Town

Of

Holderness

Zoning

Ordinance

Adopted 1985
Last amended March 2021

HOLDERNESS ZONING ORDINANCE

As Amended March 2021

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ZONING ORDINANCE
TOWN OF HOLDERNESS, NEW HAMPSHIRE
Adopted 1985
and
As Last Amended: March, 2021

NOTE: In this Ordinance, references to the Select Board as the permitting authority shall mean the Select Board or its agent.

NOTE: All italicized words throughout this document are defined in Section 1300: Definitions.

SECTION 100: PURPOSE AND AUTHORITY

Pursuant to the authority conferred as per State law and regulations, New Hampshire Revised Statues Annotated as amended, in conformity with the Town of Holderness Master Plan and for the purpose of promoting the health, safety, economic and social well-being, convenience or general welfare of the citizens regarding buildings or *structures* and various rights-of-way, the promotion of efficiency, economy and good civic design in *development*, stabilization of the tax base, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, this Ordinance is enacted by the voters of the Town of Holderness, New Hampshire, in official Town Meeting. (3/07)

SECTION 200: TITLE

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Holderness, New Hampshire."

SECTION 300: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

300.1: Districts:
The Town of Holderness is divided into the following districts as shown on the official Zoning Map (see Appendix A):

GR General Residential District
RR Rural Residential District
CD *Commercial* District
A. Village
B. Route 175
PRC *Pemigewasset River Corridor* Overlay District (3/2020)
FH Holderness *Flood hazard* District (3/97)
FEMA *FEMA* Special *Flood Hazard* Areas (3/2020)

300.2: Zoning Map:
The districts are shown on a map entitled "Town of Holderness Zoning Map" and become a part of this Ordinance. This map is on file at the Town Hall.

300.3: District Boundaries:
Unless otherwise indicated, zoning district boundaries, as shown on the "Town of Holderness Zoning Map," are the centerlines of highways and *streets*, the middle of the channel of waterways or a shoreline of a water body, or the Town boundary. Where boundaries are so indicated that they parallel the centerline of highways or *streets*, such boundaries shall be considered as parallel thereto and at the distance there from as shown on the Zoning Map. The distance shall be determined by use of the map. In any instance where there is doubt as to the location of a zoning district boundary, the *Board* of Adjustment shall determine the location of such boundary, consistent with the intent of this Ordinance and the Zoning Map.

300.3.1: In the *Commercial* zone abutting the Campton town line, on Route 175, the boundary on the river side of the *road* shall be from the *road* to the *Pemigewasset River Corridor* Overlay. On the opposite (east) side of the *road*, the *Commercial* zone extends back to the rear *lot* line of the *lots* on Route 175, but no more than 1500 feet in any case. All *commercial* traffic entering this zone must do so from Route 175. (3/98, 3/2020)

300.4: Zoning District Regulations

300.4.1: General Residential (GR):
The purpose of this district is to provide for medium density *development* which has good access to existing Town and State *roads*, police, school busing and fire protection, and is in keeping with the scenic, recreational and environmental values inherent in this district.

300.4.1.1: Permitted Uses:
(1) *Single-family* or *duplex dwellings*
(2) *Multi-family dwellings* of up to 8 units in any one *structure*
(3) *Cluster residential development*
(4) *General farming and agriculture*
(5) *Home occupation*
(6) *Lodging*, *motels* and *rental cottages*
(7) *Churches*, schools, *municipal buildings* or *structures*
(8) *Manufactured housing*
(9) *Essential services*
(10) *Recreation facility – personal* (3/95)
(11) *Recreation facility – public* (3/95)
(12) Cemeteries – (3/99)

300.4.1.2: *Special Exceptions*: In addition, the following uses may be permitted by the *Board* of Adjustment provided that the land use impact on the environment and the particular site in question, and on the abutting landowners is not negative, and providing that all performance standards and other requirements under Section 400, Section 600, Section 700, and Section 900 and are met. (3/19)
(1) *Marinas*
(2) *Professional offices*
(3) Small businesses (less than 2,500 sq. ft.) (3/98)
(4) *Day care center*
(5) Banks, *restaurants*
(6) *Private clubs*

(7) *Nursing homes*
(8) Civic recreation uses and *public safety facility*
(9) *Funeral homes*
(10) *Recreational campgrounds*
(11) Recreational facility – *commercial* low impact (3/95)
(12) *Sand and gravel excavation* (3/95)
(13) *Boat tours/guided fishing trips* (3/98)
(14) *Multi use facilities/property* (3/98)
(15) *Accessory dwelling unit* (3/17)
(16) *Accessory Farming and Agricultural Activities* (3/19)

300.4.1.3: *Lot* Coverage: The building or *structure* coverage on any *lot*, including parking and *driveway* area, excluding protected well radius and septic systems, shall not exceed 35 percent of usable *lot* area, with the open area devoted to landscaping or natural growth.

300.4.1.4: *Road* Frontage: The minimum *lot frontage* on any *road* shall be 150 feet. *Lots* may, however, have less (or no) *road* frontage if (1) said *lots* are located on curves or cul-de-sacs; (2) said *lots* are provided access to a public *road* or a *road* within a *subdivision* approved by the Planning Board by a deeded private *easement* of at least 50 feet in width. The Planning Board may, however, require a minimum *lot frontage* of greater than 150 feet for multiple *dwelling units* depending upon the number of units and individual building or *structure* layout and configuration. Footage and *lot* size shall be shown by a licensed land surveyor. (3/19)

300.4.1.5: *Shoreland Frontage*: When a boundary of a *lot* is the shore of a Squam Lake, White Oak Pond or the Pemigewasset River, the minimum water frontage shall not be less than 200 feet. (3/19)

300.4.1.6: *General farming and agriculture*: A permitted use in all but the *Commercial* District.
(1) *Accessory farming and agricultural activities* are permitted by *Special Exception* or as a *Special Event* as appropriate, depending on the nature and frequency of the activity.
(2) *Farm roadside stands* are permitted by *Special Exception*. (3/19)

300.4.1.7: *Lot* Area: (3/19)
(1) *Lot* Size: The minimum *lot* area for any *lot* in districts GR, RR, CD, and FH shall be at least 1 acre or larger and 2 acres or larger in the RC district, depending on soil and *slope* conditions as determined in the Holderness *Subdivision* Regulations or as otherwise established in this Ordinance. (3/98, 3/19)
(2) *Dwellings*: One *single-family dwelling unit* may be erected on each *lot*, with a minimum land area of 1 acre. Two acres shall be required for a *duplex* with an additional 20,000 square feet for each additional *dwelling unit* over two. There must be at least 10,000 square feet of green space not including *roads*, septic areas and parking areas for every *dwelling unit* over two. (3/04, 3/19)
(3) Land Calculation: Land under a *street*, public or private, may not be used in calculating *lot* area for any requirements in this Ordinance. (3/03, 3/19).

