOSE AND INTENT.** It is the express purpose of this Article to permit the location of personal wireless service facilities, (PWSFs), within particular areas of the Town of Antrim, hereafter called the Town, that enhance and fulfill the following goals:
  - a. Preserve the authority of the Town to regulate and to provide for reasonable opportunity for the siting of PWSFs, by enhancing the ability of providers of PWSFs to provide such services to the community quickly, effectively and efficiently, while preserving unique viewsheds and scenic values of the Town.
  - b. Provide for PWSFs that are consistent with appropriate land use regulations that ensure compatibility with the visual and environmental features of the Town and that eliminate or mitigate the visual impacts of PWSFs. Compatibility with the visual features of the Town is measured based on the change in community scale and character as defined below.
  - c. Reduce adverse impacts such facilities may create, including, but not limited to: impacts on environmentally sensitive areas, historically significant locations, migratory bird flight corridors, health and safety, and prosperity through protection of property values.
  - d. Encourage carriers to locate PWSFs on existing buildings and structures and permit new ground mounted PWSFs only when the use of existing structures and buildings is found to be not feasible.
  - e. Require co-location, both vertical and horizontal, to the greatest extent possible, in order to reduce cumulative adverse impacts on the Town.
  - f. Provide for the review of all applications for PWSFs through an assessment of technology, current locational options, future available locations, innovative siting techniques and siting possibilities beyond the jurisdiction of the Town. The review of a PWSF application shall be on the basis of the site being built using all positions on the mount.
3. **APPLICABILITY.** The terms of this Article and any application sections of the Subdivision and Site Plan Review Regulations shall apply to PWSFs proposed to be located on property owned by the Town, on privately owned property, and on property that is owned by any other governmental entity that acts in its proprietary capacity to lease such property.
4. **DEFINITIONS.** In addition to relevant definitions found elsewhere in the Zoning Ordinance and the Subdivision and Site Plan Review Regulations, the following definitions apply specifically to PWSFs:

- a. Antenna. The surface from which wireless radio signals are sent and/or received by a PWSF.
- b. Antenna Array. A collection of antennas attached to a mount to send and receive radio signals
- c. Average Tree Canopy Height. An average height found by inventorying the height, at above ground level (AGL), of all trees over twenty (20) feet in height within the area that extends for a distance of one-hundred fifty feet (150') feet from the base of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest. Trees that will be removed for construction shall NOT be used in this calculation.
- d. Camouflaged. A PWSF that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.
- e. Carrier. A Company that provides personal wireless services also sometimes referred to as a provider.
- f. Co-location. The use of a single mount on the ground by more than one carrier (vertical co-location), or the use of more than one mount on the same site by more than one carrier (horizontal co-location), or the use of several mounts on an existing building or structure by more than one carrier.
- g. Community Scale. Compatibility between the Proposed PWSF and its surroundings in relation to the height, mass, materials, contrasts, and proportion of the proposed facility and its surroundings.
- h. Environmental Assessment (EA). An EA is a document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a PWSF is placed in certain designated areas.
- i. Equipment Shelter. An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which are housed equipment for PWSFs such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.
- j. Fall Zone. The area on the ground from the base of a ground mounted personal wireless service facility that forms a circle with a diameter equal to twice the height of the facility, including any antennas or other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.
- k. Guyed Tower. A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.
- l. Height. The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.
- m. Lattice Tower. A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding.
- n. Mast. A thin pole that resembles a street light standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

- o. Monopole. A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material that is designed for the placement of antennas and arrays along the shaft.
  - p. Mount. The structure or surface upon which antennas are mounted, (interior or exterior) including the following four types of mounts:
    - i. Roof-mounted. Mounted on the roof of a building.
    - ii. Side-mounted. Mounted on the side of a building.
    - iii. Ground-mounted. Mounted on the ground.
    - iv. Structure-mounted. Mounted on a structure other than a building.
  - q. Personal Wireless Service Facility (PWSF). Facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996, as amended. PWSFs include a mount, antenna, equipment shelter, and other related equipment.
  - r. Personal Wireless Services. The three types of services covered by this Ordinance: Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended.
  - s. Radio Frequency (RF) Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.
  - t. Radio Frequency Radiation (RFR). The emissions from PWSFs.
  - u. Security Barrier. A wall, fence, or berm that restricts an area from unauthorized entry or trespass.
  - v. Separation. The distance between one carrier's array of antennas and another carrier's array.
5. LOCATION OF TELECOMMUNICATIONS FACILITIES. PWSFs proposed to be located in or on existing structures shall be permitted in all zoning districts. Ground-mounted PWSFs may be permitted in the Highway Business District, Rural, Rural Conservation, and Lakefront District. Ground-mounted PWSFs will not be allowed in the Residential or Village Residential Districts.
6. PERMITTED USES.
- a. Principal or Secondary Use. Telecommunications facilities may be considered either principal or secondary uses. Having an existing-permitted use on site shall not preclude the addition of a facility as a Secondary Use as long as all other provisions of the Ordinance are met. A different existing use or an existing structure on the same lot shall not preclude the installation of a facility on such lot. Facilities that are installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
  - b. Existing Structures: Collocation and/or modification applications shall be reviewed for conformance with applicable building permit requirements, but shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, or public hearing review, according to the procedure outlined in RSA 12-K:10.

- c. Ground-Mounted Facility: Ground-mounted facilities will be allowed only after the Board finds that there are no suitable existing structures available. The burden of proof is on the applicant and the applicant shall address the following in making this case:
    - i. The applicant shall submit to the Planning Board a list of all contacts made with owners of potential sites regarding the availability of potential space for a PWSF. Said list shall describe and identify these potential sites. If the Planning Board informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.
    - ii. The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the U.S. Post Office shall be provided for each owner of existing structures that was contacted.
    - iii. If the applicant claims that a structure is not capable of physically supporting a PWSF, this claim must be certified by a licensed professional civil engineer. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the PWSF without unreasonable costs. The estimated cost shall be provided to the Planning Board.
  - d. Any alteration of the original permitted use and device configuration of the facility will require a new approval.
  - e. Amateur Radio; Receive-Only Antennas. This Ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. This Ordinance adopts the provisions and limitations as referenced in RSA 674:16, IV.
  - f. These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict or conflicting.
7. CONSTRUCTION PERFORMANCE REQUIREMENTS:
- a. Federal Requirements. All facilities must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed, the owners of facilities governed by this Ordinance shall bring these into compliance within six (6) months of the effective date of the changes, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring facilities into compliance with any changes shall constitute grounds for the removal of the tower or antenna at the owner's expense, in accordance with Section 12 through the execution of the posted security.
  - b. Building Codes/Safety Standards. To ensure the structural integrity of towers and antennas, the Planning Board may require that all facilities be inspected at predetermined intervals by an engineer approved by the Town, with the cost to be paid by the owner. The engineer will submit a report to the Town. If the report concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, the owner will receive notice that he/she has 30 days to bring such tower into compliance with the standards. If the owner fails to comply within 30 days, such action shall

constitute an abandonment and grounds for the removal, in accordance with Section 12, of the tower or antenna, at the owner's expense through execution of the posted security.

## 8. DIMENSIONAL REQUIREMENTS

- a. For purposes of determining whether the installation complies with district development regulations, including but not limited to setback and lot coverage requirements, the dimensions of the entire lot shall control, even though the facility may be located on leased parcels within such lots.
- b. Height, Maximum. In no case shall a PWSF exceed one hundred (100) feet in height.
- c. Ground-mounted PWSFs shall not project higher than (20) twenty feet above the average tree canopy height of the trees located within an area defined by a (50) foot radius or perimeter of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest.
- d. Height, Existing Structures and Utility Poles. Carriers that locate new PWSFs on water towers, electric transmission and distribution towers, utility poles and similar existing utility structures, guyed towers, lattice towers, masts, and monopoles may be permitted to increase the height of those structures no more than fifteen (15) feet.
- e. Height, Other Existing Structures. The height of a PWSF shall not increase the height of a structure by more than fifteen (15) feet, unless the facility is completely camouflaged; for example a facility completely within a flagpole, steeple, or chimney. The increase in the height of the structure shall be in scale and proportion to the structure as originally configured. A carrier may locate a PWSF on a building that is legally nonconforming with respect to height, provided that the provisions of this Article are met.
- f. Setbacks. All PWSFs and their related equipment and shelters shall comply with the building setback provisions of the zoning district in which the facility is located. No portion of the facility except roads shall be located within 300 feet of any abutting structure.
- g. Fall Zone for Ground Mounts. In order to ensure public safety, the minimum distance from the base of any ground-mount of a PWSF to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance equal to the fall zone, as defined in this Article. The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the site plan review. The Planning Board, at its discretion, may reduce or eliminate the fall zone. Fall zones for PWSFs may overlap.
- h. Fall Zone for Non-Ground Mounts. In the event that an existing structure is proposed as a mount for a PWSF, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing nonconforming structures, PWSFs and their equipment shelters shall not increase any non-conformity.

