

**THE TOWN OF NORTHFIELD, NEW HAMPSHIRE**

**ZONING ORDINANCE**

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SEPTEMBER 18, 1973**

**AMENDED  
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## TITLE

This ordinance shall be known and may be cited as Town of Northfield Zoning Ordinance, hereinafter referred to as "this ordinance."

## DEFINITIONS

For the purpose of this ordinance, certain terms are defined as provided in this section.

**ACCESSORY DWELLING UNIT (ADU):** A residential living unit that provides independent living facilities for one or more person, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

**ACCESSORY USE/STRUCTURE:** A detached building or use which is located on the same lot as the principal building and the use of which is incidental and subordinate to that of the principal use, including, but not limited to, pools, sheds, shipping containers, canvas garages and garages, including a freestanding structure with a flexible or rigid sheathing material such as fabric, canvas, rubber, plastic, wood, metal or glass used as a workspace or for the enclosure and/or storage of property, vehicles, animals or persona.

**AUTOMOTIVE REPAIR:** A building, premises or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair or painting of vehicles is conducted. The dispensing of fluids, including fuels, oil and antifreeze shall be included in this use.

**BODIES OF WATER:** Bodies of Water, as defined for the Town of Northfield in this Ordinance shall include Knowles Pond, Sandogardy Pond, the Merrimack River, the Winnepesaukee River, and the Tioga River.

**BUILDING:** A structure, including all integral parts thereof, intended for the use and occupation as a habitation, or for some purpose of assembly, business, manufacture, institutional storage, ornamentation, or shelter of persons, animals, or chattels. This term shall include accessory buildings, subordinate to a main building and customarily incidental to the purpose of a main building, including open porches, open breezeways and any other roofed area.

**BUILDING PERMIT:** Written permission issued by the proper Town official prior to/and authorizing the construction, repair, alteration, addition to a structure, demolition, or significant change in use to a property.

**CAMPGROUND:** A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes and not for permanent year-round residences. Associated infrastructure such as camp store, sanitary facilities, recreation hall, similar structures, and a year-round caretaker residence are allowed.

**CLUSTER RESIDENTIAL DEVELOPMENT:** Superseded March 9, 2004 by ARTICLE 13: OPEN SPACE RESIDENTIAL DEVELOPMENT.

**CODE ENFORCEMENT OFFICER:** The individual designated by the Town of Northfield to enforce building codes and development regulations.

**CONDOMINIUM:** Multi-family, or group of dwelling units, wherein dwelling-units are individually owned, but wherein open space and group facilities are held in common ownership. Condominiums shall be considered a subdivision of land as outlined in RSA 356-B and reviewed accordingly.

**CONFERENCE CENTER:** A facility used for conferences and seminars, which may include accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities and meeting rooms.

**COUNTRY CLUB:** Land and structures customarily associated with a golf course, comprising a club house, recreational facilities and other accessory uses, and open to members and their guests or open to the public.

**DWELLING UNIT:** A structure or part thereof including a room or rooms with or without independent cooking, sanitary and sleeping facilities; a unit of a condominium development, or a vehicle stationary or mobile, with living and/or sleeping accommodations intended for use and/or occupancy by a single family or household. The term shall include but not be limited to, house, apartment, cottage, tourist cottage, motel, hotel, inn, camp, tent, mobile home, trailer, travel trailer, pick-up camper, and other recreational vehicles.

- (1) **Single Family Dwelling**, means a building used or adapted for use as a dwelling unit by one family or individual.
- (2) **Two Family Dwelling**, means a building used or adapted for use as two dwelling units.
- (3) **Multi-Family Dwelling**, means a building used or adapted for use as more than two dwelling units.

**EDUCATION FACILITY:** A building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. The facility may be publicly or privately owned.

**FAMILY:** Any number of individuals, including domestic employees, living together in a dwelling unit, provided that a group of five or more persons, who are not within the second degree of kinship to each other as defined by the civil law, shall not be deemed to constitute a family.

**FRONTAGE:** The distance along the lot line dividing a lot from either, (1) a public highway, excepting limited access highways as defined by RSA 230:44 and Class VI highways; or (2) a subdivision road shown on a plat approved by the Planning Board and recorded at the Registry of Deeds.

**HOME OCCUPATION:** Any use conducted by an owner or tenant entirely within an existing dwelling or accessory building for offices of a doctor, engineer, architect, lawyer, or other recognized profession, or for offices for real estate and insurance businesses, or such home occupations as family day care, hair-dressing, dressmaking, manufacturing of craft or food products for sale; provided that there are no more than two paid employees on the premises other than the operator of the business or profession. Home occupations shall include service businesses that do not generate noise, fumes, or health nuisances, do not have any outside storage and do not require deliveries by heavy trucks.

**HOME PRODUCE AND PRODUCTS:** Includes everything of an agricultural nature grown, produced, conditioned, or otherwise carried on the property of the resident, and such articles as are manufactured or altered by members of the household and their employees.

**INDOOR RECREATIONAL FACILITY:** An establishment that provides facilities for aerobic and anaerobic exercises, swimming, playing courts, shooting ranges or similar indoor activities and facilities.

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

**LOT:** A parcel of land, undivided by a street or Town line, with ascertainable boundaries established by deed or by lot boundary lines on a land subdivision plan filed with the Registry of Deeds. The boundary line of a lot, abutting on a public right of way, shall be the boundary line of the right of way, even though ownership of land may extend beyond such boundary line.

**LOT LINE:** The property line dividing a lot from an adjacent property.

**LOT SIZE:** The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for/or dedicated to street purposes.

**MANUFACTURED HOME PARK:** Means a parcel of land occupied by two or more manufactured houses designed to be used for living purposes. Manufactured homes occupying rented spaces need not be placed on permanent foundations.

**MANUFACTURED HOUSING:** A structure, commonly referred to as a “mobile home” built on a chassis, constructed so as to permit its being used as a conveyance or transported upon its own wheels and used or intended for use as a residence.

**MEDICAL CARE FACILITY:** A structure that houses health services providers.

**NON-COMMERCIAL STORAGE:** A building for the enclosure and/or storage of residential property, vehicles, animals, or personal goods.

**NURSING HOME:** An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients who are not related. Generally, these are homes for the infirmed elderly.

**OCCUPANCY PERMIT:** A document issued by the proper Town official authorizing the occupancy or use of a building and certifying that the structure of use has been constructed or will be used in compliance with all applicable Town ordinances and regulations.

**OFFICE:** A room or group of rooms used for conducting the affairs of business, profession, service, industry, or government and generally furnished with desks, tables, files, computers and communications equipment. This may include areas for customers to be served, such as the lobby at a bank.

**ORDINANCE:** Any legislative action, however denominated, of the Town of Northfield which has the force of law, including any amendment or repeal of any ordinance.

**OUTDOOR RECREATIONAL FACILITY:** A facility that is the primary use of a property and is designed for outdoor recreational activities, but specifically excluding race tracks for motorized vehicles. Examples of outdoor recreational facilities include, but are not limited to: playing fields, tennis courts, running tracks, playgrounds and swimming pools.

**RESEARCH AND DEVELOPMENT:** An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering or product development.

**RESIDENTIAL HOME-CARE FACILITY:** Group residence occupied by people in need of assistance in their daily lives. Such facilities are designed and operated to house people with similar or common needs, such as a facility for frail elderly people, or people recovering from head injuries. Professional supervision and some services such as health monitoring, recreational activities and transportation may be an integral component of the use.

**RESTAURANT:** An establishment where food and drink are prepared, served and either consumed onsite or taken out to consume elsewhere.

**RETAIL:** Selling of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This shall not include yard sales and other such activities which are incidental to a residential use.

**RIGHT-OF-WAY (ROW):** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use of a second party.

**SELF-SERVICE STORAGE FACILITY:** A building or group of buildings containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

**SERVICE (OR SERVICE USE):** A commercial use which primarily provides services to people or businesses. There may be incidental retail or office activity, but the primary commercial activity is services including but not limited to beauty salons and barber shops. (This definition excludes automotive related uses).

**SETBACK:** The unoccupied space between a legal boundary (right-of-way, lot line, or property line) and any part of a building.

**Side Setback:** A space, unoccupied and extending the full length of a lot between the building and the side boundary.

**Rear Setback:** A space, unoccupied and extending the full width of a lot between the building and the rear boundary.

**Front Setback:** A space, unoccupied and extending the full width of a lot between the building and the front boundary.

**SHORT TERM LODGING:** a transient use in which a single-family dwelling offers for public hire rooms for overnight accommodations and may offer meals prepared in the kitchen of the dwelling unit. This includes such things as bed & breakfast, seasonal cabins or cottages

**SLOPE OF LAND:** Measurement Standards for determining slopes defined as the percent slope of land is the vertical distance divided by the horizontal distance and then multiplied by 100. For example, a 20% slope is a drop of 20 feet in elevation in a horizontal distance of 100 feet.

**STREET:** A state highway, or highway or road which is lawfully existing and maintained by the town of Northfield for vehicular travel the word "street" shall include the entire right-of-way.

**WAREHOUSE:** A structure or space used primarily for the storage and distribution of goods and materials. This does not include Self-Service Storage Facilities.

**WIRELESS SERVICE FACILITY:** Facility for the provision of wireless services, as defined by the Telecommunications Act of 1996, as amended. Wireless service facilities include a mount, antenna, equipment shelter, and other related equipment.

**WHOLESALE:** Selling merchandise to retailers, to industrial commercial institutional or professional business users or to other wholesalers.

**ZONING DISTRICT:** A specifically delineated district within the Town where regulation and requirements uniformly govern the use, placement, spacing and size of land and buildings.

## **ARTICLE 1: PURPOSE**

- 1.1 The purpose of this ordinance is to preserve the beauty of the Town of Northfield; to provide adequate area between buildings, structures and other uses of property; to provide adequate area between buildings and rights-of-way; to protect property values; to allow for timely and proper provision of public facilities, utilities and improvements; and to generally provide for the values set forth in RSA 674:16 and 17 and the Northfield Master Plan so as to promote and protect the health, safety and general welfare of the Town and its citizens. This ordinance is adopted pursuant to the authority vested in the Town by RSA Title LXIV.