300.4.2: Rural Residential (RR):
The primary purpose of this district is to provide for a mixture of agricultural and low-density rural living which will protect the environmentally sensitive areas of this district, such as *wetlands*, poor soil conditions, and *steep slopes* where limitations to septic systems exist. A detailed description of these areas may be found in the most recent Holderness Master Plan.

300.4.2.1: Permitted Uses

(1) *Single-family* or *duplex dwellings*
(2) *Manufactured housing*
(3) Clustered residential *development*
(4) *General farming and agriculture*
(5) *Home occupation*
(6) *Essential services*
(7) *Recreation facility – personal* (3/95)
(8) *Recreation facility – public* (3/95)
(9) Cemeteries (3/99)

300.4.2.2: *Special Exceptions*: In addition, the following uses may be permitted by the *Board* of Adjustment provided that the land use impact on the environment, the particular site in question, and abutting landowners is not negative, and providing that all performance standards and other requirements under Section 400, Section 600, Section 700, and Section 900 are met. (3/19)

(1) *Sand and gravel excavations*
(2) *Riding stables*
(3) *Temporary sawmills*
(4) *Animal boarding and grooming*
(5) *Private clubs*
(6) *Greenhouses*/florists
(7) *Nursing homes*
(8) *Professional offices*
(9) *Funeral home*
(10) *Recreational campgrounds*
(11) Small business (less than 2,500 sq. ft.) (3/98)
(12) *Recreation facility – commercial* low impact (3/95)
(13) *Boat tours*/*guided fishing trips* (3/98)
(14) *Multi use facilities/property* (3/98)
(15) *Accessory dwelling unit* (3/17)
(16) *Accessory Farming and Agricultural Activities* (3/19)

300.4.2.3: *Lot* Coverage: The building or *structure* coverage on any *lot* including parking and *driveway* area, excluding protected well radius and septic systems, shall not exceed 15 percent of usable *lot* area, with the open area devoted to landscaping or natural growth. (3/19)

300.4.2.4: *Road* Frontage: The minimum *lot frontage* on any *road* shall be 300 feet. *Lots* may, however, have less (or no) *street* frontage if (1) said *lots* are located on curves or cul-de-sacs; (2) said *lots* are provided access to a public *road* or a *road* within a *subdivision* approved by the Planning Board by a deeded private *easement* of at least 50 feet in width. The Planning Board may, however, require a minimum *lot frontage* of greater than 300 feet for multiple *dwelling units* depending upon the number of units and individual building or *structure* layout and configuration. Footage and *lot* size shall be shown by a licensed land surveyor. (3/19)

300.4.2.5: *Shoreland Frontage*: When a boundary of a *lot* is the shore of a Squam Lake, White Oak Pond or the Pemigewasset River, the minimum water frontage shall not be less than 200 feet. (3/19)

300.4.2.6: Islands – *Road* Frontage: As per State law regulation, the erection of buildings and other *structures* on islands with no *road* access to the mainland shall not be prohibited solely on the lack of frontage on a public or private *road*. (3/03, 3/07)

300.4.2.7: *General farming and agriculture*: A permitted use in all but the *Commercial* District.

(1) *Accessory farming and agricultural activities* are permitted by *Special Exception* or as a *Special Event* as appropriate, depending on the nature and frequency of the activity.

(2) *Farm roadside stands* are permitted by *Special Exception*. (3/19)

300.4.2.8: *Lot* Area: (3/19)

(1) *Lot* Size: The minimum *lot* area for any *lot* in districts GR, RR, CD, and FH shall be at least 1 acre or larger and 2 acres or larger in the RC district, depending on soil and *slope* conditions as determined in the Holderness *Subdivision* Regulations or as otherwise established in this Ordinance. (3/98, 3/19)

(2) *Dwellings*: One *single-family dwelling unit* may be erected on each *lot*, with a minimum land area of 1 acre. Two acres shall be required for a *duplex* with an additional 20,000 square feet for each additional *dwelling unit* over two. There must be at least 10,000 square feet of green space not including *roads*, septic areas and parking areas for every *dwelling unit* over two. (3/04, 3/19)

(3) Land Calculation: Land under a *street*, public or private, may not be used in calculating *lot* area for any requirements in this Ordinance. (3/03, 3/19)

300.4.3: *Commercial* District (CD):

The purpose of this district is to reinforce and strengthen the *commercial* area where mixed *commercial development* has already taken place, to provide an area for *commercial* establishments, tourist facilities and services, residences and public buildings or *structures*.

300.4.3.1: Permitted Uses

(1) *Single-family* or *duplex dwellings*
(2) *Multi-family dwellings* of up to 8 units in any one *structure*
(3) *Commercial* storage facilities
(4) *Retail* stores, sales, sales rooms and stands
(5) *Restaurants*
(6) *Professional offices*, studios, bands, laundries
(7) *Vehicle service stations*, sales and service
(8) *Lodging*, *motels* and *rental cottages*
(9) *Churches*, *municipal buildings* or *structures*, *museums*, research and teaching facilities
(10) *Home occupation*
(11) *Manufactured housing*
(12) *Marinas*
(13) *Private clubs*
(14) *Recreation facility* – personal (3/95)
(15) *Recreation facility – public* (3/95)
(16) *Recreation facility – commercial* (3/95)
(17) *Recreation facility – commercial low impact* (3/95)
(18) *Essential services* (3/98)
(19) Cemeteries (3/99)

300.4.3.2: *Special Exceptions*: In addition, the following uses may be permitted by the *Board* of Adjustment provided that the land use impact on the environment, the particular site in question, and the abutting landowners is not negative, and providing that all performance standards and other requirements under Section 400, Section 600, Section 700, and Section 900 are met. (3/19)

(1) *Light industry*
(2) *Multi use facilities/property* (3/98)
(3) *Sand and gravel excavation* (3/95)

(4) *Accessory dwelling unit* (3/17)
(5) *General farming and agriculture* (3/97, 3/2020)

300.4.3.3: *Lot* Coverage: The building or *structure* coverage on any *lot*, including *parking* and *driveway areas*, excluding protected well radius and septic systems, shall not exceed 50 percent of usable *lot* area, with the open area devoted to landscaping or natural growth.