## 9. PERFORMANCE STANDARDS

- a. **Visibility.** The applicant is encouraged to utilize enhancements to the property and must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the Town.

(1) Visual impacts are measured on the basis of:

- (a) Change in community scale, as exhibited in relative height, mass or proportion of the PWSF within their proposed surroundings.
- (b) New visible elements proposed on a contrasting background.
- (c) Different colors and textures proposed against a contrasting background.
- (d) Use of materials that are foreign to the existing environment.

(2) Enhancements are measured on the basis of:

- (a) Conservation of opportunities to maintain community scale, e.g. buffering areas and low-lying buildings should not be compromised so as to start a trend away from the existing community scale.
- (b) Amount and type of landscaping and/or natural vegetation.
- (c) Preservation of view corridors, vistas, and viewsheds.
- (d) Continuation of existing colors, textures, and materials.

(3) Visibility focuses on:

- (a) Eliminating or mitigating visual impact.
- (b) Protecting, continuing, and enhancing the existing environment.

- (4) Camouflage for Facilities on Existing Buildings or Structures - Roof Mounts. When a PWSF extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

- (5) Camouflage for Facilities on Existing Buildings or Structures - Side Mounts. PWSFs which are side mounted shall blend with the existing building's architecture and the panels shall be painted or shielded with material consistent with the design features and materials of the building. All surfaces shall be non-reflective.

- (6) Camouflage for Ground-Mounted Facilities. All ground-mounted PWSFs shall be surrounded by a buffer of dense tree growth that extends continuously for a minimum distance of one hundred and fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest, and screens views of the facility in all directions. These trees must be existing on the subject property, planted on site, or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate or alter the required buffer based on site conditions as long as such action does

not deviate from the purpose and intent of this Article. The one hundred fifty (150) foot vegetative buffer area shall be protected by a landscape easement or be within the area of the applicant's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property.

- a. Color. To the extent that any PWSFs extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings. All surfaces shall be non-reflective.
- b. Equipment Shelters. Equipment shelters for PWSFs shall be designed consistent with one of the following design standards:
  - (1) Equipment shelters shall be located in underground vaults; or
  - (2) Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the PWSF; or
  - (3) Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or
  - (4) If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.
- d. Lighting, Signage, and Security
  - (1) Lighting: The mounts of PWSFs shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.0 initial foot-candles.
  - (2) Signage: PWSFs shall not contain any permanent or temporary signs, writing, symbols or any graphic representation of any kind except those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of the Town's sign ordinance.
  - (3) Security: PWSFs shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
- e. Historic Buildings.
  - (1) Any PWSF located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
  - (2) Any alteration made to an historic structure to accommodate a PWSF shall be fully reversible.

- (3) PWSFs authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.
- f. Scenic Landscapes and Vistas. Ground-mounted facilities shall not be located within open areas that are clearly visible from public roads, recreational areas, nearby or abutting properties unless these PWSFs are hidden or disguised in such a way so as to blend in with their surroundings. For example, the Planning Board may find a PWSF disguised as a flagpole to be acceptable.
  - g. Driveways. If available, existing entrances and driveways to serve a PWSF shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic, and environmental impact. New driveways to serve a PWSF shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is encouraged.
  - h. Antenna Types. Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount. A larger diameter antenna array may be permitted after a finding by the Planning Board that the visual impacts of a larger antenna array are negligible.
  - i. Ground and Roof Mounts. All ground mounts shall be of a mast or monopole type mount. Lattice towers, guyed towers, and roof mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction project permitted under Section 6 (f).
  - j. Hazardous Waste. No hazardous waste shall be discharged on the site of any PWSF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.
  - k. Radio Frequency Radiation (RFR) Standards. All equipment proposed for a PWSF shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation (FCC Guidelines), under *Report and Order*, FCC 96-326, published on August 1, 1996, and all subsequent amendments.
  - l. Migrating Bird Protection. The applicant shall submit a plan indicating methods that it shall use to mitigate adverse impacts on migrating bird populations.

## 10. PROCEDURE

- a. Telecommunications Facilities are permitted only after obtaining a Conditional Use Permit from the Planning Board. All such uses must comply with other applicable ordinances and regulations of the Town of Antrim.
- b. In granting the Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties, and preserve the intent of this Ordinance.
- b. Balloon/Crane Test. The Planning Board may require a certified balloon test and/or crane test accurately simulating the height and location of the proposed PWSF. Public

notice shall be given of the date and time of such test not less than 10 days prior thereto. The applicant shall provide photographs of such test from locations around Antrim; in addition, the Board may require photographs of the test within 20 miles from which the balloon(s) or crane is visible.

- c. The Planning Board may hire an expert of its choice to review applications. Such experts may include, but not be limited to Planning Experts, Technical Experts, Engineering Experts, Legal Experts, and Surveying Experts. All such expenses incurred shall be borne by the applicant.
- d. Procedure on Application.
  - i. The Planning Board shall act upon the application in accordance with the procedural requirements of the Site Plan Review Regulations and RSA 676:4.
  - ii. Regional public notice will be provided to all municipalities within a 20-mile radius of the proposed site in accordance with RSA 12-K: 7.
  - iii. Decisions. All decisions shall be rendered in writing. A denial must be based upon substantial evidence contained in the written record.
  - iv. Plan Requirements. Each applicant requesting a Conditional Use Permit under this Ordinance shall submit a plan in accordance with the applicable submission requirements of the Antrim Site Plan Review Regulations.
  - v. Other Information Required. In order to assess compliance with this Ordinance, the Planning Board may require the applicant to submit the following prior to any approval by the Board:
    - a. Propagation map showing proposed radio frequency coverage.
    - b. Photographic documentation of the balloon/crane test(s).
    - c. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.
    - d. The applicant shall submit written proof that it has conducted an evaluation of any requirements of the National Environmental Policy Act (NEPA) pertaining to the proposed facility, as may be required under applicable FCC rules, and the results of any such evaluation. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and/or NEPA, the applicant shall submit the EA or EIS to the Board prior to the beginning of the federal 30-day comment period; the Town proceedings with respect to the proposed facility shall become part of the FCC application requirements.
    - e. The number of sites for telecommunication facilities each provider will require;
    - f. Sites outside of the Town for the particular coverage area that are being considered;

- g. How the siting of a telecommunication facility will affect the ability to allow a competitor's antennas on the same property;
- h. Studies of alternative sites in Town that have been considered for siting.
- i. Copies of the federal license from the FCC proving that they, or their contracted client, are eligible to deploy their systems under the Federal Telecommunications Act of 1996.
- j. Detailed maps showing all of the carrier's current externally visible tower and monopole locations in the state within a 20-mile radius, both active and inactive; and
- k. Site descriptions for each of the above locations showing the antenna height and diameter, and all externally visible structures.
- l. The applicant will submit an agreement to the Town to the effect that the Town will be held harmless for any extraordinary fire or safety events.

#### 11. BONDING AND SECURITY INSURANCE.

- a. Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with Section 12.
- b. The amount of the security shall be based upon the removal cost plus, fifteen percent (15%), provided by the applicant and certified by a professional civil engineer licensed in New Hampshire. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in New Hampshire every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen percent (15%) then the owner of the facility shall provide additional security in the amount of the increase.