## **ARTICLE 2: ENFORCEMENT/BUILDING PERMITS**

- 2.1 It shall be the duty of the Board of Selectmen or their designee to enforce this ordinance.
- 2.2 The Board of Selectmen is hereby authorized to establish a building permit system to assist in the administration and enforcement of this ordinance. The Selectmen may delegate any portion of the administration of this system to such person as they deem appropriate.
- a) Prior to any construction, alteration, demolition or other actions relating to usage of property, including significant changes in use, a building permit shall be obtained in accordance with the rules and

- procedures established by the Selectmen.
- b) Such rules shall establish the circumstances under which a building permit is required, including criteria pertaining to value or extent of proposed activity which will establish when a permit is required.
  - c) The Selectmen may establish reasonable fees to be charged for building permits, such fees to be paid at the time of application for the permit.
  - d) The Selectmen may establish a building permit application form.
- 2.3 No activity on the site in furtherance of a proposal for which a building permit is required may be undertaken until the building permit has been obtained.
- 2.4 The building permit system shall be administered in accordance with RSA 676. Decisions by the Selectmen or their designee on a building permit arising out of application of this ordinance shall be deemed administrative decisions subject to appeal to the Board of Adjustment pursuant to RSA 676 and 677 and section 3.3 of this ordinance.

### **ARTICLE 3: BOARD OF ADJUSTMENT**

- 3.1 The Board of Selectmen shall appoint a Board of Adjustment of 5 members to serve staggered 3-year terms in accordance with RSA 673:5. Members of the Board in office on March 11, 1986, shall continue to serve in office provided that no member may be permitted to serve a term longer than 3 years. The Selectmen shall provide staggering of existing terms so that no more than 2 appointments occur annually except to fill vacancies. Members shall be eligible for reappointment. Vacancies shall be filled by appointment by the Selectmen for the unexpired term.
- 3.2 Alternates. Not more than 3 alternate members of the Zoning Board of Adjustment may be appointed by the Selectmen to serve for the terms and in the manner provided by RSA 673:6 and 673:11.
- 3.3 Powers and Duties. The Zoning Board of Adjustment shall hear and decide administrative appeals and applications for special exceptions and variances, and exercise such powers and duties as are vested in it by this ordinance. The Board shall conduct its affairs in accordance with the requirements and procedures established by law.

### **ARTICLE 4: VIOLATION/ENFORCEMENT**

- 4.1 Any person, firm, corporation or other entity which violates this ordinance shall be subject to any or all of the penalties, fines and forfeitures established by law for violation of this ordinance, including RSA 676:17. The Selectmen, in enforcing this ordinance, shall determine the appropriate enforcement mechanism and remedial action to institute for any violation.
- 4.2 The Selectmen may institute legal action seeking declaratory, injunctive or other relief in a court with appropriate jurisdiction.

### **ARTICLE 5: GROWTH MANAGEMENT ORDINANCE**

**Expired March 12, 2013**

### **ARTICLE 6: DISTRICTS**

- 6.1 The Town of Northfield is hereby divided into six classes of districts with the following designations:

**CONSERVATION DISTRICT: "CONS."**

Purpose: The purpose of the CONS Zone is to discourage scattered and premature growth and development in currently undeveloped areas in the Town of Northfield in order to protect

valuable watersheds, wildlife habitat, agricultural lands, open space, and valuable woodlands.

Location:

1. R-1 District extends 500' into the Conservation District on all Class V or better roads excluding I-93
2. East of the Merrimack River, to Concord Road, South of Franklin City and Hodgdon Road, West of Peverly Rd and Concord Rd, North of the Canterbury Town line.
3. Areas Easterly of I-93 and Southerly of Bean Hill Rd. to town line.
4. South-Easterly of Rand Rd., South-Westerly of Knowles Pond Rd., North-Easterly of Shaker Rd. to Twin Bridge Rd. and areas South-Easterly of Twin Bridge Rd. to the town lines.
5. From the Franklin Town Line and Oak Hill Road, southerly along Oak Hill Road to the Canterbury Line; then easterly to Sandogardy Pond Road. Then turning northerly along Sandogardy Pond Road to Union Road, then onto Shaw Road and running north along Shaw Road to the Franklin town line.
6. Areas easterly of I-93, northerly of Bay Hill Road, westerly of Shaker Road, southerly of the Winnepesaukee River and back to the point of beginning.
7. From the intersection of the Commercial/Industrial District 2 and Shaker Road, running southerly along Shaker Road to Twin Bridge Road, turning northeasterly along Twin Bridge Road and following the Town line then turning northwesterly along the town line to the Commercial/Industrial district 2 and following the Commercial/Industrial district 2 boundary northwesterly to the point of beginning.
8. South of Bay Hill Rd and Knowles Farm Rd, South-West of Knowles Pond Rd, North-West of Rand Rd and Haggett Farm Rd, North of Bean Hill Rd, East of Keasor Rd and Reservoir Rd.

**COMMERCIAL/INDUSTRIAL 1 DISTRICT: "C/I-1"**

Purpose: The purpose of the C/I Zone is to allow for commercial and industrial development in proximity to major transportation corridors (and potential future major transportation corridors), municipal sewer (not on-site septic), municipal water (not on-site well), and other municipal services.

Location:

1. Starting at the entrance ramp to I-93 Southbound, proceed southerly on the westerly side of I-93 ROW, to the Rt. #132 intersection then southerly along Rt. #132 to the cemetery north side boundary, then 2,000 feet from the center line, northwesterly perpendicular to Rt. #132, hence northeasterly to a point on Old Forrest Rd, said point is 1,000 feet from the centerline of westerly of New Forest Rd., then northerly in a line parallel of New Forest Rd. to Sargent St.,

**COMMERCIAL/INDUSTRIAL 2 DISTRICT: "C/I-2"**

Purpose: The purpose of the C/I Zone is to allow for commercial and industrial development in proximity to major transportation corridors (and potential future major transportation corridors), and other municipal services.

Location:

1. Areas Southerly of Rt. #140 for a distance of 1,000 feet. From the center line of Rte. #140 and Northerly of Shaker Rd. starting at their intersection, and ending at the Town Line.
2. Areas Northerly of Rt. #140 to the town line.

**MULTI-FAMILY RESIDENTIAL DISTRICT: "R-2"**

Purpose: The purpose of the R-2 Zone is to allow for a mix of multi-family and single-family homes in the Town of Northfield. The zone allows for higher-density residential development and is generally located closer to town services, commercial areas, and major transportation corridors.

Location:

1. Area's westerly of I-93 to the railroad and westerly of the railroad and south of the Winnepesaukee River.
2. Area's westerly of the railroad, South of the Winnepesaukee River Trail, North of Sargent St and Scribner Road to 500 feet from Cross Mill Rd, keeping along Cross Mill Rd 500' set back to 1,850 feet from Scribner Rd. See zoning map



### **SINGLE-FAMILY RESIDENTIAL DISTRICT: "R-1"**

**Purpose:** The purpose of the R-1 Zone is to provide for predominantly single-family housing, at a lower density than in the R-2 Zone, and in areas of the Town which have good access to established town-maintained (Class V) roads or better.

**Location:**

1. All other areas of Town.
2. In the Conservation Zone R-1 Zones extend by 500' from the center line of roads Class V or better, excluding I-93, into the "Conservation Zones." See zoning map.

### **WATERFRONT RECREATION "WR"**

**Purpose:** The purpose of the WR zone is to allow for a mix of recreation, leisure, agricultural and educational uses that would be compatible to the natural setting community.

**Location:**

1. The area between Route 132 and the Franklin Town Line, north and west of the Boston and Maine Railroad right-of-way and south and east of the Winnepesaukee River.
2. The area between I-93 and the Cofran Ave Extension, currently known as the Richard P Smart Conservation Area.

## **6.2 GROUNDWATER PROTECTION ORDINANCE**

1. **AUTHORITY.** The Town of Northfield hereby adopts this ordinance pursuant to the authority granted under RSA 674:16 and RSA 674:21.

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 future potential groundwater supply areas and to protect surface waters that are fed by groundwater. This is to be accomplished by regulating the uses of land over known aquifers as depicted on the "Groundwater Protection Overlay Map for the Town of Northfield, NH" LRPC map date 07-20-2009 (or subsequent revisions) and their recharge areas so as to protect them from contamination caused by adverse or incompatible land use practices or developments, and to preserve the water quantity by maintaining adequate recharge of the aquifer.

### **3. DEFINITIONS**

- a) **Aquifer:** a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.
- b) **Biosolids/Sludge:** Sludge is an organic solid, semi-solid, or liquid by-product of the wastewater treatment process. Sludge characteristics vary depending on each treatment facility's waste stream and the processes that are used. Sludge that meet EPA standards for land application, which include reduction or elimination of pathogens and very low limits for heavy metals, are referred to as Biosolids.
- c) **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.
- d) **Groundwater:** subsurface water that occurs beneath the water table in soils and geologic formations.
- e) **Groundwater recharge area:** That area from which water is added to the saturated zone by: a) natural processes such as infiltration or precipitation, or by b) artificial processes such as induced infiltration
- f) **Impervious:** not readily permitting the infiltration of water.
- g) **Impervious surface:** a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Asphalt; earthen, wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.
- h) **Junkyard:** 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.

- i) Overlay district. A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements that are in addition to those otherwise applicable for the underlying zone.
- j) Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
- k) 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.
- l) Public water system: a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
- m) 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.
- n) Sanitary protective radius: The area around a public water supply well which must be maintained in its natural state as required by Env-Dw 301 or Env-Dw 302 (for community water systems); Env-Dw 372.14 and Env-Dw 373.12 (design standards for small community and non-community public water systems, respectively).
- o) Secondary containment: a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110% of the volume of the largest container holding regulated-substances. Secondary containment areas must be covered if regulated substances are stored outside.
- p) Snow dump: For the purposes of this ordinance, a location where snow which is cleared from roadways and/or motor vehicle parking areas is placed for disposal.
- q) Stratified-drift aquifer: 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.
- r) Surface water: streams, lakes, ponds and tidal waters, including marshes, water courses and other bodies of water, natural or artificial.
- s) Wellhead protection area: The surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.