300.4.3.4: *Road* Frontage: The minimum *lot frontage* on any *street* shall be 100 feet. *Lots* may, however, have less (or no) *street* frontage if (1) said *lots* are located on curves or cul-de-sacs; (2) said *lots* are provided access to a public *road* or a *road* within a *subdivision* approved by the Planning Board by a deeded private *easement* of at least 50 feet in width. The Planning Board may, however, require a minimum *lot frontage* of greater than 100 feet for multiple use or multiple *dwelling units*, depending upon the building or *structure* layout and configuration and the number of *dwelling units* involved. Footage and *lot* size shall be as shown by a licensed land surveyor. (319)

300.4.3.5: *Shoreland Frontage*: When a boundary of a *lot* is the shore of Squam Lake, White Oak Pond or the Pemigewasset River, the minimum water frontage shall not be less than 200 feet. (3/19)

300.4.3.6: *Lot* Area: (3/19)
(1) *Lot* Size: The minimum *lot* area for any *lot* in districts GR, RR, CD, and FH shall be at least 1 acre or larger and 2 acres or larger in the RC district, depending on soil and *slope* conditions as determined in the Holderness *Subdivision* Regulations or as otherwise established in this Ordinance. (3/98, 3/19)
(2) *Dwellings*: One *single-family dwelling unit* may be erected on each *lot*, with a minimum land area of 1 acre. Two acres shall be required for a *duplex* with an additional 20,000 square feet for each additional *dwelling unit* over two. There must be at least 10,000 square feet of green space not including *roads*, septic areas and *parking* areas for every *dwelling unit* over two. (3/04, 3/19)
(3) Land Calculation: Land under a *street*, public or private, may not be used in calculating *lot* area for any requirements in this Ordinance. (3/03, 3/19)

300.4.4: *Pemigewasset River Corridor* Overlay District (PRC):
The purpose of this district is to provide protection for the environmentally sensitive corridor along the Pemigewasset River and also protection for lives and property from *flood* waters and debris. (3/2020)

300.4.4.1: Boundary: A boundary of this district shall be 500 feet from the river's ordinary high-water line (*reference line*). (3/19)

300.4.4.2: Relation to Other Districts: Where the Pemigewasset Overlay is superimposed over another zoning district, the more restrictive regulation shall apply. (3/2020)

300.4.4.3: Permitted Uses:
(1) *General farming and agriculture*
(2) *Wildlife land*
(3) *Parks*
(4) Uses permitted in the underlying districts which can comply with the more restrictive regulations of this District (3/2020)
(5) Cemeteries (3/99)

300.4.4.4: Prohibited: (3/04) The following are prohibited:
(1) The establishment or *expansion* of salt storage yards; *junkyards*; solid or hazardous waste facilities.

(2) Dumping or disposal of snow and ice collected from *road* or *parking* areas outside the district.
(3) Use of any fertilizer, except limestone or wood ash, within 50 feet of the *reference line* on any property.
(4) Construction on *slopes* which exceed 15 percent.
(5) Sand or gravel excavations as defined in *RSA* 155-E.
(6) Bulk storage of chemicals, petroleum products, or *hazardous materials*.

300.4.4.5 *Development* Standards: (3/2020)

(1) Frontage: The minimum *lot frontage* on the Pemigewasset River shall be 200 feet.
(2) *Lot* Size: Two acre minimum.
(3) *Setback*: Within the *Pemigewasset River Corridor*, a *setback* shall be 150 feet for any and all buildings or *structures* except for wells and septic systems. (horizontal distance as measured from the reference line) (3/02)
(4) Septic Systems: Within the *Pemigewasset River Corridor*, the *setback* of a waste disposal system shall be not less than 125 feet (horizontal distance as measured from the *reference line*). (3/02)
(5) Natural Woodland *Buffer~~s~~*: (3/04) Where existing, a natural woodland *buffer* shall be maintained within 150 feet of the *reference line*. The purpose of this *buffer* shall be to protect the quality of public waters by minimizing *erosion*, preventing siltation and turbidity, stabilizing *soils*, preventing run-off of excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat and protecting the overall conditions of the protected shoreland.
(6) Within the natural woodland *buffer*, the following shall apply:

No more than a maximum of 50 percent of the basal area of trees, and 50 percent of the number of saplings shall be removed for any purpose within a 15-year period. A healthy, well distributed stand of trees, saplings, shrubs and ground covers and their living undamaged root systems shall be left in place. Replacement plantings with native or naturalized species may be permitted to maintain the 50 percent.

Dead, diseased, unsafe, noxious or fallen trees, saplings, shrubs or ground covers may be removed. Their removal shall not be used in computing the 50 percent limitations. Land owners are encouraged to preserve dead and living trees that provide dens and nesting places for wildlife.

Stumps and their root systems which are located within the 50 feet of the public boundary line shall be left intact in the ground unless their removal is specifically permitted by Planning Board.

Land owners are encouraged to plant vegetation that is beneficial to wildlife.

300.4.5: Holderness *Flood Hazard* District (FH):

This District is intended to ensure that *development* within the district shall occur in such a manner as to minimize the danger to life and property from *flooding* and to minimize the potential for future *flooding*. It is also to prevent damage to associated, contiguous or intersecting waterways and *wetlands*. (3/2020)

300.4.5.1: District Boundaries: The limits of the Holderness *Flood Hazard* District are hereby determined to be all lands west of Interstate 93. (3/2020)

300.4.5.2: Relation to Districts: Where the Holderness *Flood Hazard* District is superimposed over another zoning district, the more restrictive regulations shall apply. (3/2020)

300.4.5.3: Permitted Uses: The following uses shall be permitted within the *Flood Hazard* District to the extent that they are not prohibited by any other ordinance and provided they do not require *structures*, fill or

storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or flood ways of any tributary to main stream, drainage ditch, or any other drainage facility or system.

(1) General Farming and *Agriculture*, so long as the use of fertilizers and pesticides is curtailed. (3/2020)

(2) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, *parks*, wildlife and nature preserves, hunting and fishing areas, biking, hiking and horseback riding trails, snowmobiling and cross-country skiing.

(3) Accessory uses such as lawns, gardens, *parking* areas, and play areas.

300.4.5.4: *Special Exceptions* which may be permitted are:

(1) Fairgrounds and similar transient amusement enterprises.

(2) Utility infrastructures such as railroads, *roads*, bridges, utility lines, pipelines, and water systems. (3/2020)

(3) *Accessory Farming and Agricultural Activities* (3/19)

In addition to the standard procedure in this Ordinance, *Special Exceptions* are allowed only if they comply with the provisions of the *FEMA Special flood hazard* areas, other standards established in this Ordinance, and any special conditions attached by the *Board* of Adjustment to the issuance of any *Special exception* permit.