#### 8. ABANDONMENT OR DISCONTINUATION OF USE.

- a. Notification. Beginning 12 months after Planning Board approval and continuing on an annual basis thereafter, the owner of a PWSF shall provide the Planning Board with written, signed certification that the PWSF is being used to provide the citizens of the Town with Personal Wireless Services as defined. Failure to comply with this requirement shall constitute an admission that the PWSF is not in use and has been abandoned. At such time that the owner plans to abandon or discontinue operation of a PWSF, the owner will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that the owner fails to give such notice, the PWSF shall be considered abandoned upon such discontinuation of operations.
- b. Removal. Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the PWSF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

- (1) Removal of antennas, mount, equipment shelters and security barriers from the subject property.
  - (2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
  - (3) Restoring the location of the PWSF to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- c. Failure to Remove. If the owner of the facility does not remove the facility upon the Planning Board's order, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.
- d. Failure to Maintain. If the owner of the facility fails to maintain the facility in accordance with the directions of the Planning Board pursuant to Section 8.2, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action

#### 9. TIMING OF OPERATION.

- a. Operation of a PWSF shall commence no later than nine (9) months from the date the application was approved. If the PWSF is not operating and providing the citizens of the Town with Personal Wireless Services, as defined, within this time period the Planning Board, at its discretion, may revoke its approval.
- b. If Planning Board approval is revoked and construction has begun, the PWSF shall be considered to be abandoned.

#### 14. WAIVERS

- a. Any portion of these regulations may be waived or modified when, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of these regulations.
- b. Conditions. In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.
- c. Procedures. A petition for any such waiver shall be submitted in writing by the applicant for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant.

15. APPEALS. Pursuant to RSA 676:5, any decision made under this ordinance cannot be appealed to the Board of Adjustment, but to the superior court as provided by RSA 677:15.

ARTICLE XIV-C OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)  
(Adopted March 11, 2008)

A. **AUTHORITY:** The Town of Antrim hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls (RSA 674:21), in order to protect the public health, safety, and general welfare. The Planning Board may adopt additional regulations in order to effectively implement this ordinance.

B. **PURPOSE:** The purposes of Open Space Residential Development (OSRD) are to encourage flexibility in the design of residential land use; promote the most efficient use of land in harmony with its natural features; provide reasonable opportunities for housing for all Antrim residents while at the same time maintain a rural density compatible with the character of Antrim; discourage development sprawl; preserve open space, agricultural land, tree cover, scenic vistas and wildlife habitats; and preserve undeveloped frontage along existing roads; and facilitate the economical and efficient provision of common utilities. These purposes are considered to be consistent with the Vision for Antrim as stated in the Master Plan.

C. **BACKGROUND:** Under the OSRD approach, the community, Planning Board, and Planning Staff works with the developer to fit the development into the landscape in a way that maximizes the protection of important natural and cultural amenities on the site and maintains the character of the community. The OSRD approach supplements efforts to protect whole parcels through outright purchase or conservation easement. As housing demand increases in NH, conservation easements or the outright purchase of land are proving to be increasingly costly and therefore communities are pursuing a variety of ways to manage growth, protect important resources, and maintain community character.

D. **BENEFITS:** The Conservation Subdivision provides numerous economic, environmental, and social benefits to a community. Some of these benefits include:

- Reducing the area of land over which homes will be built can reduce the cost of developing the lots, which in some cases can translate to lower housing prices.
- Future service costs for public infrastructure, such as roads, sewers and water lines, are reduced because roads and water/sewer lines can be shorter within an OSRD.
- Travel distances are reduced for school buses, refuse trucks, snow plow and other service vehicles.
- Property values within OSRDs can appreciate faster than properties in conventional subdivisions due to the added amenities provided by the adjacent open space.
- The availability of open space can improve the quality of life in a community.

- OSRDs help communities preserve open space, including important and unique natural and cultural features, such as archeological or historical sites and resources.
- These subdivisions generally create less impervious surface, thus reducing runoff to local water bodies, such as rivers and streams.
- The open space can provide a buffer to protect water bodies and other natural areas, lowering the impact that development has on fragile natural features.
- The open space can be linked to other open space developments or protected areas to create a larger network of protected areas.
- The clustering of houses can encourage more walking and more frequent interaction with ones' neighbors, fostering a stronger sense of community.

E. DEFINITIONS: The following definitions apply specifically to Open Space Residential Development. Definitions in the Antrim Zoning Ordinance, Subdivision Regulations, and Site Plan Review Regulations also apply where pertinent.

(1) BUFFER - Land area maintained in either a natural or landscaped state and used to visibly separate or screen one use from another or to minimize potentially negative impacts on surrounding areas (e.g., shield or block noise, light or other nuisances, reduce water pollution). Buffer areas may include such things as fences or berms as well as shrubs and trees.

(2) BUILDABLE LOT - The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

(3) BUILDING ENVELOPE - Area within which clearing, grading, lawns, pavement and buildings will be located.

(4) COMMON LEACHING SYSTEM - A system for the collection and processing via leach fields, the effluent from more than two septic tanks, including all of the pipes, valves and other equipment, land and easements necessary for operating such a system. All of the leaching equipment will be in a single common ownership, though the septic tanks may not.

(5) CONSERVATION EASEMENT - A permanent legal restriction against future development and other activities as specified in the conservation easement deed. An easement may be worded to permit or restrict public access, allow or disallow recreational uses, allow or disallow other uses, such as limited development, agriculture, or forestry. Easements are tied to the title of the land, regardless of subsequent ownership.

(6) CONSTRUCTION PLAN - The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirement of the Planning Board as a condition of the approval of the subdivision plat.

(7) DEED RESTRICTION - See Restricted Covenant.

(8) DEVELOPABLE LAND - The land area of the total tract available for development after deducting wetlands, hydric soils, open water, slopes over 25%, existing easements, and all common improvements (including roads, sewer, and water).

(9) FARM/ AGRICULTURE - Any land, buildings, or structures on or in which agriculture and farming operations are carried out as the principal use, including all operations outlined in RSA 21:34:a II.

(10) HOMEOWNERS ASSOCIATION -- A private nonprofit corporation, association, or other legal entity organized in accordance with state law which is established by the developer or the member individuals to manage and support the activities of the open space development. Membership in said association shall be mandatory for property owners. Individual owners share common interests in open space and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforcing certain covenants and restrictions. Articles of Association or Incorporation or any amendments thereto must be acceptable to the Planning Board and approved by Town Counsel.

(11) IMPROVEMENT - Refers to site grading, street work and utilities, including water, sewer, electric, gas and stormwater to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of a lot.

(12) OPEN SPACE, COMMON - Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and/or the town and may include such complementary structures and improvements as are necessary, appropriate and approved by the Planning Board.

(13) OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) – An alternate form of residential subdivision that, instead of subdividing an entire tract into lots of conventional size, encourages and facilitates the maximization of protected open space by allowing housing units to be grouped on sites or lots with dimensions, frontages and setbacks reduced from conventional sizes. Also referred to as a CONSERVATION SUBDIVISION.

(14) RESTRICTED COVENANT - A restriction on the use of land usually set forth in the deed for the property.

(15) SKETCH PLAN – A preparatory sketch to the preliminary subdivision plat layout to enable the subdivider to save time and expense in reaching agreement with the Planning Board as to the form of the plat and the objectives of these regulations.

(16) TRACT - An area, parcel, site, piece of land, or property which is the subject of development proposal and application.

F. DEVELOPMENT DESIGN CRITERIA: When considering any OSRD project, the Planning Board shall give particular attention to the following criteria, which address not only physical design standards but the cumulative effect of the proposal on the land in question, the neighborhood, and the town.

(1) The proposed development will be consistent with, and comply with, the general purpose, goals, objectives, standards and provisions of the Antrim Master Plan.

(2) The individual lots, buildings, streets and parking areas shall be designed and situated as to minimize alteration of the natural, cultural and/or historic site features, and will take those features into account in the placement of all structures.

(3) The suitability of all common open space shall be determined by the size, shape, topography and location for the proposed purpose, and shall be accessible to all intended users.

#### G. GENERAL REQUIREMENTS:

(1) Location and Mandatory Requirements. Open Space Residential Development shall be permitted in all zoning districts. However, the Planning Board reserves the right to disapprove or limit a proposal based on issues such as road conditions or infrastructure, for example.

(2) Permitted Uses. Open Space Residential Development is limited to residential development, uses accessory thereto, and any incidental recreational uses as approved by the Planning Board.

(3) Tract Area. The minimum tract area for Open Space Residential Development shall be at least fifteen (15) acres.

(4) Allowable Density. The maximum number of dwellings shall be determined by developing a yield plan which represents a conventional subdivision design plan, conforming with and satisfying all requirements of the Town of Antrim Zoning Ordinances and the Town of Antrim Subdivision and Site Plan Review Regulations. Density shall not exceed what would be allowed in the district(s) under a conventional subdivision, and only developable land can be calculated in determining density. For the purposes of this section, the minimum lot size applies to single-family dwellings, duplexes and multi-family buildings containing not more than six (6) dwelling units.