- 4. GROUNDWATER PROTECTION DISTRICT.** The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries the Stratified-drift Aquifers as found within the Geohydrology and Water Quality of Stratified-Drift Aquifers in the Winnepesaukee River Basin, Central New Hampshire and Geohydrology and Water Quality of Stratified-Drift Aquifers in the Upper Merrimack River Basin, South-Central New Hampshire (USGS 1997) and the most current Wellhead Protection Area for the Tilton-Northfield Municipal well shown on the map entitled "Groundwater Protection Overlay Map for the Town of Northfield, NH", adopted concurrent with this Ordinance.

District Boundary Disputes: If the location of the Groundwater Protection District in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through application for determination to the Planning Board. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district with respect to their individual parcel(s) of land should be located. Upon application for determination, the Planning Board may engage a professional engineer, hydrologist, geologist, or soil scientist at the expense of the owner(s) for the cost of the investigation. Based on evidence and findings, the Planning Board may adjust the boundary of the Groundwater Protection District or reduce or expand the designation area to more correctly define the

location and the extent of the aquifer on a site-specific, case by case basis and shall incorporate such adjustments onto the Northfield Groundwater Protection District Map.

5. **APPLICABILITY.** This ordinance applies to all uses in the Groundwater Protection District, except for those uses exempt under Article 6.2.11 (Exemptions) of this Ordinance.
6. **PERMITTED USES.** All uses permitted by right or allowed by special exception in Article 7, Table 1 of the Northfield Zoning Ordinance in the underlying district are still permitted or allowed by special exception in the Groundwater Protection District unless they are on the lists of Prohibited or Special Uses. All uses must comply with the Performance Standards unless specifically exempt under Article 6.2.11.
7. **PROHIBITED USES.** The following uses are prohibited in the Groundwater Protection District:
  - a) The development or operation of a hazardous waste disposal facility as defined under RSA 147-A;
  - b) The development or operation of a solid waste landfill;
  - c) The outdoor storage of road salt or other deicing chemicals in bulk;
  - d) The development or operation of a junkyard;
  - e) The development or operation of a snow dump;
  - f) The development or operation of a wastewater or septage lagoon;
  - g) The development or operation of a petroleum bulk plant or terminal;
  - h) The development or operation of gasoline stations;
  - i) The development or application of Biosolids/sludge;
  - j) Bulk on-site collection, handling, manufacture, use, disposal, storage, processing or recycling of toxic or hazardous materials or wastes, both solid and liquid subject to Env-Hw 500-900;
  - k) The disposal of non-domestic untreated wastewater
  - l) Automotive uses including gas stations, service and repair shops, fleet/trucking/bus terminals, car washes, and automotive salvage yards;
  - m) Subsurface storage of petroleum and other refined petroleum products;
  - n) Sludge monofils;
  - o) Storage of animal manure unless covered or contained in accordance with the specifications of the Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 2005, and any subsequent revisions;
  - p) Facilities that generate, treat, store, or dispose of hazardous waste subject to Env-Hw 500-900 except for:
    - i. household hazardous waste centers and events regulated under Env-Hw 401.03(b)(1) and Env-Hw 501.01(b); and
    - ii. water remediation treatment works approved by NH DES for the treatment of contaminated ground or surface waters;
  - q) Non-sanitary treatment works which discharge to the ground and that are subject to Env-Wq 402, except the following:
    - i. 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;
    - ii. treatment works approved by NH DES designed for the treatment of contaminated groundwater.
  - r) Storage of regulated substances in greater than household quantities (> 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;
  - s) Storage of fertilizers, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
  - t) Excavation or Mining within four feet of Seasonal High Water Table (average) as determined by a certified hydrogeologist or recent technical study. Water table depth shall include information provided from test pits that extend to either the seasonal high water table, ledge, or to a minimum of six feet below the maximum proposed excavation depth, including location and soils data.

- 8. SPECIAL USES.** The Planning Board may grant a Special 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 Article 6.2.9.h(iii), is approved by the Northfield Code Enforcement Officer;
  - b) Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater.
  - c) In granting a Special Use Permit:
    - i. The Planning Board must determine that the proposed use is not a prohibited use;
    - ii. Special Uses shall also be in compliance with the Performance Standards in Article [6.2.9] as well as all applicable local, state and federal requirements;
    - iii. The Planning Board may, at its discretion, require a performance or other surety bond, in an amount and with conditions satisfactory to the Board, to ensure completion of construction of any facilities required for compliance with the Performance Standards.
  - d) The Planning Board may require that the applicant provide data or reports prepared by a licensed professional geologist or certified soils scientist to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires at the expense of the applicant to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria.
- 9. PERFORMANCE STANDARDS.** The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Article 6.2.11.
- a) 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;
  - b) All regulated substances stored in 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;
  - c) 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.
  - d) 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;
  - e) Secondary containment with a cover must be provided for outdoor storage of regulated substances if an aggregate of regulated substances exceeding 5 gallons are stored outdoors on any particular property;
  - f) 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;
  - g) 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.
  - h) In addition, Special Uses shall:
    - i. Develop and submit a storm water management and pollution prevention plan and shall include information consistent with Developing Your Storm water Pollution Prevention Plan: A Guide for Industrial Operators, (US EPA 2009). The plan shall demonstrate that the use will:
      - 1. The use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
      - 2. Minimize the release of regulated substances into storm water through a source control plan that identifies pollution prevention measures;

3. Demonstrate that storm water systems are designed to treat expected contaminants sufficiently in order to ensure that groundwater quality will not be degraded and result in violation of Ambient Groundwater Quality Standards (Env-Ws 410.05) at the property boundary;
  4. Stipulate that expansion or redevelopment activities may, at the discretion of the Planning Board, require an amended storm water plan;
  5. Not infiltrate storm water 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).
  6. Road standards within the Groundwater Protection District shall ensure that maximum local groundwater recharge occurs and that the minimum amount of road salt and de-icing agents is utilized.
- ii. 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 also be consistent with the New Hampshire Stormwater Manual Volumes 1-3, NH Department of Environmental Services, December 2008, and Aquifer Protection Best Management Practices, Tri-Town Aquifer Project Protecting Shared Drinking Water Resources, Lakes Region Planning Commission, April 2007.
  - iii. For any use of regulated substances, a spill control and countermeasure (SPCC) plan shall be submitted to the Code Enforcement Officer 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 SPCC plan shall include:
    1. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas;
    2. 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;
    3. A list of all regulated substances in use and locations of use and storage;
    4. 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;
    5. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.

**10. 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 Rules.

**11. 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;
- b) Any business or facility where regulated substances are not stored in containers with a capacity of 5 gallons or more is exempt from Performance Standards c through f;
- 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 c;
- d) Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by the vehicle is exempt from Performance Standards c.
- e) Storage and use of office supplies is exempt from Performance Standards c through f;
- f) Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards c through f;
- 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-Hw 401.03(b) (1) and 501.01 (b) are exempt from Performance Standards c through f.

- i) Underground storage tank systems and above-ground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Article 6.2.13 of this ordinance.

**12. RELATIONSHIP BETWEEN STATE AND LOCAL REQUIREMENTS:** Where both the State and the municipality have existing requirements the more stringent shall govern.

**13. 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 Registry of Deeds for Merrimack County. 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 Northfield Code Enforcement Officer at reasonable times with prior notice to the landowner.
- c) All properties within the Groundwater Protection District known to the Northfield Code Enforcement Officer 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 Article 6.2.11, shall be subject to inspections under this Article.
- 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.

**14. 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.

**15. 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.

**16. EFFECTIVE DATE.** March 14, 2004. (*Revised March 9, 2010*)

**6.3 ACCESSORY DWELLING UNIT (ADU)**

Is permitted in all zoning districts subject to the definition provided in this Ordinance.

- a) Building Permit is required.
- b) Only one (1) ADU allowed per single-family dwelling.
- c) Owner of property must occupy either principal dwelling or ADU.
- d) Maximum size of any ADU is 1,000 sq. ft.
- e) ADU can be attached or detached to the principal dwelling unit.
- f) Maximum number of bedrooms in the ADU is two (2).
- g) The principal dwelling unit and ADU must comply with all existing zoning requirements such as lot sizing and setbacks that are appropriate to single family units.
- h) Water and sewage systems need not be separate but must comply with town and state regulations.
- i) If an ADU is attached, an interior door shall be provided between the principal dwelling and the ADU, but is not required to remain unlocked.
- j) Adequate parking must be provided.
- k) Mobile homes are not allowed as ADU's

## **ARTICLE 7: USES**

**7.1 USES:** Permitted uses and uses allowed by special exception in each zoning district are designated by "P" and "E", respectively, in **Table 1** Uses. Any listed use not indicated as a permitted use or a special exception is prohibited. A use which is not listed in **Table 1** shall not be permitted except by variance.

**7.2 LOT REQUIREMENTS:** Lot requirements for each district are shown in **Table 2**.

- 7.3 FRONTAGE: All lots, residential subdivisions, non-residential developments and multifamily developments shall contain the minimum frontage required by this ordinance and the subdivision regulations adopted by the Planning Board.
- 7.4 DRIVEWAYS: Driveways and other access to public ways shall conform to RSA 236:13 and to Regulations adopted by the Planning Board.
- 7.5 PARKING: Parking shall conform to the Site Plan Regulations adopted by the Planning Board.
- 7.6 ACCESSORY USE/STRUCTURE: Is permitted in all districts subject to the definition provided in this Ordinance.
- 7.7 LIFE SAFETY CODE: All building construction as of the passage of this provision must meet the "most current" State of NH adopted 101 Life safety Code.
- 7.8 LAND APPLICATION OF SLUDGE: The land application of sludge (bio-solids) may be allowed but no septage is allowed in the Town of Northfield. Any use of sludge (bio-solids) shall meet all current federal and state laws and regulations and shall require site plan review by the Planning Board.
- 7.9 TELECOMMUNICATIONS (WIRELESS SERVICE FACILITIES): All Telecommunications wireless service facilities are subject to the Northfield Wireless Telecommunications Ordinance adopted by reference on March 13, 2001.
- 7.10 RESIDENTIAL STRUCTURES ON LOTS: Residential uses are permitted according to Article 7, Table #1 – Uses by District. No more than one single family dwelling or two-family dwelling is permitted on any one lot. The following exception applies: Multi-family dwellings and developments that propose more than two single or two-family dwellings, or combination thereof, require Site Plan approval by the Planning Board.