300.4.5.6: (3/2020)

(1) Fill or materials: Any fill or materials proposed to be deposited in the Holderness *Flood Hazard* District will be allowed only upon the issuance of a *Special Exception* and a permit from the appropriate State and or Federal agencies. The fill or materials must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve the purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the fill or other materials.
Such fill or other materials shall be protected against *erosion* by rip-rap, *vegetative cover*, or bulk heading.

(2) *Structures* (*temporary* and permanent) granted in this section shall must comply with all building standards applicable in the *FEMA Special Flood Hazard* Areas (SFHA).

300.4.6: *FEMA Special Flood Hazard* Areas:

Certain areas of Holderness 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 Holderness has chosen to become a participating community in the National Flood Insurance Program (NFIP), 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 section. (3/2020)

The following regulations in this Section shall apply to all lands designated as *special flood hazard areas* by the Federal Emergency Management Agency (*FEMA*) in its "*Flood Insurance Study* for the County of Grafton, NH" dated February 20, 2008, or as amended. Together with the associated *Flood Insurance Rate Maps* dated February 20, 2008, they are declared to be part of the Town of Holderness Zoning Ordinance and are hereby incorporated by reference. (3/07)

300.4.6.1: Boundary: The regulations in this Section shall apply to all lands designated as *Special flood hazard* Areas (Zones A or AE) by the Federal Emergency Management Agency (*FEMA*) in its *Flood Insurance Study (FIS)* and the *Flood Insurance Rate Map (FIRM)* for the County of Grafton, NH dated February 20, 2008, or as amended. Together with the associated Flood Insurance Rate maps dated February 20, 2008, they are declared to be part of the Town of

Holderness Zoning Ordinance and are hereby incorporated by reference. These areas are those which have a 1% annual probability of having a flood equal to or exceeding the *100-year flood* (*base flood*). (3/2020)

300.4.6.2: Relation to Other Districts: The regulations in this Section shall overlay and supplement other regulations in the Town of Holderness Zoning Ordinance for purposes of administration and appeals under State law. If any provision of this regulation conflicts with other provisions, the provision imposing the greater restriction or more stringent standard shall be controlling. (3/2020)

300.4.6.3: Permit: All proposed *development* in or change of use any *Special flood hazard* Areas shall require a permit from the Select *Board* or their designated representative. A building permit will not be issued 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. (3/2020)

300.4.6.4: Construction: The *Compliance Officer* 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:

(1) be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the *structure* resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
(2) be constructed with materials resistant to *flood* damage;
(3) be constructed by methods and practices that minimize *flood* damages; and,
(4) be safe from *flooding*; (3/2020)
(5) be adequately drained to reduce exposure to *Flood hazard*s. (3/2020)

300.4.6.5: Water Systems: The following standards shall apply to all water supply, sanitary sewage, and on-site waste disposal systems located in a *special flood hazard* area: (3/2020)

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
(2) New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the systems and discharge from the system into flood waters; an
(3) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during *flooding*.

300.4.6.6: Notification to DES *Wetlands* Bureau: 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 *Compliance Officer*, in addition to the copies required by *RSA* 482-A:3. Further, the *Applicant* shall be required to submit copies of said notification to those adjacent communities as determined by the *Compliance Officer*, including notice of all scheduled hearings before the *Wetlands* Bureau and the Holderness Conservation Commission. (3/07)

300.4.6.7: *Flood* Carrying Capacity: The *Applicant* shall submit to the *Compliance Officer* certification provided by a registered professional *engineer*, assuring that the *flood* carrying capacity of an altered or relocated watercourse can and will be maintained. (3/07)

300.4.6.8: Watercourses: Along watercourses with a designated *Regulatory Floodway*, no encroachment, including fill, *new construction*, *substantial improvements*, and other *development* is 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. (3/07)

300.4.6.9: *Regulatory Floodway*: Until a *Regulatory Floodway* is designated along watercourse, no *new construction*, *substantial improvement*, 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 foot at any point within the community. (3/07)

300.4.6.10: Review of *Floodway* Data: The *Compliance Officer* 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 FIRM Zone A meet the following *floodway* requirements:

"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." (3/07)

300.4.6.11: Structural Requirements: (3/2020)

100-Year Flood Elevation: In *special flood hazard* areas, the *Compliance Officer* shall determine the *100-year flood* elevation in the following order of precedence according to the data available: (3/07)

(1) In zone AE, refer to the elevation data provide in the community's *Flood Insurance Study* and accompanying *Flood Insurance Rate Map (FIRM)*. (See 400.4.6.1). (3/07)

(2) In zone A, the *Compliance Officer* shall obtain, review, and reasonably utilize any *100-year flood* elevation data available from any Federal, State or other source including data submitted for *development* proposals submitted to the community (i.e. *subdivisions*, site *approvals*).

Year Flood Elevation Criteria: The *Compliance Officer's 100-year flood* elevation determination will be used as criteria for requiring in zones A and AE that: (3/07).

(1) **Residential *Structures*:** All *substantial improvement* or replacement of residential *structures* have the *lowest floor* (including *basement*) elevated to or above the *100-year flood* elevation. **NOTE: *New construction* of residential *structures* are not allowed in the underlying Holderness *Flood hazard* District.**

(2) ***Non-Residential Structures:*** All *new construction* or *substantial improvement*s 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:

(3) ***Manufactured Homes*:** 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. (3/07)

(4) **Fully Enclosed Areas:** 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:

(5) ***Recreational vehicles***: All *recreational vehicles* placed on sites within Zones A and AE shall either:

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

Detached Accessory Structures*: *New construction or *substantial improvement* of a small, *detached accessory structure* of 500 square feet or less does not have to meet the elevation or *non-residential* dry floodproofing requirements as detailed in Section 300.4.6.4 of this Ordinance if the following wet floodproofing standards are met

(1) The *structure* has unfinished interiors and is not used for human habitation;

(2) The *structure* is not located in the *floodway*; The *structure* is not used for storage of *hazardous materials*;
(3) The *structure* is wet floodproofed and designed to allow for the automatic entry and exit of *flood* water as detailed in Section 300.4.6.4;
(4) The *structure* shall be firmly anchored to prevent flotation, collapse and lateral movement;
(5) When possible, the *structure* shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of *flooding* than the primary *structure*; and
(6) Service facilities such as electrical, mechanical and heating equipment shall be elevated or dry floodproofed to or above the *base flood* elevation.