(5) Allowable Lot and Yard Requirements. The Planning Board may, but is not required to, reduce conventional lot sizes, frontages, and setbacks for developments that meet the criteria outlined in Paragraph C above. In determining the extent to which these controls may be reduced, the Planning Board shall consider the purposes as outlined in Paragraph A and the Vision and Recommendations of relevant sections of the Antrim Master Plan.

(a) The minimum lot size for individual building lots within an Open Space Residential Development project shall be determined by the Planning Board and negotiated between the Board and the applicant.

(b) Consideration shall be given to flexibility in site design and the preservation of open space; however, in no case shall the minimum lot size per dwelling be less than 25% of the required area for a lot in a conventional subdivision.

(c) All OSRD plans are required to identify the 'building envelope' for each individual building lot within an OSRD, demonstrating that the proposed lot can accommodate all planned and potential future development.

(6) Frontage and Setback Requirements. The following dimensional standards are intended to create a sense of place, or neighborhood - a "pedestrian friendly" space, allowing opportunities for children to play and residents to gather in the proximity of the home.

(a) Tract Dimensions.

[1] Frontage. There is no minimum frontage requirement from which the development gains access but the tract must have existing frontage on or be accessed from a town- or state-maintained road in order to be developed into an OSRD. The Planning Board reserves the right to require additional frontage to secure appropriate buffering, depending upon adjacent land uses.

[2] Setbacks. No building shall be closer than fifty (50) feet to the perimeter of the tract.

(b) Internal Dimensions.

[1] Frontage. Individual lots within the development shall front only on internal roads. The amount of frontage shall be determined by the Planning Board in order to encourage flexibility in site design. The Planning Board reserves the right to require appropriate separation between driveways.

[2] Setbacks. Front, side, and rear setbacks for individual lots within the development may be modified, as determined by the Planning

Board; in no case, however, shall buildings be closer than thirty (30) feet from one another.

(7) Landscape Buffer. A buffer area of at least fifty (50) feet from the perimeter of the tract measured inward shall be provided. The natural vegetation shall be retained or, if required, vegetation of a type and amount as deemed appropriate by the Planning Board shall be planted and maintained. No dwelling, accessory structure, street or parking area shall be permitted within the designated buffer area. Streets that serve as access to the development may cross the buffer.

(8) Water and Septic Systems. The design and construction of all water systems and either individual or common septic systems must be approved by the Antrim Department of Public Works and the State of New Hampshire Department of Environmental Services. Proposals will be evaluated based on the potential risks in the event of a system failure. Septic systems may not be located in the common open space, unless it can be demonstrated that there will be no detrimental impact on the utility and purpose of the common open space. A backup system, however, may be placed within the common open space.

(9) Streets and Walkways.

(a) All interior streets shall be designed and constructed in accordance with the Town of Antrim Road Standards. Interior connecting roads and road easements linking to adjacent properties shall be utilized where appropriate. Dead end streets and cul-de-sacs are discouraged. In the interests of encouraging a sense of neighborhood place and scale, road width may be negotiated, but not at the expense of public safety. The Planning Board may require special safety measures, such as posted reduced speed limits, speed barriers, or other features that encourage safe use of any proposed roadway.

(b) In the design and placement of walkways and sidewalks, the Planning Board shall consider pedestrian safety and the creation of a sense of neighborhood and community.

#### H. COMMON OPEN SPACE:

(1) The amount of common open space in the development shall be the amount saved by reduction in lot sizes; except that at least 40% of the total tract shall be designated as permanent common open space in the Residential, Village Business, and Highway Business Districts; at least 50% of the total tract shall be designated as permanent common open space in the Rural District; and at least 60% of the total tract shall be designated as permanent common open space in the Rural Conservation and Lakefront Residential Districts. Land designated as common open space may not be further subdivided. The area designated for roadways may not be included in the calculation for common open space.

(2) Common open space may include areas of water; it may not consist principally of land difficult to utilize. The minimum required common open space shall not consist of more than 50% of undevelopable land.

(3) The area, configuration, and location of designated open space shall be as approved by the Planning Board. All areas of open space do not necessarily need to be contiguous, but consideration shall be given to connections between non-contiguous areas, as well as accessibility by all residents of the development.

(4) The common open space may be used for the purposes of recreation, public easement, open space, conservation or agriculture, as approved by the Planning Board. During the review process consideration will always be given to abutting land uses. Any future change in such designated use must be approved by the Planning Board.

I. HOMEOWNER'S ASSOCIATION: A homeowner's association shall be formed to manage the common lands, as applicable, and infrastructure facilities of the development, including water and septic systems, maintenance of roads, landscaping, lighting, signage, structures, etc.

#### J. OPEN SPACE OWNERSHIP AND MANAGEMENT:

(1) The Common Open Space shall be held, managed and maintained by the developer until it is owned and maintained in one or more of the following ways, subject to approval by the Planning Board:

(a) In common by a homeowners association. If an association is formed to own and maintain the common open space, it may not be dissolved without the consent of the Planning Board.

(b) By the Town of Antrim, which may, if approved by the voters at Town Meeting, accept dedication of any portion of the common open space for perpetual public use and maintenance.

(c) By a bona fide conservation trust registered in the State of New Hampshire or other suitable organization.

(2) All common open space and facilities shall be permanently protected by covenants, easements, and/or restrictions running with the land, which must be approved by the Planning Board and Town Counsel before conveyance to the land owner(s).

(3) Documents pertaining to Open Space Residential Development shall be recorded with the approved Plat.

(4) The persons or entities identified as having the rights of ownership over the common open space shall be responsible for its continued upkeep and proper maintenance.

(5) The common open space in an approved development is considered to be part of the residential use of the development and shall not be considered to be eligible for any current use taxation assessments under RSA 79-A, except where such use consists of actively operated farmland.

#### K. REVIEW PROCESS:

(1) All proposals for OSRD are subject to subdivision approval. Preliminary design review with the Planning Board is highly recommended for all OSRDs (as are all major subdivisions) before any formal application or final approvals are sought. In addition, relevant sections of the Site Plan Review Regulations will be applied, including but not limited to issues around traffic, signage, lighting, etc.

(2) Although OSRD projects may be subdivided and developed in phases, no incremental approvals will be granted. The entire tract to be considered for development must be presented as a whole so that the Planning Board may consider the entirety of the project.

3) It is the intent of this section to authorize the Planning Board to modify or waive any portion(s) of the requirements of this ordinance in such cases where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and such modification and/ or waiver would not be contrary to the spirit and intent of this ordinance.

Updated 3/20/08

ARTICLE XIV-D SMALL WIND ENERGY SYSTEMS  
(Adopted March 10, 2009)

A. Purpose:

This small wind energy systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

B. Definitions:

**Meteorological tower (met tower).** Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

**Modification.** Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

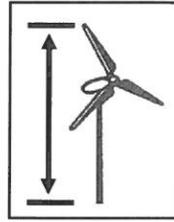
**Net metering.** The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

**Power grid.** The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

**Shadow flicker.** The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

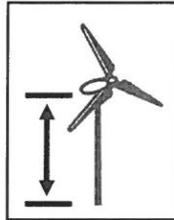
**Small wind energy system.** A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

**System height.** The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.



**Tower.** The monopole, guyed monopole or lattice structure that supports a wind generator.

**Tower height.** The height above grade of the fixed portion of the tower, excluding the wind generator.



**Wind generator.** The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

C. Procedure for Review:

1. **Building Permit:** Small wind energy systems and met towers are an accessory use permitted in all zoning districts where structures of any sort are allowed. No small wind energy system shall be erected, constructed, or installed without first receiving a building permit from the building inspector. A building permit shall be required for any physical modification to an existing small wind energy system. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed 3 years from the date the building permit was issued.
2. **Application:** Applications submitted to the building inspector shall contain a site plan with the following information:
  - i) Property lines and physical dimensions of the applicant's property.
  - ii) Location, dimensions, and types of existing major structures on the property.
  - iii) Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
  - iv) Tower foundation blueprints or drawings.