**TABLE 1 - USE BY DISTRICT**

**PERMITTED USES (P)      NOT PERMITTED (N)      SPECIAL EXCEPTION (E)**

<b>USE</b>	<b>R-1</b>	<b>R-2</b>	<b>C/I-1</b>	<b>C/I-2</b>	<b>CONS</b>	<b>WR</b>
Single Family Residence	P	P	N	N	P	P
Two Family Residence	P	P	N	N	P	N
Multi Family Residence 4 units or less	E	P	N	N	N	N
Multi Family Residence 5 units or more	N	P	E	N	N	N
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P
Agriculture as defined in RSA 21:34-a	P	P	E	E	P	P
Automotive Repair	N	P	E	E	N	N
Campground	E	E	N	N	E	E
Church	P	P	E	E	E	E
Conference Center	E	P	E	E	E	N
Country Club	E	P	N	N	E	E
Educational Facility	P	P	E	E	E	E
Home Occupation	P	P	P	N	P	N
Indoor Recreational Facility	E	P	P	P	E	P
Industrial and Manufacturing	N	E	P	P	N	N
Light Manufacturing	N	N	P	P	N	N
Manufactured Housing Park	N	E	N	N	N	N
Medical Care Facility	E	E	P	P	N	N
Motel, Hotel, Inn	N	E	P	P	E	N
Municipal Building	E	P	P	E	E	E
Non-Commercial Storage	P	E	P	P	P	E
Nursing Home	E	P	E	E	N	N
Office	E	P	P	P	E	E
Outdoor Recreational Facility	E	P	N	N	E	P
Research & Development	N	E	P	P	N	N
Residential Home-Care Facility	E	E	E	E	E	N
Restaurant	E	P	E	E	E	E
Retail Sales	E	P	P	P	E	N
Sale of Home Produce and Products	P	P	P	E	P	N
Self-Service Storage Facility	N	E	E	E	N	N
Service Business	E	P	P	P	E	N
Short Term Lodging	E	E	P	N	P	N
Warehouse	N	E	P	P	N	N
Wireless Service Facility	E	E	E	E	E	E
Wholesale	N	N	P	P	N	N



## DISTRICT MAP

**TABLE 2 - DIMENSIONAL REQUIREMENTS**

<b>DIMENSION</b>	<b>R-1</b>	<b>R-2</b>	<b>C/I-1</b>	<b>C/I-2</b>	<b>CONS</b>	<b>WR</b>
<b>Frontage</b> – minimum requirement <i>See Note E</i>	150'	150'	150'	150'	250'	150'
<b>Front Setback</b> (measured from nearest right-of-way of an abutting road)	35'	35'	35'	35'	100'	35'
<b>Site and Rear Setback</b>	20'	20'	20'	20'	50'	20'
<b>Setbacks to bodies of water</b> (measured from the ordinary high water mark or mean high water mark)						
Natural Woodland Buffer restrictions	150'	150'	150'	150'	150'	150'
Primary Structure setback:						
Merrimack River	n/a	n/a	n/a	n/a	*	n/a
Winnepesaukee River	*	*	*	*	*	*
Sandogardy Pond	n/a	n/a	n/a	n/a	*	n/a
Tioga River	*	n/a	*	*	*	n/a
Knowles Pond Setback <i>See Note D</i>	*	n/a	n/a	n/a	n/a	n/a
<b>Minimum Lot Size</b> <i>See Notes A, B, C, F</i>						
Single Family Residence						
With Public Sewer	2.00 ac.	0.50 ac.	NP	NP	5.00 ac.	5.00 ac.
Without Public Sewer	2.00 ac.	1.00 ac.	NP	NP	5.00 ac.	5.00 ac.
Two-Family Residence						
With Public Sewer	2.50 ac.	1.00 ac.	NP	NP	5.00 ac.	NP
Without Public Sewer	2.50 ac.	1.50 ac.	NP	NP	5.00 ac.	NP
Multi-family Residence (3 or 4 units) <i>See Note F</i>						
With Public Sewer	2.00 ac.	1.00 ac.	NP	NP	NP	NP
Without Public Sewer	2.00 ac.	1.00 ac.	NP	NP	NP	NP
Multi-family Residence (5 units or more) <i>See Note F</i>						
With Public Sewer	NP	1.25 ac.	1.25 ac.	NP	NP	NP
Without Public Sewer	NP	1.25 ac.	1.25 ac.	NP	NP	NP
Non-Residential						
With Public Sewer	2.00 ac.	0.50 ac.	0.50 ac.	.50 ac.	5.00 ac.	5.00 ac.
Without Public Sewer	2.00 ac.	1.00 ac.	1.00 ac.	1.00 ac.	5.00 ac.	5.00 ac.
Open Space Residential Development	20.00 ac.	NP	NP	NP	20.00 ac.	NP
Manufactured Home Parks	NP	10.00 ac.	NP	NP	NP	NP
Building Height (in stories)	3	3	3	3	3	3
Interstate 93 Buffer Zone <i>See Note G</i>	100'	100'	100'	100'	100'	100'

NP – Not Permitted

\* Set-back's to bodies of water will follow set-back requirements per NH State Regulations.

## NOTES TO TABLE 2 - DIMENSIONAL REQUIREMENTS:

- A. Minimum lot sizes may be altered to provide for adequate on-site sanitary facilities due to soil conditions or steep slopes in accordance with standards enumerated in the Subdivision Regulations adopted by the Planning Board.
- B. The overall permitted density in an open space residential development shall not exceed that specified in Article 13.3, Definitions #4 and #5.
- C. Any nonresidential use defined as special exception in Table 1 may be required to have such greater lot size as may be imposed as a condition of granting the special exception.
- D. No building construction to be allowed within 400' of the Knowles Pond High Water mark.
- E. A back land lot used for a residential purpose shall have a minimum of 50 feet of road frontage on a class five (5) or better road.
- F. All multi-family residences with 3 or more units have an additional  $\frac{1}{4}$  acre minimum lot size for each of the total units. Add  $\frac{1}{4}$  acre for each of the total number of units. For example, a 4 Unit Multi-family Residence in the R-1 Zone would require a minimum lot size of 2 acres plus an additional  $\frac{1}{4}$  acre per unit ( $\frac{1}{4}$  times 4 = 1 acre) for a total minimum lot size of 3 acres.

G. INTERSTATE 93 BUFFER ZONE:

1. **PURPOSE:** The intent of this section is to promote the public health, safety, and general welfare by:

- a) Minimizing noise, air, and visual pollution caused by Interstate 93;
- b) Preserving the scenic qualities of land adjacent to Interstate 93 for the benefit of tourism and economic development of the State, the Region, and the Town of Northfield; and
- c) Supporting the preservation of rural character, woodlands, and agricultural land uses as identified as community values in the Town of Northfield Master Plan (2003).

2. **DEFINITIONS:**

Basal Area: The cross sectional area of a tree measured at a height of 4.5 feet above the ground, usually expressed in square feet per acre for a stand of trees.

Ground Cover: Any herbaceous plant which normally grows to a mature height of 4 feet or less.

Natural Vegetative Buffer: A naturally vegetated area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

Sapling: 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 4.5 feet above the ground.

Shrub: Any multi-stemmed woody plant which normally grows to a mature height of less than 20 feet.

Structure: Anything constructed or erected that requires location on the ground or attached to something having a location in the ground such as buildings, towers, signs, and other similar structures. For the purposes of the Interstate 93 Buffer Zone, this definition does not include fences, mailboxes, culverts, and other similar items.

3. **NATURAL VEGETATIVE BUFFER.**

Where existing, a natural vegetative buffer shall be maintained within 100 feet of either side of Interstate 93 measured back from the New Hampshire Department of Transportation Interstate 93 right-of-way. Within the natural vegetative buffer, the following prohibitions and limitations shall apply:

- a) Not more than a maximum of 50 percent of the basal area of mature trees that have been identified as ready for harvest by a Federal, State, or County forester shall be removed for any purpose in a 20-year period. The removal of saplings is not permitted. The intent is to ensure that a dense, healthy, well-distributed stand of trees, saplings, shrubs, ground cover, and their living, undamaged root systems is left in place at all times.
- b) The establishment of new Structures and Buildings, as defined by this Ordinance, is prohibited in the Interstate 93 Buffer Zone.
- c) The expansion or alteration of existing Structures and Buildings is subject to Article 14: Non-Conforming Uses.
- d) Trees, saplings, shrubs, or ground cover that are dead, diseased, unsafe, or have fallen may be removed.
- e) Preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.
- f) Planting efforts that are beneficial to wildlife are encouraged.