300.4.6.12: Compliance: For all new or substantially improved *structures* in Holderness, located within the *Flood hazard* Insurance Map (FIRM) Zones A or AE, the *Applicant* shall furnish the following information to the *Compliance Officer*: (3/07, 3/2020)
(1) The as-built elevation (in relation to North American Vertical Datum – NAVD) of the *lowest floor* (including *basement*) and include whether such *structures* contain *basements*;
(2) If the *structure* has been *flood*-proofed, the as-built elevation (in relation to NAVD) to which the *structure* was *flood* proofed; and,
(3) Any certification of *flood proofing*.

The *Compliance Officer* shall maintain for public inspection and shall furnish such information upon request.

300.4.6.13: *Variances* and Appeals
(1) Any order, requirement, decision or determination of the Selectmen 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:
  (i) that the *Variance* will not result in increased *flood* heights, additional threats to public safety, or extraordinary public expense;
  (ii) 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; and
  (iii) 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:
  (i) the issuance of a *Variance* to construct below the *base flood* level may result in increased premium rates for *flood* insurance and
  (ii) such construction below the *base flood* level increases risks to life and property. Such notifications shall be maintained with a record of all *Variance* actions. (03/16)
(4) The community shall
  (i) maintain a record of all *Variance* actions, including their justification for their issuance, and
  (ii) report such *Variance*s issued in its annual or biennial report submitted to *FEMA's* Federal Insurance Administrator.

300.4.7: *Lot* Area:
(1) *Lot* Size: The minimum *lot* area for any *lot* in districts GR, RR, CD, and FH shall be at least 1 acre or larger and 2 acres or larger in the RC district, depending on soil and *slope* conditions as determined in the Holderness *Subdivision* Regulations or as otherwise established in this Ordinance. (3/98)
(2) *Dwellings*: One *single-family dwelling unit* may be erected on each *lot*, with a minimum land area of 1 acre. Two acres shall be required for a *duplex* with an additional 20,000 square feet for each additional *dwelling unit* over two. There must be at least 10,000 square feet of green space not including *roads*, septic areas and *parking* areas for every *dwelling unit* over two. (3/04)

(3) Land Calculation: Land under a *road*, public or private, may not be used in calculating *lot* area for any requirements in this Ordinance. (3/03, 3/2020)

SECTION 400: GENERAL PROVISIONS

The following provisions shall apply to each district and all uses within the Town of Holderness except as listed.

400.1: Obnoxious Use:

Any use that may be obnoxious or injurious by reasons of production, emission or odor, dust, smoke, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health or safety of the *abutters* or the community, or lending to their disturbance or annoyance, is prohibited.

400.2: Removal of Natural Material:

400.2.1: If clay, sod, loam, sand or gravel is removed within 100 feet of any *road*, lake, watercourse, or *wetlands*, the area shall be regraded and redressed within 90 days of the removal of materials to assure that the premises will be left in a acceptable condition and protected against *erosion* and washouts. (3/2020)

400.2.2: Earth excavation for *commercial* purposes shall be governed in accordance with the Town's *Commercial* Earth Excavation Regulation if one is in effect or by the provisions as per State law and regulations, whichever is more stringent. (3/07)

400.2.3: In the event *development* is proposed which will disturb soil within 100 feet of any *road*, lake, watercourse or *wetlands*, an *Erosion* and Sediment Control Plan prepared by a New Hampshire licensed professional *engineer* shall be submitted which provides both *temporary* and permanent measures designed to minimize *erosion* and *sedimentation* and which indicates how a protective cover will be established and maintained on all exposed lands. (3/03). Vegetation is preferred as a protective cover. Non-*vegetative cover* such as mulch or gravel may be used. (3/2020)

400.2.4: All excavations require a maximum grade of 15 percent with a minimum of 3 inches of topsoil covering the excavated area.

400.2.5: No water collecting depressions shall be left.

400.3: Dump and *Junkyards*:

No person shall keep or maintain within the Town of Holderness any *hazardous materials*, dump, refuse, or junk yard within the General Residential, Rural Residential or *Commercial* Village Districts. Operation of such within the *Commercial* Route 175 District requires a permit from the Select *Board* (per *RSA* 236:117 and 236:121). The conditions of the permit will be to conserve and safeguard public safety, health and welfare; maintain a healthy and attractive environment; and to sustain our tourist and recreational economy. See also definitions under Section 1300. (3/2020)

400.4: Fire Damaged and Hazardous Building:

Any building or *structure* suffering structural damage by fire, wind or other cause, and which has become dangerous or unsafe, or constitutes a visual blight, shall be repaired or completely removed within one year of such damage. Any removal shall include removal of all debris, and the filling of all excavations to ground level. *Temporary* barriers or fencing shall be erected immediately after such damage to secure the property so as not to constitute a hazard or visual blight. (3/19)

400.5: *Flood* Area:
Any new building or *structure development* or *substantial improvement* of any *structure* within any *Flood hazard* area both FH and *FEMA* Districts as delineated on the Holderness *Flood* Insurance Rate Map by the Federal Insurance Administration shall be governed in accordance with the Town of Holderness *floodplain* regulations contained herein as well as other State and local regulations as may be amended from time to time. (3/2020)

400.6: *Signs*:
The purpose of this article is to provide standards for the size and treatment of *signs* within the various zoning districts to protect against the detrimental impact on the visual character of the community and on transportation safety. *Signs* should be consistent with the goals of the Master Plan. (3/10, 3/2020)

Except as indicated in 400.6.2, no *sign* or advertising device shall be erected on any premise or be visible from the outside of any *structure* in the Town of Holderness without a permit. A *sign* shall mean an object, device, or *structure*, or part thereof, situated outdoors or displayed in a window, free-standing or attached, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, design, symbols, advertising flags, colors, illuminations, or projected images, which is visible from any street, *right-of-way*, sidewalk, alley, *park*, or other public property. (3/2020)

400.6.1: *Signs* Requiring a Permit:

400.6.1.1: *Home occupation Signs*: *Home occupation*s may have 1 *sign* not to exceed 9 sq. ft. in area per side freestanding or 9 sq. ft. in area in total if affixed to the building. (3/2020)

400.6.1.2: Individual Business *Signs*: Each individual business establishment may exhibit no more than 2 free standing outdoor advertising *signs*, each no larger than 32 sq. ft. in area per side or one free standing *sign* no larger than 50 sq. ft. in area per side. Such *signs* shall be located on the same contiguous premises as the business itself. One *sign* affixed directly to a *non-residential* building shall be permitted providing that such *sign* does not exceed a maximum of 32 sq. ft. in area. Off premises subsidiary *signs* shall be limited to no more than 2 such *signs* of no larger than 24 sq. ft. in area. (3/2020)

400.6.1.3: Business Complex *Signs*: A complex of businesses may have a *sign* under the following conditions: This complex shall be either a single property or two or more contiguous properties sharing one or more *driveways* or *roads*, and a common area identity. One *sign* for the complex may be on each *road* with a maximum aggregate of 50 sq. ft. in area per side may be allowed. (3/2020)

400.6.1.4: Announcements: Two announcement boards no greater than 24 sq. ft. in area each and no higher than 7 feet each may be permitted for a religious institution or non-profit organizations.