- v) Tower blueprints or drawings.
  - vi) Setback requirements as outlined in this ordinance.
  - vii) The right-of-way of any public road that is contiguous with the property.
  - viii) Any overhead utility lines.
  - ix) Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
  - x) Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
  - xi) Sound level analysis prepared by the wind generator manufacturer or qualified engineer.
  - xii) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.
  - xiii) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
  - xiv) List of abutters to the applicant's property.
3. Abutter and Regional Notification: In accordance with RSA 674:66, the building inspector shall notify all abutters and the local governing body by certified mail upon application for a building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the building inspector prior to the issuance of the building permit. The building inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the building inspector shall follow the procedures set forth in RSA 36:57, IV.

D. Standards:

- 1. The building inspector shall evaluate the application for compliance with the following standards;
  - a. Setbacks: The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

- i) Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
  - ii) Guy wires used to support the tower are exempt from the small wind energy system setback requirements.
- b. Tower: The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the tower height exceed 150 feet.
- c. Sound Level: The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.
- d. Shadow Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.
- e. Signs: All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.
- f. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.
- g. Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.
- h. Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts,

without restricting the owner's access to the optimal wind resources on the property.

- i) The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.
  - ii) The color of the small wind energy system shall be a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white, grey or black.
  - iii) A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.
- 
- i. Utility Connection: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.
  - j. Access: The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
  - k. Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

E. Abandonment:

1. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
2. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. "Physically remove" shall include, but not be limited to:
  - a. Removal of the wind generator and tower and related above-grade structures.
  - b. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the building inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the building inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.
4. If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

F. Violation:

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the small wind energy system.

G. Penalties:

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17.

ARTICLE XIX - ZONING BOARD OF ADJUSTMENT  
(Adopted March 14, 1989)

A. Creation

A Zoning Board of Adjustment shall be created, under the provisions of RSA 673, for the purpose of reviewing applications for Variances or Special Exceptions to the Zoning Ordinance and deciding whether there is a legitimate reason for granting relief or exception to a specific provision or provisions of the Ordinance when requested.

B. Powers of the Zoning Board of Adjustment

In accordance with the provisions of RSA 674:33, the Zoning Board of Adjustment shall have the power to:

1. Hear and Decide Appeals from Administrative Decisions: The Board shall hear and decide such appeals where or if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement thereof of any ordinance adopted pursuant thereto.
2. Grant Special Exceptions: A local zoning ordinance may provide that the Zoning Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make Special Exceptions to the terms of the Ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the Antrim Zoning Ordinance and shall be in accordance with the general or specific rules contained in the Ordinance.

The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located and all other pertinent provisions of the Zoning Ordinance, including the conditions under which Special Exceptions are permitted (see Article XIII).

3. Grant Variances: The Zoning Board of Adjustment may authorize, upon appeal in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest. A Variance may be granted if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. In granting any Variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement this Ordinance and to protect the public interest. The board may grant a Variance provided the following conditions have been satisfied:
  - a. No diminution in value of surrounding properties would be suffered.
  - b. Granting the permit would be of benefit to the public interest.

- c. Denial of the permit would result in unnecessary hardship to the owner seeking it.
- d. By granting the permit substantial justice would be done.
- d. The use must not be contrary to the spirit of the Ordinance.

Updated 12/2/03

ARTICLE XV - OFF-STREET PARKING  
LOADING, AND UNLOADING REGULATIONS  
(Adopted March 14, 1989)

A. General Regulations

1. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way.
2. Each parking space shall have an area of not less than one hundred sixty-two (162) square feet (9'x18') whether inside or outside of a structure, for the temporary parking of automotive vehicles to be used exclusively as a parking stall for one automotive vehicle plus one hundred thirty- five (135) square feet used exclusively for turning and access to the parking stall. This latter provision (135 square feet of turning area) shall not apply to single-family and two-family residences.
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
4. Parking spaces may be located on a lot other than that containing the principal use with approval of the Zoning Board of Adjustment.
5. Surfacing: Any new or enlarged commercial, industrial or multi-family off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as concrete, bituminous concrete, compacted gravel or compacted stone as designated by the Planning Board. The parking area shall be so arranged as to provide for orderly and safe parking of vehicles. All drainage must be so designed that it does not drain onto abutting properties unless a legal easement has been obtained.
6. Lighting: Any lighting used to illuminate an off-street parking area shall be arranged to reflect the light away from adjoining premises and public rights-of-way.
7. There shall be adequate provision for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people

and/or the general public as approved by the Planning Board. Where a parking or loading area does not abut a public right-of-way or private alley or easement of access, there shall be provided an access drive of not less than twelve (12) feet in width per lane of traffic and not less than eighteen (18) feet in width in all cases where the access is to storage areas of loading and unloading spaces required hereunder.

8. Combined Spaces: When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of the use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total parking spaces required for the use with the least requirement.
8. Multiple Uses in Single Structure: When two or more uses that require off-street parking spaces are located in a single structure, the separate parking requirements for each use shall be applied.
9. Reduction of Parking Spaces: The Zoning Board of Adjustment may authorize the reduction of the number and size of the off-street parking spaces as a Special Exception in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land.
11. Joint Facilities: Required parking spaces, open or enclosed, may be whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

B. Parking Facilities Required

Off-street parking facilities shall be provided to lessen congestion in the streets. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than the minimum spaces, as set forth below. Said spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number. The final number and arrangement of parking spaces shall be subject to review and approval of the Planning Board in addition to provisions for ingress and egress.

1. Residential Parking:
  - a. All residential units shall have two (2) parking spaces per unit. The spaces for one and two family residences need not be paved.
  - b. Elderly Housing: The required number of parking spaces shall be based on one (1) space/unit times forty percent (40%) of the total units. Visitor parking spaces shall be provided on the basis of one (1) space for every four (4) dwelling units.
2. Commercial Parking:

- a. Theaters, auditoriums, churches, schools, stadiums or any other places of public and private assembly: At least one (1) parking space for each three (3) seats provided for public and private assembly.
- b. Retail stores and other places for trade or business: One (1) parking space for each two hundred (200) square feet of gross floor area, exclusive of areas not used for sale or display of merchandise.
- c. Food markets and grocery stores: One (1) parking space for each one hundred (100) square feet of floor area, exclusive of areas not used for sale or display of merchandise.
- d. Restaurants, tearooms and cafeterias: One (1) parking space for each fifty (50) feet of floor area for public use.
- e. Bowling alleys: Five (5) parking spaces for each alley.
- f. Office buildings: At least one (1) parking space for each three hundred and fifty (350) square feet of floor area or fraction thereof.
- g. Public garages, automobile and gasoline service stations: At least one (1) parking space for each three hundred (300) square feet of floor area, or fraction thereof devoted to repair or service facilities, and one (1) parking space for each employee on the largest shift. This shall be in addition to space allocated for the normal storage of motor vehicles. No parking shall be permitted on the public right-of-way.
- h. Hospitals and sanitariums: At least one (1) parking space for each three (3) beds. Such spaces shall be in addition to those necessary for doctors, administrative personnel and other regular employees. One (1) parking space shall be provided for each employee on the largest shift.
- i. Drive-in restaurants: Provisions for parking for drive-in facilities must meet with the approval of the Planning Board and no parking on the public right-of-way shall be permitted.
- j. Dance halls, roller rinks, clubs, lodges and other similar places: At least one (1) parking space for each two hundred (200) square feet of floor area.
- k. Swimming pools: At least one (1) parking space for each three (3) persons for whom facilities for dressing are provided; or at least one (1) parking space for every twelve (12) square feet of water surface, including areas for swimming, wading and diving, whichever requirement is greater.
1. Laundromats: One (1) space for every three (3) washers and dryers.

- m. Other commercial buildings: At least one (1) parking space for each four hundred (400) square feet of floor area, or fraction thereof, except when otherwise authorized as a Special Exception consistent with the principles set forth herein for comparable buildings.
  - n. Open areas used for commercial purposes:
    - (1) Golf driving range: At least one parking space for each tee provided.
    - (2) Miniature golf: At least one parking space for each tee.
    - (3) Other open areas: At least one parking space for each two thousand (2000) square feet or fraction thereof.
  - o. Mortuaries, funeral homes and undertaking establishments: At least one (1) parking space for each employee and two (2) spaces for the owner/operator plus five (5) spaces for each funeral parlor. Such space shall be in addition to the service area for equipment such as hearses, ambulances, limousines, etc.
  - p. Home occupations or home-based businesses: At least two (2) parking spaces for the residence, one (1) parking space for each nonresident employee and two (2) parking spaces for patron use.
  - q. No off-street parking space or area shall be located or arranged so as to permit or cause any vehicle to be backed out on to any public street or highway, except in the case of single-family detached dwelling units.
  - r. Shopping centers: Not less than three (3) square feet of automobile parking space, exclusive of driveways and pedestrian walks, shall be provided for each square foot of floor area devoted to selling, display and/or patron use.
3. Industrial parking:
- a. These regulations shall apply to industrial expansion and industrial installations erected after the effective date of this Ordinance. Off-street parking shall be provided on the premises in accordance with the following schedule:
  - b. Industrial and manufacturing establishments: One parking space per employee as calculated from the maximum working shift or overlapping shifts, whichever is greater. For each twenty-five (25) employees, there shall be at least one additional parking space for visitors.