## **ARTICLE 8: SPECIAL EXCEPTIONS**

- 8.1** GENERAL REQUIREMENTS: Any use which is listed as a special exception in Table 1 may be allowed only upon the granting of the special exception by the Board of Adjustment pursuant to this Article. The listing of a use as a special exception in Table 1 shall not create a presumption that the special exception shall be granted, even if all criteria enumerated are met. A special exception shall not be deemed to have the status of a permitted use and may be allowed only as determined by the Board of Adjustment and subject to such conditions as it may impose.
- 8.2** GENERAL CRITERIA: In determining whether to grant a special exception, the following factors shall be considered:
- a) Whether the site proposed for the use is appropriate based upon existing development, the master plan, availability of public facilities and utilities, character of the site, and nature of the proposed use.
  - b) Compatibility of the site with property and land uses in the vicinity.
  - c) Adequacy of, and plans for, sanitary facilities, water supply and road access.
- 8.3** FUTURE CONCERNS: In determining whether to grant a special exception, the Board of Adjustment, in its discretion, may consider plans for future development, whether short or long-term, by the applicant or by property owners in the vicinity of the area under consideration.
- 8.4** PLANNING BOARD REVIEW: A special exception may not be granted except after review, comment and recommendation by the Planning Board, if such action is requested by the Planning Board.
- 8.5** MANUFACTURING: In this section, "manufacturing" means manufacture or assembly of a commodity which does not involve generation of noise, vibration, smoke, or other disturbing or objectionable actions having adverse effects on abutting or neighboring properties.
- a) When allowed as a special exception in any district under Table 1, manufacturing uses may be approved in accordance with this Section.
  - b) Roads shall be of sufficient size and condition to handle projected employee and truck traffic.
  - c) The minimum road frontage shall be 250 feet.
  - d) The minimum setback for new buildings from the nearest roads right-of-way boundary shall be 75 feet.
  - e) Side yard and rear yard setbacks shall be a minimum of 50 feet.
  - f) The coverage of buildings, parking lots and drives shall be no more than 50 percent per parcel.
  - g) Parking space for one automobile per employee shall be provided on the site. Parking shall not be closer than 75 feet to any property line.
  - h) Proposed buildings shall be 200 feet from existing habitable residential buildings and 50 feet from existing commercial buildings.
  - i) Sight distances of 400 feet shall be maintained off the public road in each direction.

- j) Landscaping must be provided for on the front of the property, whenever there is no natural woodland.
- k) Disturbance of stone walls shall be minimized.
- l) A maximum of two access points to the property shall be provided for every 400 feet of public road frontage.
- m) Noise from the proposed operation shall not exceed acceptable standards for residential areas at the boundaries of the proposed industrial property.
- n) Lighting shall not be distracting to the existing or future abutting land users.
- o) The nature of the septic wastes must be disclosed and the proposed waste disposal facilities must be acceptable by the New Hampshire Department of Environmental Services and, if desired, by a competent engineer approved by the Northfield Planning Board.
- p) The industrial development must not entail the filling of wetland areas, including soils designated as being "very poorly drained" by the Soil Conservation Service.

## **ARTICLE 9: VARIANCE**

- 9.1** A variance is an authorization, which may be granted by the Zoning Board of Adjustment, under special circumstances and in accordance with NH RSA 674:33 as amended, to use property in a way that is not permitted under the strict terms of the zoning ordinance.

## **ARTICLE 10: MANUFACTURED HOMES, MANUFACTURED HOME PARKS & CAMPING TRAILER PARKS**

**10.1** INDIVIDUAL HOMES:

- a) On a buildable lot, the Board of Selectmen or designee, may approve the use of a manufactured home as an office, storeroom, shop, or residence in connection with construction work, for whom a residence is being built provided that a building permit has been issued. The use may continue for a period of one hundred and eighty (180) days. Provided it complies with all applicable sanitary and sewage disposal requirements.
- b) Any owner of a manufactured (or mobile) home installed on land in the Town of Northfield as of the date of enactment of this ordinance desiring to replace his present property, on the same site, by the installation of a replacement manufactured home shall be permitted to do so.
- c) A single travel trailer or camper, defined by this ordinance, owned by residents of the Town of Northfield may be stored or parked during periods of non-use on the premises of the owner provided it remains mobile and is not hooked to utilities and is not used as a residence.
- d) All manufactured homes installed on individual lots shall be installed in accordance to the National Building Code and State of New Hampshire Regulations.
- e) Manufactured homes on individual lots are allowed at a rate of one manufactured home per four conventional homes.
- f) The term "manufactured housing" refers only to a home which contains a chassis. Prefabricated, modular and sectional structures are considered to be conventional and are not subject to the provisions of this section.

**10.2** PARKS AND SUBDIVISIONS: Manufactured housing parks and subdivisions shall meet the following siting standards:

- a) They shall be located on a site with a minimum of ten (10) acres.
- b) They shall have a buffer strip of 75 feet along public roads and 50 feet along rear and side property lines.
- c) They shall have a maximum of two access points per development.
- d) All manufactured homes shall have access to a private well-drained roadway with a minimum roadway width of twenty (20) feet and with two (2) foot shoulders.
- e) A manufactured home shall be located so that it is at least twenty (20) feet from the right-of-way of the interior road and fifteen (15) feet from any other interior lot line.
- f) Manufactured home developments must conform to the overall density requirements of the zoning district. Individual units may be placed on lots as small as one-quarter (1/4) acre, provided that the

remaining land area is permanently reserved as open space.

**10.3** MINIMUM QUALITY STANDARDS: All mobile homes installed, both new and replacements shall meet the specifications adopted by the US Department of Housing and Urban Development on October 25, 1993 and which took effect October 25, 1994. The home shall have a data plate attached to it by the manufacturer stating the home meets all required specifications in effect of October 24, 1994.

**10.4** RECREATION CAMPING PARK STANDARDS: The following regulations shall apply with respect to all recreational camping parks:

- a) A recreational camping park shall have an area of not less than five (5) acres.
- b) Each tent, recreation vehicle or trailer space shall be at least 1,800 square feet in area and at least thirty (30) feet in width and shall have a suitable parking area of at least ten (10) feet in width and twenty (20) feet in depth.
- c) A strip of land at least seventy-five (75) feet in width shall be maintained as a landscaped area abutting all recreational camping park property lines.
- d) Every recreational camping park shall have a dumping station for sewage disposal, meeting all applicable State and local laws and regulations. The water supply source must meet all local State regulations.
- e) Each recreational camping park shall provide one or more service buildings containing flush-type toilets. Separate toilet areas shall be provided for males and females in accordance with all applicable State and local laws. Toilet rooms shall contain one lavatory with running water for each two toilets, but in no case shall any toilet room be without at least one lavatory with running water.

## **ARTICLE 11: APARTMENT CONVERSION STANDARDS**

**11.1** CONVERSION OF EXISTING STRUCTURES INTO APARTMENTS/CONDOMINIUMS.

Apartments or condominiums which are created from existing structures must conform to the following requirements:

- a) Each dwelling unit must have a minimum of four hundred (400) square feet.
- b) Adequate off-street parking shall be provided in conformance with the parking standards in Article 7, Table #3.
- c) Parking lots shall be a minimum of ten (10) feet from the front, side and rear property boundaries.
- d) Outside yard area, exclusive of the driveway parking lot and septic system (if applicable) shall equal at least 200 square feet per dwelling unit.
- e) Existing structures which are on the public sewer, but which may occupy less than one acre, may be converted to up to four (4) residential units, provided that conditions a - d in this Section are met.

## **ARTICLE 12: SIGNS**

**12.1** PERMITTED SIGNS

- a) All permitted signs shall be in good condition and good repair at all times. Any sign structure, when deemed in disrepair by the Selectmen or their designee, shall be removed by their order if not repaired within thirty (30) days after notice or if not otherwise removed within such thirty (30) days.
- b) Any sign in a discontinued use shall be removed upon order of the Selectmen after thirty (30) days' notice.
- c) Any new sign must, before installation, receive a permit from the Building Inspector or local Code Enforcement Official.

**12.2** PROHIBITED SIGNS

- a) Flashing or moving signs are prohibited. Illuminated signs shall be shielded, so as to minimize glare, distraction, confusion, or hazard to the surrounding area or to passing vehicles.
- b) The height of a free-standing sign shall not exceed eighteen (18) feet, except by special exception.

### 12.3 COMMERCIAL SIGNS

- a) Only signs advertising a business or industry in the Town of Northfield shall be permitted, and such signs must be placed on the premises of the particular business or industry.
- b) The use of billboards and off-premises signs is not permitted except by special exception.
- c) Signs advertising permitted home occupations or business in zones other than Commercial/Industrial shall be limited to two (2) in number, shall be displayed on the applicable property and shall total not more than six (6) square feet in area.
- d) Each business in the Commercial/Industrial zone is allowed one advertising sign on the business premises. Such sign shall not exceed twenty-four (24) square feet in total area.
- e) **Complex Sign Standards:** Complex signs shall be constructed and placed in accordance with this Ordinance for the purpose of identifying a complex of primary commercial uses. Signs shall be located on a single lot served by a common road or driveway and shall contain two or more separate primary commercial uses or buildings. Sign shall be located on property contained as part of the complex. Sign shall identify the complex and identify, by name and/or logo only, each primary commercial use in the complex. Such signs may exceed 75 square feet, double sided, but must otherwise meet the requirements of the ordinance.

### 12.4 TEMPORARY SIGNS

- a) Directional signs for special events are allowed, without a special permit, if the signs are removed within twenty-four (24) hours of the event and if they pose no significant distraction, confusion, or hazard to neighbors and vehicular traffic, in the opinion of the Northfield Police.
- b) Real estate signs indicating property for sale, rent, or lease; and signs of contractors, mechanics, or artisans actually working on-site are also allowed.

## **ARTICLE 13: OPEN SPACE RESIDENTIAL DEVELOPMENT**

13.1 AUTHORITY. RSA 674:21, Innovative Land Use Controls, provides the authority for Open Space Residential Development.

13.2 PURPOSE. The purpose of this article is to provide a voluntary mechanism to encourage the preservation of open space, agricultural lands, forests, wildlife habitat, contiguous protected areas, and the rural character of the Town of Northfield through a flexible and economical alternative to conventional subdivisions.

### 13.3 OBJECTIVES.

- a) To encourage a less sprawling form of community development which makes more efficient use of land, reduces land consumption, and preserves rural character.
- b) To encourage open space residential developments by providing developers with incentives such as reduced infrastructure costs due to a more compact subdivision design and road design flexibility, as well as opportunities for receiving lot bonuses.
- c) To preserve agricultural land and forestland in blocks large enough for economic and sustainable uses which employ best management practices.
- d) To preserve plant and animal habitat, wildlife corridors, and recreational opportunities by protecting large contiguous open spaces and connected corridors.
- e) To preserve views and reduce development spread along travel corridors by maintaining visual buffers.
- f) To establish an efficient procedure which ensures high-quality design and planning which protects open space without increasing the length of the process or the cost to the developer or the town.