400.6.1.5: *Subdivision*: One permanent *sign* not to exceed 12 sq. ft. in area, identifying by name a particular residential *subdivision* shall be permitted at each main entrance to said *subdivision*. Said *sign* area does not include any decorative planters or supports.

400.6.1.6: Residential Cooperative *Sign*: One *sign* listing multiple residential properties of a particular area of the Town may share a single *sign*. Such cooperative *signs* listing 3 or more names of residents must have permission of the Select *Board*. (3/2020)

400.6.2: *Signs* Not Requiring a Permit: The following *signs* are allowed without a permit, subject to the conditions noted below. No *sign* shall create an obstruction or hazard: (3/2020)

400.6.2.1: All *signs* erected or posted by an agency of the government.

400.6.2.2: All *signs* indicating the existence of private property. These include, but are not limited to the following: forbidding and/or regulation of activities, guiding, trespassing, hunting, and other such activities on the property. Such allowed *sign* exceptions shall not exceed 6 sq. ft. in area per *sign*. (3/2020)

400.6.2.3: *Signs* not visible from a public way.

400.6.2.4: National, State, provincial, or religious flags, except where used in such a manner or in such quantity as to draw attention to a *commercial* enterprise. No unrelated message may be used on any such flag. (3/10, 3/2020)

400.6.2.5: Flags with a short message, i.e., welcome, sale, open, shall be no larger than 3 feet by 5 feet. (3/10)

400.6.2.6: Political Signs: as per State law and regulations, *RSA* 664.17. (3/15)

400.6.2.7: Temporary Signs: Such as Flea Market, Garage Sale, Yard Sale, Moving Sale, etc. by a person, business or organization, shall be allowed providing that such *signs*

(1) Do not exceed 32 sq. ft. in area per side.
(2) Do not exceed a total of 64 sq. ft. in aggregate area.
(3) Duration of a maximum of 7 days (can be extended another 7 days, with the permission of the Select *Board* one time only.)
(4) Shall not occur more than 3 times in a calendar year.

400.6.2.8: Special Promotion or Announcement: By government or institutional event in or for the Town.

400.6.2.9: Real Estate: One additional *sign* during the period when the premises are for sale or lease shall be permitted. Said *sign* shall not exceed 6 sq. ft in area for residential property, and shall not exceed 32 sq. ft. in area for *commercial* property. Said *signs* shall be removed within 48 hours of the sale of subject property. The penalty for not removing said *signs* within the above specified amount of time shall be $10.00 per *sign* per day. Real estate *signs* not located on the premises require *approval* of the Select *Board* (3/2020)

400.6.2.10: Construction *Signs*: Two *signs*, not exceeding 16 sq. ft. in area for construction on the building site identifying the owner, architect, contractor, and/or developer. Duration exceeding 1 calendar year requires *approval* of the Select *Board*. (3/2020)

400.6.2.11: Direction/Identification *Sign*: On private property such as entrance, exit, no parking, arrows, reserved handicap, etc., providing that each such *sign* does not exceed 1.5 square feet in area for an aggregate total of 12 sq. ft.

400.6.2.12: Items for Sale: One additional *sign* during the *temporary* period when individual items owned by the resident of said private property are for sale and not as a part of any business. Such *signs* shall be allowed providing that such occurrences do not become habitual. (3/2020)

400.6.3: *Applications*: An *application* for a *sign* permit shall include site location, *sign* size, method of illumination, if any, and types of materials to be used in construction. Permits shall be issued or denied by the Select *Board*. All construction subject to Site Plan Review shall submit their *applications* for *sign* permits to the Planning Board for review and comment concurrent with their Site Plan *applications*. No *non-residential sign* shall be relocated in any manner until the relocation has been reviewed and approved by the Select *Board*. (3/2020)

400.6.4: General Provisions for *Signs*

400.6.4.1: Flashing *Signs*: Except as indicated below, no *sign* shall be intermittently illuminated, nor be of a traveling light type (scrolling), nor be animated or flashing, including electronic message board *signs*, *signs* that rotate, or otherwise create movement or internally lit, such as, but not limited to, neon *signs* on the outside of

buildings or visible through windows; the exceptions are such portions of a *sign* that consists solely of indicators of time or temperature or both. (3/2020)

400.6.4.2: Shielding: Illumination *fixtures* shall be arranged to direct the light away from streets and away from adjoining *structures*.

400.6.4.3: Illumination:
400.6.4.3.1: Illumination Times: In all districts, *signs* may be illuminated only between the hours of 7:00 a.m. and 10:00 p.m., or during the hours that the premises are open to the public. Non-*commercial signs* such as residential nameplate, *road*, directional, and government *signs* may remain illuminated. (3/2021)

400.6.4.3.2: Illumination Brightness: Any illumination of signs must comply with the Outdoor Lighting Design criteria of section 550.2. In addition, sign luminosity between dusk and dawn must not exceed 100 cd/^{m2} in the Commercial District (CD), 40 cd/m^2 in the General Residential District or 20 cd/m^2 in the Rural Residential District. (3/2021)

400.6.4.4: Maintenance: All surfaced and supporting *structures* of *signs*, whether erected prior to effective date of this Ordinance or not, shall be maintained in a safe and sightly condition, to the satisfaction of the Select Board. Failure to correct a violation within 30 days after notice thereof shall constitute a violation of this Ordinance, subject to prescribed remedies whereupon the designated Town Official may remove, or cause to have removed, said *sign*.

400.6.4.5: Measurement: The size of the area of a *sign* shall be the surface area, and shall be considered to include all lettering or elements of a *sign*, accompanying designs and symbols, together with background, whether open or closed, on which they are displayed, but not including any supporting framework or bracing that is incidental to the *sign* and not designed to attract attention. Where the *sign* consists of letter, symbols, or devices affixed to the surface of a building, the area shall be measured by the smallest rectangle which enclosed the extreme limits of all the letters, symbols or device. (3/2020)

400.6.4.6: Non-permanent types: These *signs* include, but are not limited to, banners and or pennants made of cloth, vinyl etc. that are to be either hung by wire or rope or not affixed to a building. Such non-permanent *signs* shall be classified as "*Temporary*" and as such shall be required to conform with applicable regulations under "*Temporary Signs*".