C. Loading and Unloading Space

Off-Street Loading Requirements: Off-street loading berths, open or enclosed, are permitted accessory uses to any use (except one and two family residences) subject to the following provisions:

1. Uses for which required: Accessory off-street loading berths shall be provided for any use specified below. Any land that is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these minimum loading requirements:
  - a. For a public library, museum, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged, or school with floor area of ten thousand (10,000) square feet, one (1) berth. For each additional twenty-five thousand (25,000) square feet or fraction thereof, one additional berth.
  - b. For buildings with professional, governmental or business offices, or laboratory establishments, with floor area of ten thousand to twenty-five thousand (10,000 to 25,000) square feet or fraction thereof up to one hundred thousand (100,000) square feet, one berth. For each additional fifty thousand (50,000) square feet or fraction thereof, one additional berth.
  - c. For buildings with offices and retail sales and service establishments, one berth for eight thousand to twenty-five thousand (8,000 to 25,000) square feet of floor area, and one additional berth for each additional twenty-five thousand (25,000) square feet of floor area or fraction thereof so used.
  - d. For undertakers and funeral homes, one berth for each chapel. Such berths shall be at least ten (10) feet wide, twenty (20) feet long, and fourteen (14) feet high.
  - e. For hotels, motels and resorts, one berth for each twenty five thousand (25,000) square feet of floor area.
  - f. For manufacturing, wholesale and storage uses and for dry-cleaning and rug cleaning establishments and laundries, one berth for five thousand to ten thousand (5,000 to 10,000) square feet of floor area in such use, and one additional berth for each additional twenty thousand (20,000) square feet of floor area or fraction thereof so used.
2. Size of spaces: Each required loading berth shall be at least twelve (12) feet wide, forty-five (45) feet long, and fourteen (14) feet high.

3. Location and access: Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any off-street parking area shall be located within fifty feet (50) feet of any street intersection. No off-street loading berth shall be located in any front yard. Required off-street parking space shall not be used for loading/unloading purposes except during hours when business operations are suspended.

D. Access to Off-street Parking and Loading Areas

Access to and from all off-street parking, loading and vehicle service areas along public right-of-ways shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:

1. Access drives shall not open upon the public right-of-way:
  - a. Within fifty (50) feet of the nearest right-of-way line of any intersecting public street or highway in residential zones, and seventy-five (75) feet from the nearest public right-of-way for commercial and manufacturing uses.
  - b. Where the sight distance in either direction along the public thoroughfare would be less than three hundred (300) feet when the posted speed limit exceeds thirty five (35) miles per hour; however, when the posted speed limit is thirty five (35) miles per hour or less, the sight distance requirement may be reduced to two hundred (200) feet.
2. All access drives entering onto a state highway shall not be approved by the Planning Board unless and until a State Curb Cut Permit and/or Highway Occupancy Permit has been approved and presented. Moreover, no zoning permit shall be issued for new construction where State permits are required until such permits have been approved and presented.

E. Parking and Loading Setbacks

All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the right-of-way of a public thoroughfare or adjoining property line by a planting strip at least ten (10) feet in depth, unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required elsewhere in this ordinance

F. Large Parking Areas

In parking areas of one-half (1/2) acre or more, at least five percent of the total parking area shall be devoted to landscaping.

G. Handicapped Parking Provisions

Special, signed parking spaces for handicapped persons shall be provided at all residential, commercial, industrial and public and semi-public facilities where twenty-five (25) or more parking spaces are required. Handicapped parking spaces shall be provided at the ratio of one (1) handicapped parking space for every twenty-five (25) regular parking spaces or fraction thereof. The handicapped parking space shall have a minimum stall width of twelve (12) feet. Such spaces shall be clearly marked by a permanent sign indicating that the space(s) is (are) reserved for handicapped persons. Handicapped parking spaces shall be given locational preference within the parking area and with respect to building entrances; i.e. they shall be located as conveniently as possible to principle entrances.

Updated 12/2/03

ARTICLE XVI - NON-CONFORMING USES, STRUCTURES AND LOTS  
(Adopted March 14, 1989)

A. Intent and Standards

Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited under the terms of this Ordinance or future amendments.

It is the intent of this Ordinance to permit non-conformities to continue until they are removed. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded as determined by the Zoning Board of Adjustment.

A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by:

1. The addition of other uses, if such additions are of a nature which would be prohibited generally in the district.
2. Attachment of additional signs to a building.
3. The placement of additional signs or display devices on the land outside the building.

Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this Ordinance and upon which actual building construction has been continuously carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that the actual construction work shall be continuously carried on until the completion of the building involved.

B. Non-Conforming Uses of Land

A pre-existing lot of record (as defined in Article III) which meets all requirements of the Zoning Ordinance except for lot size and frontage may be used for any permitted uses in the district. Where the lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, subject to the following provisions:

1. No such non-conforming use shall be expanded, occupy a greater area of land than was occupied at the effective date of this Ordinance, except as specified by Article XIX.B.3 (Variance Provisions) of this Ordinance.

2. No such non-conforming use shall be moved to any other portion of the lot occupied by such use at the effective date of this Ordinance.
3. If any such non-conforming use of land ceases for a period of more than twelve (12) consecutive months, any subsequent uses of such land shall conform to the regulations for the district in which such land is located.

C. Non-Conforming Structures

Where a lawful structure exists that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. An existing structure which is non-conforming to this Ordinance, or that section or part of the structure which is determined to be non-conforming to this Ordinance, may be enlarged or extended upon granting of a Variance by the Zoning Board of Adjustment.

Where only a section or part of a structure is determined to be non-conforming, the remainder of the structure may be enlarged, extended, reconstructed or altered without a Variance if that change is determined to be conforming to this Ordinance.

2. Should such structure be destroyed by any means, it may be rebuilt provided the use and intensity of use is no more objectionable or no greater than existed prior to destruction. Application for permit to rebuild a nonconforming structure shall be filed within twelve (12) months of the date of destruction; otherwise it shall not be reconstructed except in conformity with the provisions of this Ordinance unless a Variance is granted by the Zoning Board of Adjustment.
3. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Non-Conforming Uses of Structures

If a lawful use of a structure or of a structure and premises in combination exists that would not be allowed in the district, the lawful use may be continued subject to the following provisions:

1. An existing structure devoted to a use not permitted in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered upon granting of a Variance by the Zoning Board of Adjustment.
2. Any non-conforming use may be extended throughout any parts of a building, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Board of Adjustment shall find that the proposed use is equally or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Adjustment may require additional conditions and safeguards.
4. Once a non-conforming use is superseded by a permitted use, the non-conforming use shall not be resumed.
5. When a non-conforming use of a structure, or structure and premise in combination, is discontinued or abandoned for twelve (12) consecutive months, it shall not be used except in conformance with the regulations of the district in which it is located.
6. Where non-conforming use status applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status.

E. Repairs and Maintenance

On any building, devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing without the requirement of a building permit.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

F. Uses Granted Under Special Exception Provisions

Any use for which a Special Exception is granted shall be deemed a conforming use until it is discontinued or unless the use is changed to a permitted use.