### 13.4 APPLICABILITY.

- a) **Location.** Open Space Residential Developments shall be permitted in the R1 and Conservation zones.
- b) **Original Tract Size.** The Open Space Residential Development option can be selected for residential subdivisions consisting of 20 or more acres.

### 13.5 APPLICATION PROCEDURES.

Applications for Open Space Residential Developments shall follow the procedures established in the Town of Northfield Subdivision Regulations.

### 13.6 OPEN SPACE RESIDENTIAL DEVELOPMENT STANDARDS.

#### **a) Open Space Percentage Requirements and Criteria.**

1. A minimum of 50% of the buildable land of the original parcel must be preserved as open space. Buildable land is defined as all land which is not excluded from open space in 13.6.1.b. below. Open space shall be defined as land not developed for residential uses, accessory structures to those residential uses, or shared recreational facilities, owned, maintained, and monitored by the entities identified in 13.6.2. Walking, hiking, and biking trails which are not paved and which have a pervious surface are not considered shared recreational facilities as defined in 13.6.1.c., and can be included within the required minimum percentage open space.
2. The required minimum percentage open space shall exclude any of the following areas: wetlands, steep slopes in excess of 25%, rock outcroppings, flood plains, utilities, and rights-of-way. Septic fields may not be used as part of the open space minimum percentage requirement.
3. The required minimum percentage open space shall not include footprints of shared recreational facilities. Shared recreational facilities shall be defined as accessory structures and improvements necessary and appropriate for educational, recreational, cultural, social, or other nonresidential uses permitted in the underlying zone. Shared recreational facilities shall be allowed on common land not designated as part of the minimum required open space, as long as the requirements of the Northfield Subdivision Regulations are met.
4. Buildable land located within the 100 ft. setback from exterior non-development roads and/or the 100 ft. tract perimeter setback outlined in 13.6.5 and 13.6.6. can count for up to 50% of the required minimum percentage open space.
5. The applicant must demonstrate that 75% of the minimum open space requirements are met by one contiguous parcel or no more than two separate parcels of land no less than 100 ft. wide.
6. The applicant must demonstrate that the open space is directly accessible to the largest practicable number of lots within the development.
7. The applicant must demonstrate that there is safe and convenient pedestrian access to open space from all the lots in the residential development that do not adjoin the open space.

#### **b) Ownership, Protection, and Maintenance of Open Space.**

##### **a) Ownership.** Open space shall be permanently protected by:

1. Conveyance to a homeowners' association. A homeowners' association is a private non-profit corporation, association, or other non-profit legal entity established by the developer. Membership in said homeowners' association shall be mandatory for property owners and made a required covenant in any deed issued or passed, or
2. Private ownership protected by deed covenants and restrictions in perpetuity, and use limited to conservation, agriculture, forest and other uses consistent with the purposes of this ordinance, or
3. An acceptable alternative which meets the spirit and intent of this ordinance and is approved by the Planning Board after review by Town Counsel.

All common lands and improvements shall be described and identified as to location, site, use, and control in the covenant. Such covenant shall set forth the method of assessment for the maintenance of such land per best management practices. It shall provide voting and use rights for the open space when applicable and may charge dues to cover expenses, which may include tax liabilities of the open space. Articles of Association or Incorporation must be acceptable to the Board of Selectmen and Town Counsel prior to issuance of a building permit. The cost of such legal review shall be borne by the applicant. Any changes in such articles of Association or Incorporation shall require the prior written approval of the Board of Selectmen and Town Counsel. The covenant shall be written so as to run with the land and become part of the deed to each lot or dwelling unit within the development. Open space land shall be held, managed, and maintained by the developer until owned and controlled by the



homeowners' association or other approved entity.

- b) **Protection.** Conveyances of open space land to a homeowners' association will be subject to a permanent conservation easement granted to the Town of Northfield. Conservation easements are tied to the title of the land and shall be recorded at the County Registry of Deeds. Provisions of such conservation easements are subject to the approval of the Planning Board with recommendations from the Conservation Commission and shall include provisions for:

1. No further subdivision;
2. No residential or industrial development;
3. No roads or commercial uses except for agriculture and forestry-related uses conducted according to Best Management Practices;
4. Whether or not public access will be restricted or permitted;
5. Monitoring and easement oversight by the Town of Northfield or other agent assigned by the Town (such as a land trust or other conservation organization).

c) **Building Lots, Density, and Density Bonuses.**

- a) **Building Lots.** The maximum number of building lots allowed in an Open Space Residential Development shall not exceed the number of building lots otherwise permitted on the parcel by conventional lot sizes for the zoning district in which the parcel is located, except for bonus lots as determined by 13.6.3.c. If the proposed open space residential development is located in more than one zoning district, then the total number of dwelling units allowed within the tract shall be the sum of those allowed for the portion of land lying within each zoning district. This number shall be determined by the development and submission of a "Number of Base Lots Plan" as outlined in Northfield's Subdivision Regulations. The total number of base lots shall be truncated to the nearest whole number.

- b) **Density.** Lots in an open space residential development can be distributed at a higher density than that allowed in a conventional subdivision by a reduction in minimum lot sizes, leaving the remaining land as open space. See Table 1 for minimum lot sizes allowed in each zone.

- c) **Density Bonuses.** The applicant will receive a density bonus of 10% of the number of buildable lots allowed in a conventional subdivision, as calculated in the "Number of Base Lots Plan", for choosing the option of Open Space Residential Development rather than a conventional subdivision. In addition, the Planning Board may approve a density bonus that increases the number of buildable lots allowed by an additional 5% per criteria if the project meets any one or more of the five criteria outlined below, not to exceed an additional 15% bonus. The total density bonus, including the outright density bonus and the additional bonuses, cannot exceed 25%. The applicant must provide evidence of meeting these criteria in the manner prescribed in Northfield's Subdivision Regulations.

1. **Protection of additional open space.**

Where the proposed Open Space Residential Development protects greater than or equal to 60% of the buildable area as open space in perpetuity, the development will be awarded a density bonus of 5%.

2. **Protection of agricultural land.**

Where the development protects agriculturally valuable lands and provides permission for their use as such in perpetuity, the development will be awarded a density bonus of 5%. The open space portion preserved for agricultural use must amount to a minimum of 50% of the minimum required open space or be a minimum of 5 contiguous acres, whichever is smaller. In order to be considered agriculturally valuable, the land must contain soils designated "prime" or of "statewide significance" by the US Natural Resource Conservation Service soil survey and the land must be reasonably accessible, or the land has been historically farmed within the last 10 years. The instrument granting use, acceptable to the Planning Board, may

reasonably restrict the type or intensity of farming to occur to prevent nuisances. This provision is intended to protect agriculturally valuable lands for present and/or future agricultural use, and the fact that agricultural uses are not pursued at any particular time does not affect the validity of the bonus.

**3. Protection of forestland.**

Where the development protects > 10 acres of sustainably managed forestland and provides permission for the protection as such in perpetuity, the development will be awarded a density bonus of 5%. These restrictions shall be incorporated into the conservation easement granted to the Town of Northfield. In order to be considered sustainably managed forestland, a management plan must be developed by a licensed Forester and approved by the County Forester or a State Forester.

**4. Public access.**

Where the public is granted access to the open space and use thereof, the development will be awarded a density bonus of 5%. Public access which is restricted to pedestrian traffic qualifies for this density bonus. The instrument granting public access, acceptable to the Planning Board, may reasonably restrict the use of motorized vehicles.

**5. Protection of contiguous open space.**

Where the development protects open space that is contiguous with other protected open spaces on adjacent parcels, such that the total contiguous protected open space is > 50 acres, the development will be awarded a density bonus of 5%.

The process for calculating the potential Density Bonus and application requirements for receiving a Density Bonus are spelled out in Northfield's Subdivision Regulations. In cases where the number of base lots multiplied by the density bonus equals a decimal number of bonus lots, the number should be truncated to the nearest whole number.

**d) Minimum Lot Frontage and Setback Requirements.**

Minimum lot frontage and setback requirements in an Open Space Residential Development are reduced as compared to the requirements for conventional subdivisions in order to allow increased flexibility and higher densities so that open space is protected in the development. See Table 1 for minimum lot frontage and setback requirements.

**e) Minimum Setback from Exterior Non-Development Road.**

In order to preserve views and reduce the spread of development along travel corridors, a 100 ft. minimum lot setback is required from exterior non-development roads to provide a visual buffer to the development.

**f) Minimum Setback from Tract Perimeter.**

A 100 ft. minimum setback is required between all lots and the perimeter of the original tract of land. The intent of this setback is to provide visual vegetative screening from adjacent parcels. This minimum setback shall be comprised of vegetation, either natural or planted, as approved by the Planning Board.

**g) Back Land Lots.**

No back land lots are allowed in Open Space Residential Developments.

**h) Off-Street Parking Requirements.**

A minimum of 2 off-street parking spaces shall be provided for each dwelling unit.

**9. Road Design and Construction.**

The developer may choose from the following:

1. Dedicate roads to the Town of Northfield.  
Road design and construction shall adhere to the road standards found in Northfield's Subdivision Regulations, as amended. In order to increase design flexibility, the Planning Board may consider road design waivers for open space residential developments if approved by the Road Agent, Fire Department, Police Department, and Board of Selectmen. The application requirements for consideration for road design waivers are spelled out in Northfield's Subdivision Regulations. The Planning Board may permit reduced road widths and the use of permeable materials to reduce the amount of impervious surfaces in an open space residential development if the criteria outlined in Northfield's Subdivision Regulations are met.
2. Private roads.  
Private roads have opportunities for increased flexibility in design and construction, in accordance with the Northfield Subdivision Regulations, and must be approved by the Planning Board, Fire Department, and Police Department. Maintenance of private roads should be spelled out in the covenant of the homeowners' association, subject to Planning Board approval.