400.6.4.7: Location: No privately-owned *sign* shall project over a public or private *road*, be placed within the limits of a public *road*, *right-of-way*, or be located in such a position as to endanger traffic by obscuring a clear view or by confusion with official *road signs* and signals. A *sign* may be at the front property line. No *sign* shall be closer than 15 feet from the side and rear property lines. The required *setback* of a *sign* may be increased when, in the opinion of the Select Board, the *sign* will interfere with the sight vision from *driveways*, intersections, or along *road*s. (3/2020)

400.6.4.8: Height: No privately-owned *sign* shall be higher than 25 feet above grade.

400.6.5: *Non-Conforming Signs*: Any on-premise *sign* legally erected prior to the adoption of this Ordinance may be continued and must be maintained. Any such *sign* shall not be enlarged or altered by change in shape, unless it is brought into conformity. (3/2020)

400.6.6: The owner of any approved *sign* may substitute non-*commercial* copy in lieu of any other *commercial* or non-*commercial* copy. This substitution of copy may be made without any additional *approval* or permitting. (3/2020)

400.6.7: Village Area of the Commercial District: In keeping with its historic character, no digital signs, electronic message centers (EMCs), electronic billboards, Neon, LED or similar internally illuminated signs shall be permitted in the Village section of the Commercial District. (3/2021)

400.7: Off-*Street* Loading and *Parking*:

Adequate off-*street* loading and *parking* shall be provided whenever any new use is established or any existing use is enlarged in accordance with the following specifications:

400.7.1: All *non-residential* and *multi-family residential units* of 3 or more must follow the specifications set forth in the current Holderness Site Plan Review Regulations.

400.7.2: Residential buildings of 2 units or less must have 2 spaces for each *dwelling unit* provided however that for an *accessory dwelling unit*, the provisions of Section 400.24 shall control. (3/2020)

400.8: Front, Side and Rear Yard *Setback*:

400.8.1: There shall be a minimum distance of 35 feet between any *structure* and the edge of the *right-of-way* of any *road*. (3/2020)

400.8.1.1: No *structure* or water supply (well) shall be located within 35 feet of any property side or rear *lot* line on which it is located.

400.8.1.2: No *structure*, including water supplies (wells), shall be located within 50 feet from the *reference line* of a lake or pond, ordinary high-water line of perennial streams, or edge of a *wetland*. This 50-foot segment will be maintained as a native vegetative or woodland *buffer*. Access pathways through these areas may not exceed 6 feet in width. Permitted *signs*, *fences* less than 6 feet in height, stairs to docks, and bridges for recreational use are exempt from these *setback* requirements. (3/02, 3/10, 3/12)

400.8.2: No septic tank shall be constructed or placed within 75 feet of any domestic water supply, lake or pond *reference line* or river or stream ordinary high-water line or *wetland*. No *leach field* or any other septic disposal system shall be constructed or placed within 125 feet of any domestic water supply, lake or pond *reference line*, river or stream ordinary high-water line or *wetland*. (3/10, 3/14)

400.8.2.1: *Wetlands* shall mean any lands that meet the term in the definitions section of this Ordinance.

400.8.3: The minimum front and side yard dimensions may be lessened for *commercial* building or *structure*s only in the *Commercial* District by the *Board* of Adjustment as a *Special Exception*, but only after Planning Board and Town *Health Officer* review and recommendation subject to the performance standards of Sections 600 and 700 and the requirements of Section 900. (3/2020)

400.8.4: The minimum distance between the traveled portion of a *driveway* and a *lot* line shall be 10 feet except for a *driveway* that is located along the common *lot* line of the two *lots* it serves. (3/2020)

400.8.5: For any new cluster, condominium, or similar *development* there will be a minimum of 35 feet between each *structure*, except garages and storage buildings not exceeding 15 feet in height may have a minimum distance from other *structures* of not less than 15 feet. This is for the purpose of life safety and fire protection. (3/96, 3/2020)

400.9: Height:

No residential building or *structure*, or part thereof, shall exceed 35 feet in height above the average ground level at the building or *structure* foundation. This provision shall not apply to television and radio *antennas*, lightning rods, cupolas, steeples, chimneys, utility poles or parts of buildings or *structures* designed exclusively for agricultural or *non-residential* uses. (3/2020)

400.10: Sewage and Waste Disposal Systems:

Construction, *development*, or improvement of any *structure* that will cause an increase in sewage and waste disposal shall require proof of installation of a State approved septic system and comply with all applicable State and local health requirements. Any construction or improvement of any *dwelling unit* which results in an increase in the number of bedrooms shall require proof of an adequate septic system as required in this section. (3/96, 3/12, 3/2020)

400.10.1: *Gray water* Systems: *Gray water* systems are prohibited including those which use mini *dry wells*. (3/12)

400.11: *Wetlands* Inventory:

Upon receipt of an *application* for a building permit for any new *structure* or for an exterior improvement to an existing *structure* which would involve site work (such as digging, grading, drainage, etc.) on a *lot* containing *wetland* or which would appear to have an effect on a *wetland*, the Select Board shall forward a copy of the building permit *application* to the Conservation Commission. The Conservation Commission shall promptly review the *application* and within 15 days may request that the *Applicant* provide an accurate map which clearly depicts the borders of the *wetland*, including *soils* delineation for determining *wetlands* boundaries and associated hydric soil types and the location of the proposed activity and impact area for which the building permit is sought. Within 30 days after receiving notice of the *application* or within 30 days of receiving an accurate map when one has been requested, the Conservation Commission shall submit its recommendation to the Select Board. In this section, *wetland* means a *wetland* which is listed in the "Official *Wetlands* Inventory of the Town of Holderness." (3/99)

400.12: Shoreline *Structure*:

In preserving the integrity of the surface waters of the Town, all shoreline *structures* shall be constructed so as to ensure safe navigation, to minimize reduction of water availability for public use, to promote higher water quality and safety conditions, to avoid changes in surface and subsurface conditions that would be deleterious to fish and wildlife habitat, and to avoid changes in water movements that might cause *erosion* or siltation. *Structures* shall be allowed only for the purpose of boating and not for the transfer of activities normally associated with land to *structures* over the water. Any pertinent rules and regulations not specifically mentioned within this Ordinance shall be the same as those adopted by the State of New Hampshire *Wetlands* Bureau.