Updated 12/2/03

## ARTICLE XVII - SIGN ORDINANCE

(Adopted March 9, 1993 and Amended March 11, 2008, Amended March 9, 2010)

### A. Purpose and Intent

The purposes of this section are to protect and improve the community appearance and aesthetics and to protect the health, safety, and welfare of its citizens without inhibiting the vitality of the local business and organizations for whom adequate signage is of high importance. This section recognizes that establishments need identification and the public needs direction. This section aims to encourage the use of street graphics which are compatible with community characters, are legible and clear, and maintained in good repair. (Added March 9, 2010)

### B. Definitions

The following words and phrases, when used in this Ordinance, shall have the meaning given in this section:

1. Sign: A sign is any structure, device, light or natural object including the ground itself or any part thereof or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as in announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word sign shall not include the structure which supports the sign face but only the sign face itself. The word sign shall not include signs which are affixed to the inside of windows and glass doors of enclosed buildings except for illuminated signs.
2. Free Standing Sign: A sign supported by one or more uprights, poles, or braces placed in or upon the ground.
3. Projecting Sign: A sign which projects from, and is supported by a wall, porch of any other part of a building.
4. Wall Sign: A sign which is attached directly to, or painted upon a building wall and which does not extend more than ten (10) inches therefrom, nor extend above the roof line.
5. Roof Sign: Any sign erected and maintained upon or above the roof of any building.
6. Permanent Sign: Any sign which is not a temporary sign.

7. Temporary Sign: A sign constructed of plastic or plastic-like material, cloth, canvas, fabric, wood, paper, or other similar material with or without a structural frame and intended for a limited display. (Amended March 11, 2008)

8. Illuminated Sign: A sign that provides artificial light directly or through any transparent or translucent materials, from a source of light connected with such sign or a sign illuminated by a light focused upon or directed chiefly at the surface of the sign.

9. Premises: The area occupied by a business or other public enterprise. When more than one business occupies a single building or lot, each business area shall be considered a separate premise.

10. Off-Premises Advertising Sign: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

11. Portable Signs: Signs that are placed, erected or constructed on any movable or portable base, sled, trailer, vehicle, stand or device of any type where the principal use of such base, sled, trailer, vehicle, stand or device is for the purpose of displaying a sign face which is capable of being moved or transported from one location to another.

12. Sign Area: Sign area is the total area of the sign face including any framing surrounding the face. The area of the supports, posts, poles and braces or other supporting structure shall not be included as part of the sign area. On dual-faced signs only the area of one sign face (the largest face) shall be used in calculating the total sign area. When individual letters are mounted separately on the surface of a building wall, the spaces between the letters shall be included in calculating the area of the sign. When signs are constructed of separate parts, such as separate boards attached to a post or hung together by hooks, the space between the boards shall be included in calculating the total sign area.

#### C. Signs Prohibited in All Districts

The following signs shall not be permitted, erected or maintained in any district, notwithstanding anything else contained in the Ordinance or elsewhere.

1. Signs which incorporate in any manner any flashing or moving illumination or with illumination which varies in intensity or which varies in color and signs which have any visible moving parts, visible revolving parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electric pulsation or by actions of normal wind current, except when not visible from motor vehicles traveling on public roadways. Hanging signs which simply swing in the wind, clock and time and temperature signs and barber poles may be exempted provided they comply with all other provisions of the Ordinance. Time, date and temperature signs may include devices indicating digital time and temperature, but shall not change in any interval which indicates flashing.

2. Light sources which cast light on any sign shall be shielded by opaque material so that the bulbs, floodlights or tubes are not visible off the property on which the sign is located.

3. Any sign or sign structure which constitutes a hazard to public safety or health.

4. Signs, which by reason of size, location, content, coloring, or manner of illumination, obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.

5. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required exit way.

6. Signs on public property or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body. No sign located on public property or a public right-of-way shall bear any commercial advertising or announcement.

7. String lights or bare bulb illumination, other than temporary holiday decorations, which are unshielded from view from off the property on which they are located.

8. Flame as a source of illumination.

9. Oversized pennants, banners, spinners and streamers or balloons except for occasions such as grand openings and then only with special written permission of the Selectmen. Use shall be limited to a fifteen (15) day period and shall not be erected again for a period of thirty (30) days thereafter. This does not include banners containing the word "open" or some other salutation and less than fifteen (15) square feet in size which will be permitted at any time that the business is open.

10. No portion of any projecting sign shall be less than eight (8) feet above grade level.

11. No projecting sign shall have a vertical dimension greater than six (6) feet.

12. No sign, or any part thereof, including braces, supports, or light shall exceed a height of twenty-five (25) feet except by Special Exception. Height shall be measured from grade level directly below the face of the sign to the highest part of the sign.

13. No sign over nine (9) square feet will be permitted off the premises of the business, public enterprise, service or household it describes.

D. Signs Permitted in All Districts Without Permit

1. Any sign six (6) square feet or under in area.

2. Real estate signs (for sale or for rent), under nine (9) square feet in area on the premises to be sold or rented. Such signs are not to be illuminated and shall be removed promptly when the property is sold or rented.

3. Temporary holiday decorations and lights unless determined by the Selectmen to constitute a hazard to public safety.

E. Signs Permitted with Permit from the Building Inspector

1. Signs must be attractive and in keeping with the neighborhood.

2. Signs shall not be placed within fifteen (15) feet of side and rear lot lines.

3. All signs shall conform with all provisions of Section B of this Article (Signs Prohibited in All Districts).

4. Signs permitted in the Village Business District

a. Permanent signs sixteen (16) square feet and under.

b. One (1) common sign or directory sign, not to exceed twenty-five (25) square feet may be erected, using either the name of each of the businesses or an identifying common name (e.g. Antrim Plaza) or a combination of both.

c. No more than one (1) sign is permitted on a premise or no more than (3) signs are permitted on a lot except by Special Exception.

d. Only one freestanding sign is permitted on a lot except by Special Exception.

5. Signs permitted in the Highway Business District

a. Permanent signs twenty-five (25) square feet or under within the fifty (50) foot set back area.

b. One (1) common sign or directory sign, not to exceed twenty-five (25) square feet may be erected, using either the name of each of the businesses or an identifying common name (e.g. Antrim Plaza) or a combination of both.

c. Portable signs that conform to the same requirements as all other signs in the district in which they are to be used.

d. No more than one (1) sign is permitted on a premise or no more than (3) signs are permitted on a lot except by Special Exception.

e. Only one free-standing sign is permitted on a lot except by Special Exception.

6. Applications for sign must be co-signed by both the business owner and the property owner.

F. Signs Permitted as Special Exceptions

1. Oversized signs in the Village Business and Highway Business Districts.

2. Additional signs in any district.

3. Roof signs.

4. Any sign which exceeds a height of twenty-five (25) feet.

5. Window signs that are brightly lighted from the rear.

6. Neon or similar type signs which are constructed of formed glass or similar tubing that is filled with a gas or vapor and where the discharge of electricity causes luminosity of the enclosed gas or vapor. A distinguishing characteristic of such signs is that the tubing is bent and/or formed into lettering and conveys a name, wording, trademark, logo, etc., and identifies a place of business, product, service etc.

G. Additional Sign Requirements

1. Wall signs shall be subject to the same requirements as all other signs in the district in which they are located and including:

a. No wall sign shall extend above the top of the wall upon which it is mounted.

b. No wall sign, or any part thereof, shall project more than ten (10) inches from the wall upon which it is mounted.

c. No wall sign shall extend beyond the left and right extremities of the wall to which it is mounted.

2. Projecting signs: In addition to the general provisions of this Ordinance the following regulations shall apply to all projecting signs.

No projecting sign shall project more than five (5) feet beyond the wall, porch or edge of the building in the direction of the street, nor shall any portion of the projecting sign be closer than two (2) feet to the face of the street curb or curb line.

H. Non-Conforming Signs

1. All signs that have been in the same location prior to March 14, 1989, and are non-conforming with respect to this Ordinance shall be allowed to continue and be maintained as a non-conforming sign.

2. Non-conforming signs that are proposed to be replaced, moved, or structurally altered shall be considered new signs and must conform in every respect to provisions of this Ordinance. Repair of non-conforming signs is permitted. This includes work necessary to maintain the safety of the sign, provided that such work will not increase the size or general appearance of the sign.

I. Requirements for Permit from the Building Inspector Applications shall give the following information:

1. Purpose of the sign.
2. Zoning district in which sign is to be located.
3. Location of sign on lot or on building.
4. Design of the sign, materials used, method of construction and means and position of attachment to the building or the ground. Sketch must be drawn to scale.
5. A description of any illumination to be used on or in the sign.

L. Requirements for Special Exception Applications for Signs

1. Any person desiring consideration for a Special Exception by the Zoning Board of Adjustment shall file an application with the Board and attached to it the following information:

- a. A map or site plan showing the location of the building, structure, position of the sign in relation to nearby buildings and public thoroughfares. Such a map or site plan must be to scale.
- b. A plan (or picture) showing the design of the sign, materials used, method of construction, and means and position of attachment to the building or the ground. Plans must be drawn to scale.
- c. A description of any illumination devices to be used on or in the sign.