#### **10. Septic Systems.**

- a) Individual septic systems are permitted in open space residential developments. In the case of individual septic systems, each lot must meet the minimum lot size requirements of soil-based lot sizing as established in Northfield's Subdivision Regulations. All individual septic systems shall meet the requirements of the State of New Hampshire Water Supply and Pollution Control Commission and the Town of Northfield.
- b) Community septic systems may be permitted provided that the requirements of the State of New Hampshire Water Supply and Pollution Control Commission and the Town of Northfield are met, including appropriate provisions for legal obligations related to maintenance and replacement. Community septic systems shall be installed by the subdivider and shall meet the design requirements of the State of New Hampshire Water Supply and Pollution Control Commission and Northfield's Subdivision Regulations. Leach fields shall be located on land held in common by the property owners to be used exclusively for wastewater disposal. This land cannot be included as part of the minimum open space requirement for the subdivision.

#### **11. Wells.**

- a) Individual wells are permitted in open space residential developments. These water systems shall be constructed and maintained in accordance with the standards of the New Hampshire Water Supply and Pollution Control Division and the Town of Northfield.
- b) Community water systems are permitted in open space residential developments upon approval by the Planning Board. These water systems shall be constructed and maintained in accordance with the standards of the New Hampshire Water Supply and Pollution Control Division and the Town of Northfield, including appropriate provisions for legal obligations related to maintenance and replacement.

## 12. Utilities.

All utilities serving the development shall be underground.

### Article 13, Table 1: Open Space Residential Development Lot Size, Frontage, and Setback Requirements

	R1 Zone	Conservation Zone
<b>Minimum Lot Size</b>	<i>Individual Septic Systems and/or Private Wells:</i> Minimum lot size as determined by soil-based lot sizing and by meeting all state and local requirements for well siting and individual septic systems. <i>Community Septic System and Community Water System:</i> ¼ acres	<i>Individual Septic Systems and/or Private Wells:</i> Minimum lot size as determined by soil-based lot sizing and by meeting all state and local requirements for well siting and individual septic systems. <i>Community Septic System and Community Water System:</i> ¼ acres
<b>Lot Frontage</b>	75 ft.	150 ft.
<b>Side Setback</b>	10 ft.	10 ft.
<b>Rear Setback</b>	20 ft.	20 ft.
<b>Front Setback</b>	20 ft.	20 ft.
<b>Setback from Exterior Non-Development Road</b>	100 ft.	100 ft.
<b>Minimum Setback from Tract Perimeter</b>	100 ft.	100 ft.

## ARTICLE 14: NON-CONFORMING USES

### 14.1 NON-CONFORMING USES, LOTS AND STRUCTURES:

- "Non-conforming Use": Any building or land lawfully occupied by a use at the time of Passage of this Ordinance, or amendment thereto, which does not conform to Article 7, Table #1 Uses by District.
- A non-conforming use may continue in its existing use, but may not be altered except as authorized by this article.
- A non-conforming use which is abandoned may not be resumed. A non-conforming use shall be deemed abandoned in any of the following circumstances: (1) Replacement by a conforming use. (2) Discontinuance of the use for one year or longer.
- "Non-conforming Lots": A lot that is not contiguous to another lot owned by the same party that has less than the prescribed minimum area or frontage.
- "Lot of Record" means a lot described by metes and bounds in a deed or plan recorded in the Registry of Deeds as of the date of adoption or amendment of this ordinance.
- "Non-conforming Structures": Existing structures that do not meet the requirements of this ordinance due to height or setback requirements.
- "Repairs to Non-Conforming Structures": Nothing in this section shall prevent the ordinary repair and maintenance of any lawfully established non-conforming structure.

**14.2** ALTERATION. A non-conforming use may be changed to a use which conforms to the requirements of this ordinance. A non-conforming use may be altered only upon approval of a special exception by the Zoning Board of Adjustment. In acting upon such a special exception, the Board must make affirmative findings on all relevant criteria established for granting of special exceptions under Article 8. In addition, a special exception under this section may be granted only if the Board of Adjustment determines that the use is not detrimental, injurious, obnoxious or offensive to the neighborhood, and to the extent possible, the use shall conform to this ordinance.

**14.3** RESIDENTIAL USE OF LOT OF RECORD. A single-family residence may be erected on a lot of record even if the lot does not meet the requirements for area, frontage, width or set back established by this

ordinance, if:

- a) The lot is not adjacent or contiguous to other property in the same ownership, and
- b) The Selectmen determine that the use of the lot will not create potential health or safety problems due to inadequate septic capability, road and driveway access for police and fire protection or other factors,
- c) There is a minimum frontage of 50 feet.

## **ARTICLE 15: IMPACT FEES**

- 15.1**     PURPOSE: This ordinance is enacted pursuant to RSA 674:21, and in order to: Promote the public health, safety and welfare and prosperity; Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of Northfield; Prevent scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services; Provide for the harmonious development of the municipality and its environs; Ensure the proper arrangement and coordination of streets; and, Ensure streets of sufficient width to accommodate existing and prospective traffic.
- 15.2**     DEFINITIONS: "Impact Fee" means a fee or assessment imposed upon development, including subdivision, building construction or other land-use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including public open space.
- 15.3**     AUTHORITY TO ASSESS IMPACT FEES: The Planning Board is hereby authorized to assess impact fees, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this ordinance.
- 15.4**     ASSESSMENT METHODOLOGY: The amount of any impact fee shall be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.
- 15.5**     ADMINISTRATION OF IMPACT FEES: Each in fact impact fee shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the governing body, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs for which fees are collected to meet. All impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development. Between the date of assessment and collection, the Planning Board may require developers to post security, in the form of a cash bond, letter of credit or performance bond so as to guaranty future payment of assessed impact fees. Impact fees shall be collected as a condition for the issuance of a Certificate of Occupancy; provided however, in projects where offsite improvements are to be constructed simultaneously with a project's development, and where the Town has appropriated the necessary funds to cover such portion of the work for which it will be responsible, the Town may advance the time of collection of the impact fee to the issuance of a building permit. The Planning Board and the assessed party may establish an alternate, mutually acceptable schedule of payment of impact fees.
- 15.6**     RETURN OF IMPACT FEES: If the full impact fee assessed under this ordinance is not encumbered or otherwise legally bound to be spent for the purpose for which it was collected within six years, the fee shall

be refunded to the assessed party, with any accrued interest. Whenever the calculation of the impact fee has been predicated upon some portion of capital improvement costs being borne by the Town, a refund shall be made upon the failure of the Town Meeting to appropriate the Town's share of the capital improvement costs within six (6) years from the date of payment thereof.

- 15.7** WAIVERS: The Planning Board may waive the imposition of an impact fee upon written request of the developer or person assessed if the Board finds that good cause is demonstrated for such waiver. Prior to the approval of any such waiver, the Planning Board shall notify the public and the Selectmen and shall hold a public hearing on the waiver request. The burden shall be upon the person requesting waiver to demonstrate that it is in the public interest to do so and that good cause for the waiver exists.
- 15.8** APPLICABILITY: This ordinance shall not be deemed to affect the existing authority of the Planning Board over subdivisions and site plans, including, but not limited to the authority To declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II(a).

## **ARTICLE 16: FLOOD PLAIN DEVELOPMENT**

Adopting by reference, the Floodplain Development Ordinance into Zoning Ordinances as part of the National Flood Insurance Program (Adopted March 13, 1990, amended March 8, 1994, amended March 11, 2003, amended March 11, 2008).

Certain areas of the Town of Northfield, New Hampshire are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Northfield, New Hampshire has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance.

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

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the Town of Northfield, N.H." together with the associated Flood Insurance Rate Maps and Flood Boundary & Floodway Maps of the Town of Northfield dated April 19, 2010 which are declared to be a part of this ordinance and are hereby incorporated by reference.

### **16.1 Definitions**

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

**"Area of Special Flood Hazard"** is the land in the floodplain within the Town of Northfield subject to a one-percent or greater possibility of flooding in any given year. The area is designated as zones A and AE on the FIRM.

**"Base Flood"** means the flood having a one-percent possibility of being equaled or exceeded in any given year.

**"Basement"** means any area of a building having its floor subgrade on all sides.

**"Building"** - see "structure".

**"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, or drilling operation or storage of equipment or materials.

**"FEMA"** means the Federal Emergency Management Agency.

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Insurance Rate Map" (FIRM)** means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Northfield.

**"Flood Insurance Study" - (FIS)** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

**"Floodplain" or "Flood-Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

**"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 sanitation facilities, structures and their contents.

**"Floodway"** - see "Regulatory Floodway".

**"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.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"Historic Structure"** means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified neither:
  1. By an approved state program as determined by the Secretary of the Interior, or
  2. Directly by the Secretary of the Interior in states without approved programs.

**"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.

**"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 homes" includes part trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision.

**"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.

**"Mean Sea Level"** means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**"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.

**"100 - year Flood"** see "Base Flood"

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

**"Regulatory Floodway"** means the channel of a river or other watercourse and the 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.

**"Special Flood Hazard Area"** (See - "Area of Special Flood Hazard")

**"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.

**"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 neither 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 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.

**"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 fifty (50) percent of the market value of the structure before the damage occurred.



**"Substantial Improvements"** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) 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 that the alteration will not preclude the structure's continued designation as a "historic structure".

**"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 under Section V, Section VIII (2) (b), or Section VII (3) (4) of this ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

**16.2 Development:** All proposed development in any special flood hazard area shall require a permit.

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

- a) 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,
- b) be constructed with materials resistant to flood damage,
- c) be constructed by methods and practices that minimize flood damage,
- d) 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.

**16.4 Sewer System:** Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharge 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.

**16.5** For all new or substantially improved structures located in Zones A or AE, the applicant shall furnish the following information to the Building Inspector:

- a) the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- b) if the structure has been flood proofed, the as-built elevation (in relation to NGVD) to which the structure was flood proofed.
- c) any certification of flood proofing. The Building Inspector shall maintain for public inspection, and shall furnish such information upon request.

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

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

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.

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.

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 by the applicant 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 (1) foot at any point within the community.

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."

**16.8 Elevation**

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 Zones AE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
- b) In A zones the Building Inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivision, site approvals).