M. Exemptions

Official Town, State or Federal Government signs shall be exempt from these regulations.

Updated 4/5/10

ARTICLE XVIII - ADMINISTRATION AND ENFORCEMENT  
(Adopted March 14, 1989, Amended March 9, 2010)

A. Authority

The Board of Selectmen is hereby granted the power and authority to administer and enforce this Ordinance.

B. Office of Zoning Officer

1. Creation of Office: The office of Zoning Officer may be created by the Board of Selectmen.
2. Appointment: The Zoning Officer shall be appointed by the Board of Selectmen and shall not hold any elective office in the Town.
3. Official Records: An official record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.
4. Compensation of the Zoning Officer: The compensation of the Zoning Officer shall be determined by the Board of Selectmen.

C. Duties and Powers of the Board of Selectmen or the Zoning Officer

The Board of Selectmen or the Zoning Officer shall interpret all provisions of the Zoning Ordinance and the Board of Selectmen shall be responsible for enforcing the provisions of this Ordinance.

1. Pursuant to RSA 155-A and RSA 674-51, building permits will be administered in accordance with State of New Hampshire Building Code. (Amended March 9, 2010)
2. Permits and Certificates of Use and Occupancy: The Board of Selectmen or the Zoning Officer shall issue Permits and Certificates of Occupancy. Permits and Certificates of Occupancy for buildings and uses which are permitted as a Special Exception, or by a Variance to the Zoning Ordinance, shall be issued only upon order of the Zoning Board of Adjustment.
3. Annual Report: The Board of Selectmen or the Zoning Officer shall prepare an annual report detailing the number and type of all Permits and Certificates of Occupancy, Notices and Orders issued during the year.
4. Registration of Non-Conforming Uses and Structures: The Board of Selectmen or the Zoning Officer shall register all non-conforming uses and structures that: (1) are identified through the administration of this Ordinance or that are brought to their/his attention, or (2) are created by subsequent amendment of the Ordinance.

D. Application for a Building Permit and a Certificate of Use and Occupancy

1. When a Building Permit is Required: It shall be unlawful to erect, enlarge, construct, reconstruct, demolish or structurally alter any building and/or other structure (except a sign as prescribed in Article XVII) or change the use of, intensity of use, or extend or displace the use of any building, other structure and/or land in the Town without filing an application with the Board of Selectmen or the Zoning Officer in writing and obtaining the required permit.
2. When a Building Permit is not required No permit shall be required for any construction, repair, alteration or similar activity, for freestanding structures less than 200 square feet. New freestanding structures less than 200 square feet will require a zoning permit. (Amended March 9, 2010)
3. When a Certificate of Use and Occupancy is Required: It shall be unlawful to use and/or occupy any building, other structure and/or land for which a Building Permit is required until 'a Certificate of Use and Occupancy for such building, other structure and/or land has been issued by the Board of Selectmen or the Zoning Officer. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a Building Permit is filed with the Board of Selectmen or the Zoning Officer.
4. Forms of Application: The Application for a Building Permit and a Certificate of Use and Occupancy shall be submitted in such form as the Board of Selectmen or the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in Section F.
5. Plot Diagram: Applications for permits shall be accompanied by a plot plan diagram (in duplicate), drawn to suitable scale and showing all dimensions of lands and/or buildings to provide an accurate means for reviewing the material in the application. Where necessary, the application shall be accompanied by properly documented copies of percolation tests, State approval of septic and sewer systems and/or other instruments of compliance.  
  
Site Plan Approval by the Planning Board is required prior to application for a building permit for multi-family dwellings and/or non-residential developments excluding conversion apartments.
6. Amendments to a Permit: Amendments to a permit or other records accompanying it may be filed at any time before the completion of the work. Such amendments should become a part of the original application.
7. Expiration of Permits: If work described in any permit has not begun within one year from the date of issuance, it shall expire. A written notice may be given by

the Board of Selectmen or the Zoning Officer to the persons affected. A new permit shall be required in order for work to continue.

E. Action on Building Permits and Certificates of Use and Occupancy

1. Action on Permit Application: The Board of Selectmen or the Zoning Officer shall act on all applications for permits and amendments thereto within fifteen (15) working days after filing. They/he shall conduct a preliminary inspection of all structures and/or land for which an application for a permit has been filed. If the application and preliminary inspection indicate compliance with the Zoning Ordinance, a permit shall be issued. If the permit is not approved, the applicant shall be notified in writing as to the reasons for disapproval.
2. Posting of Permits: The Permit shall be posted at the work site and be visible from the street until the completion of the permitted work.

If the Board of Selectmen or the Zoning Officer is satisfied that the completed work conforms with the Zoning Ordinance, they/he shall issue a Certificate of Use and Occupancy for the use indicated in the Building Permit.

F. Fee Schedule

Payment of Fees: No Building Permit or Certificate of Use and Occupancy shall be issued until the fees prescribed by resolution of the Board of Selectmen have been paid.

G. Notice of Violation

Where the Board of Selectmen or the Zoning Officer find that the provisions of this Ordinance are being violated, they/he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the necessary corrective action and specifying the maximum number of days permitted to correct the violation.

H. Prosecution of Violation

If the Notice of Violation is not complied with, the Board of Selectmen or the Zoning Officer may request the Town Solicitor to institute the appropriate proceedings to correct or abate such violations.

1. Notice to Owner: Upon receipt of notice from the Board of Selectmen or the Zoning Officer that work on, or use of, any building, other structure and/or land is contrary to the Zoning Ordinance, such work shall stop immediately. The Stop-Work Order shall be made in writing to the owner of the property involved and shall state the conditions under which the work or the use may be resumed.
2. Conditions of Discontinued Work: Any person who has been served with a Stop-Work Order or discontinues or abandons work shall not leave any building, other

structure and/or land in such condition as to be a hazard to the public. The Board of Selectmen shall have the power to require that such building, other structure and/or land shall be put in such condition as they direct and the work required to do so shall be at the full expense of the person who has been served with the Stop-Work Order.

Updated 4/05/10

ARTICLE XX – AMENDMENTS  
(Adopted March 14, 1989)

A. Procedure for Amending the Zoning Ordinance

This Ordinance may be amended by a majority vote of the local legislative body at any legal Town Meeting in accordance with the provisions of RSA 675:3 as amended except that a petition amendment shall be voted on only at the Annual Town Meeting (RSA 675:4 as amended).

Updated 12/2/03

ARTICLE XXI - APPEALS TO THE BOARD OF ADJUSTMENT  
(Adopted March 14, 1989)

A. Procedure

Appeals to the Board of Adjustment shall be processed in accordance with the provisions of RSA 676:5 and 676:6 as amended.

1. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a ~~reasonable time~~ *thirty (30) days (Adopted March 10, 2005)*, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
2. An appeal stays all proceedings under the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Superior Court on notice to the officer from whom the appeal is taken and cause shown.

Updated 3/10/05

ARTICLE XXII - VALIDITY/SEVERABILITY  
(Adopted March 14, 1989)

A. Severance

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the Zoning District boundaries as shown in the Zoning Map, shall, for any reason, be declared to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or of any remaining article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Zoning Ordinance. The remaining portions of the Ordinance shall remain in effect as though the part or section declared unconstitutional or invalid was never a part thereof.

Updated 12/2/03

ARTICLE XXIII – REPEALER  
(Adopted March 14, 1989)

A. Ordinance Repealed

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions, regulations, limitations and/or restrictions of the Zoning Ordinance is hereby repealed to the extent of such conflict.

Updated 12/2/03

ARTICLE XXIV – REMEDIES  
(Adopted March 14, 1989)

A. Remedies

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted or maintained, or used in violation of this Ordinance or prior enabling laws, the Board of Selectmen, in addition to other remedies provided by law, may institute in the name of the Town any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

Updated 12/02/03

ARTICLE XXV – PENALTIES  
(Adopted March 14, 1989)

A. Penalties

Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance shall be subject to the provisions of RSA 676:15 and 17, as amended relative to injunctive relief and fines and penalties.

Updated 12/02/03

ARTICLE XXVI - EFFECTIVE DATE  
(Adopted March 14, 1989)

A. Effective Date

This Zoning Ordinance shall take effect upon the date of its adoption by the legislative body of the Town of Antrim.

12/02/03