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 improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;
- b) that all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
  - 1) be flood proofed so that below the 100 year flood elevation the structure is watertight with

- walls substantially impermeable to the passage of water;
- 2) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- 3) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
- c) all manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
- d) recreational vehicles placed on sites within Zones A and AE shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section II of this ordinance and the elevation and anchoring requirements for "manufactured homes" in Section VIII 2c of this ordinance.
- e) for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) 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 (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

## **16.9 Appeal**

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:
  - a) that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
  - b) that 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) that 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: (1) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (2) 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 (1) maintain a record of all variance actions, including their justification for their issuance, and (2) report such variances issued in its annual or biennial reports submitted to FEMA's Federal Insurance Administrator.

## **ARTICLE 17: WETLANDS CONSERVATION ORDINANCE**

### **17.1 PURPOSE AND AUTHORITY**

By the authority granted in New Hampshire RSA 674:16-17 and 674:21, this Wetlands Conservation District Ordinance is hereby established to regulate the uses of lands subject to standing water flooding, or high water tables

for extended periods of time. The purpose of the ordinance is to protect the public health, safety and general welfare of the community by controlling and guiding the use of land areas defined as Wetlands in Article II. The Northfield Planning Board shall have exclusive authority for administering this ordinance, and shall adopt any regulations which may be necessary to implement this ordinance. Appeals from decisions of the Planning Board under this article shall be directed to the Superior Court, in accordance with RSA 677:15.

It is intended that this ordinance shall:

1. Prevent the development of structures and land uses on wetlands which will contribute to pollution of surface and ground water by sediment, sewage or toxic substances.
2. Prevent the destruction of, or significant changes to wetlands and areas adjacent to wetlands and streams which provide flood protection, groundwater recharge, pollution abatement and the augmentation of stream flow during dry periods, and which are important for such reasons as cited in RSA 482-A:1-6.
3. Protect unique, ecologically sensitive and unusual natural areas.
4. Protect wildlife habitats and maintain ecological balances.
5. Protect residents against the dangers of increased flooding by retaining natural flood storage and flood-moderating capability of wetlands.
6. Protect water resources, potential water supplies, existing aquifers (water-bearing stratum) and aquifer recharge areas.
7. Prevent expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.
8. Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.

## 17.2 DEFINITIONS

**BANK** – The transitional zone immediately adjacent to the edge of the water defined by shelving, erosion, or where a vegetation line may be defined that indicates a change from upland to wetland.

**BUFFER** - A naturally vegetated upland area adjacent to a wetland or surface water. "Naturally vegetated" includes uncut or undisturbed forest and abandoned pasture or fields.

**DRAINAGE SWALE** - Vegetated areas where waters flow during runoff to such a limited extent as not to create a defined channel or maintain wetlands vegetation.

**EXCAVATIONS** –Digging of any kind.

**HYDROPHYTIC VEGETATION** - shall be defined as macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Hydrophytic vegetation includes, but is not limited to those plant species listed in the "National List of Plant Species That Occur in Wetlands" with a wetland indicator status of obligate, facultative and facultative wet.

**HYDRIC SOILS** – shall be defined as very poorly drained soils, poorly drained soils, and those somewhat poorly drained soils which meet the hydric soils criteria set forth in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands".

**INTERMITTENT STREAMS** – Streams that flow for sufficient times of year to develop and maintain defined channels but may not flow during dry portions of the year.

**MINOR SUBDIVISIONS** -- The subdivision of land into three or fewer lots, with no potential for re-subdivision and fronting on an existing street, requiring no new streets, utilities or other municipal improvement.

**NATURALLY VEGETATED AREA** – area immediately surrounding wetlands with naturally occurring vegetation acts as a filter for the wetland area.

**SURFACE WATER BODY** – means those portions of waters of the state, as defined by RSA 482-A:4, which have standing or flowing water at or on the surface of the ground. This includes but is not limited to rivers, streams, lakes and ponds.

**VERNAL POOL** - a temporary body of water which provides essential breeding habitat for certain amphibians. These unique wetlands typically cycle annually from flooded to dry, vary in size and appear year after year in the same spots.

**WETLAND** – An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions per NH DES Wetlands Bureau Code of Administrative Rules. Wetlands includes, but is not limited to, swamps, bogs, marshes, vernal pools and similar areas.

**WETLAND HYDROLOGY** – Those areas where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and reducing conditions, respectively. Such characteristics are usually present in areas that are inundated or have soils that are saturated to the surface for sufficient duration to develop hydric soils and support vegetation typically adapted for life in periodically anaerobic soil conditions.

### 17.3 DISTRICT BOUNDARIES

#### 1. Wetlands Conservation District Defined:

The Wetlands Conservation District is defined as all areas, regardless of size, that fall under the definition of wetlands, including wetland buffers. See definitions.

#### 2. Delineation of Wetland Boundaries:

Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils and wetland hydrology in accordance with the techniques outlines in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January 1987).

Delineation based on hydrophytic vegetation or hydric soils alone shall be sufficient for minor subdivisions provided the vegetation or soil has not been disrupted by artificial planting or past alterations.

The Hydric soils component of a delineation produced under (a) or (b) above shall be determined in accordance with the manual, Field Indicators for Identifying Hydric Soils in New England, published by the New England Interstate Water Pollution Control Commission.

#### 3. Wetlands Incorrectly Delineated:

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

The Planning Board shall base their judgment upon the determination of the Merrimack County Natural Resources Conservation Service, a N.H. Certified soil scientist or N.H. Certified Wetland Scientist, which shall be made on the basis of on-site investigation. Such evidence must be presented in written form to the Planning Board. Any necessary investigation or studies shall be conducted at the expense of the landowner, applicant or developer.

### 17.4 PERMITTED USES WITHIN THE WETLANDS CONSERVATION DISTRICT

Permitted uses are those which will not require the erection or construction of any structure or building.

Uses permitted under these Regulations, for which other agency permits are necessary, such as NH DES Wetlands Bureau approval, permits must be obtained. The permitted uses are:

Forestry-tree farming, using Best Management Practices in order to protect streams from damage and to prevent sedimentation.

Cultivation and harvesting of crops according to recognized soil conservation practices, including the protection of wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation.

Wildlife refuges, woodland preserves, arboretums.

Parks and recreational uses consistent with the purpose and intent of this ordinance.

Conservation areas and nature trails.

Docking facilities and other shoreline structures properly permitted by the NH DES Wetlands Bureau.

Maintenance of existing drainage facilities properly permitted by the NH DES Wetlands Bureau.

Construction and maintenance of public roads, property and facilities by the Town of Northfield or its representative.

All other Major, Minor and Minimum impact projects properly permitted by the NH DES Wetlands Bureau.

**Pre-existing Uses** within the Wetlands Conservation District will conform to Article 14, Non-Conforming Uses in the Northfield Zoning Ordinance.

## 17.5 DIMENSIONAL REQUIREMENTS

**Buffer Zones:** A 50 foot undisturbed buffer zone of a naturally vegetated area shall be maintained adjacent to all wetlands.

**Wetlands Setbacks:** The following dimensions establish the buffer zones for Wetlands and setback from all water courses, brooks, streams and ponds **with the exception of the rivers and ponds specifically mentioned in Article 7, Table 2 of the Northfield Zoning Ordinance.**

Buildings	50'
Septic Leach Field	75' from very poorly drained soils 50' from poorly drained soils
Above ground Storage Tanks in excess of 300 gal.	250'
Above ground storage Tanks 300 gal. Or less.	50'
All fill materials associated With roads, drives, parking Facilities	50'
Commercial Earth Excavation	50' (100' on public waters)

The dimensions required above shall be horizontal dimensions from the wetland boundary and/or the high water mark of watercourses and water bodies.

All exterior above ground storage tanks shall be constructed and installed in accordance with State and federal requirements. Tanks in excess of 300 gallons shall include a catch basin of at least 100% of the total tank volume. For above ground tanks installed between 50' and 250' in any of the above noted buffer zones, a maximum of three tanks, not exceeding 300 gallons each, for a total per lot volume not to exceed 900 gallons, is allowed.

**No part of a wetland may be considered as part of the minimum size requirement of any lot.**

#### **17.6 SPECIAL USE PERMIT**

Special use permits may be granted for the undertaking of a use not otherwise permitted in the Wetlands Conservation District only as follows:

Each request for a Special Use Permit shall include the findings of a review by the Merrimack County Conservation District or the environmental effects of the use upon the subject wetlands and in accordance with the following pertinent procedures:

- a) A Special Use Permit shall be granted by the Planning Board upon a finding that the proposed use is consistent with the intent of the Ordinance and following receipt of a review and recommendation of the Conservation Commission and Town Engineer where present. It shall be determined that the proposed use shall not cause pollution of surface or ground water, will not adversely affect the environment and will not increase the potential of flooding within the municipality.
- b) The applicant must demonstrate that no alternatives are available for the productive use of areas outside of the wetland district, that no alternatives exist to the proposal under consideration, and that all measures have been taken to minimize the impact that construction activities will have upon the wetland.

#### **17.7 CONFLICT WITH OTHER REGULATIONS**

Whenever the provisions of this Ordinance differ from those prescribed by any statute, other Ordinance or other Regulations or restriction, that provision which imposes the greater restriction or the higher standard shall apply.

#### **17.8 ADMINISTRATION, ENFORCEMENT AND PENALTY**

Any person violating any provision of this ordinance is subject to conditions outlined in Article 4 of the Northfield Zoning Ordinance.

### **ARTICLE 18: AMENDMENT OF ORDINANCE**

- 18.1** AMENDMENT. This ordinance may be amended in the manner established by RSA 675 or other applicable laws.

### **ARTICLE 19: SEPARABILITY CLAUSE**

- 19.1** SEPARABILITY CLAUSE. The invalidity of any provision of this ordinance shall not affect the validity of any other provision.

### **ARTICLE 20: INTERPRETATION & CONFLICT**

- 20.1** In matters of judgment or interpretation of the requirements of these regulations, the opinion and decision of the Board shall prevail. In any place where these regulations are in conflict with any other regulations, ordinances or laws in effect in the Town, the more restrictive regulations or provisions shall prevail.

### **ARTICLE 21: EFFECTIVE DATE OF ORDINANCE**

- 21.1** This ordinance shall take effect upon its passage.