400.12.1: *Boathouses* located in or over the water, including dredged inlets, shall not be permitted. (3/15, 3/2020)

400.12.2: Dug in *boat slips* are not permitted.

400.12.3: Use of *boathouses* as *dwellings* shall not be permitted. Use of any lawfully existing *boathouse* shall be in conformity with applicable State laws and must comply with this Ordinance with respect to *setbacks* from side and back lines.

400.12.4: Stairs, with or without railings, to approved docks may be permitted in all zones provided that they are no wider than 4 feet, and they are constructed in such a manner as to allow air and moisture to reach the ground beneath them. The "top" stair may extend up to 4 feet back from the start of the stairs as a starting point. Poured concrete stairs are not allowed. Natural rock construction, using no concrete or binding agent, arranged in the soil as to make a stairway is permitted. (3/98)

400.13: Conversions to Condominiums or Time-Sharing Units: (3/98)

400.13.1: Whenever any existing developed property is proposed for conversion to condominium or time-sharing ownership and before any building permit is issued for the alteration of such building, the owner or his agent shall apply for and secure *approval* of such proposed *subdivision* from the Planning Board. Prior to *approval*, the *Applicant* shall submit:

400.13.1.1: Documentation reflecting the office of the Attorney General *approval* of all condominium instruments as called for per State law and regulations. (3/07)

400.13.1.2: A complete set of site plans and floor plans, as well as a complete set of all condominium documents with the site plan showing the location of all utilities on the site, existing and proposed.

400.13.1.3: Payment for all fees associated with the proposal (e.g., legal, engineering, special studies).

400.13.2: If the proposed conversion does not meet the current requirements of the *subdivision* regulations or Zoning Ordinance, and if substantial physical change is proposed, *approval* may be granted only if all of the following conditions are met: (3/2020)

400.13.2.1: On-site *parking* shall be provided with 1 space per bedroom with a minimum of 2 spaces per unit.

400.13.2.2: All units and buildings shall conform with all building, electrical, plumbing, health, life safety and other applicable codes and ordinances in effect in the Town at the time of the *application's* review.

400.13.2.3: Decks shall be included as an *impervious surface* when calculating *lot* coverage requirements.

400.13.2.4: The septic system standards of the State of New Hampshire and the Town (whichever is more stringent) existing as of the date of the *application* must be met or exceeded by all systems used by the units associated with the conversion and a certificate to that effect shall be filed with the Planning Board based on a review of the Town records and an on-site inspection of systems and soil conditions by a soil scientist and/or professional *engineer*.

400.13.2.5: A maximum density of 2 seasonal units per acre shall be permitted provided that community water and sewer are provided.

400.13.2.6: A maximum density of 1 year-round unit per acre may be permitted**.**

400.13.2.7: A common area consisting of a minimum of 30 percent of the total land area involved must be provided. *Driveways* and *parking* areas may not be included as part of the common land area calculation.

400.13.2.8: In the case of a condo conversion involving physical change and which would violate the terms of the ordinance and/or regulations, *RSA* 356-B:5 allows the Town to require a *variance*. (3/2020)

400.13.3: For any such approved conversion: The responsibility for maintenance, operation, replacement and protection of the water supply and sewage disposal systems shall be clearly established as that of the sub-divider or association of owners, or in default of such obligation by the sub-divider or association, by the individual owners and a statement to this effect shall appear in the condominium or time-sharing agreement. The deed to each condominium or time-sharing unit shall contain these restrictions which shall run with the land. In the case of the sub-divider, such statement must specify the responsibility in the event of sale of the *development*, bankruptcy or other default by it. In the case of an association of landowners, a copy of the articles of association shall be submitted to the *Board*. Such statement of responsibility including articles of association, shall specify that, in no event, shall the Town have any obligation for maintenance, operation, replacement or protection of the water supply and sewage disposal systems.

400.13.4: Each condominium or time-sharing agreement/declaration must contain the following provisions:

400.13.4.1: Each unit shall be declared to be either a seasonal or primary *residential unit*.

400.13.4.2: The conversion of seasonal units into primary residences shall be clearly prohibited, except where such conversion will comply with this Ordinance and any other applicable code, ordinance or regulation and only when such conversion would be allowed for a similar property not involving condominium ownership.

400.13.4.3: The agreement must state the total number of each type of unit that shall be allowed.

400.13.4.4: The agreement must make it clear that other unit owners or the Town of Holderness may enforce the specific restrictions upon the number of units, use of the units, and the like.

400.13.4.5: The agreement shall make it clear that any winterization of a unit must meet current State and Town standards.

400.13.4.6: The agreement must state that the Town has no obligation to provide community water and sewer facilities.

400.13.4.7: The agreement must provide that it may only be amended in conformance with the Holderness Zoning Ordinance.

400.13.4.8: The agreement must clearly state that no seasonal unit may be converted to year-round use, except where such conversion will comply with this Ordinance and any other applicable code, ordinance or regulation and only when such conversion would be allowed for a similar property not involving condominium ownership.

400.14: Seasonal Conversion:

400.14.1: Before any *structure* currently used for *seasonal use* may be converted to a year-round or permanent use or is "winterized" for use in the winter months, the Holderness *Health Officer* must be requested to inspect the water supply and septic system and must certify that they are adequate for the intended purpose. He may require a plan of the system and/or an inspection and plan by a qualified septic system designer. If the existing septic system is found to be inadequate, he may require that a septic system approved by the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services be installed. Such conversion or winterization may be done only in accordance with a permit issued and approved by the Building Inspector or *Compliance Officer* and *Health Officer*. Winterization of a seasonal dwelling will require compliance with the New Hampshire Energy Code administered by the Public Utilities Commission. Conversion of a seasonal dwelling to a year-round or permanent use shall require *approval* of a *Special Exception* by the Zoning Board of Adjustment in all zoning districts in accordance with the provisions of Section 400.

400.14.2: However, the Select Board may approve a seasonal conversion IF the *structure* is fully in compliance with the zoning ordinance in effect at the time of *application* and is in compliance with the NH Energy Code, and has a certificate of *approval* from the New Hampshire Subsurface Systems Division stating that the existing septic system is acceptable, meets current State and local standards, or has *approval* for a new system.

400.14.3: In either case the Town must be provided with evidence that the septic system complies with State laws and regulations. (3/07)

400.15: Mooring Fields:
All private or public mooring fields in excess of 3 moorings will require the following:

400.15.1: Three *parking* places for every 2 moorings.

400.15.2: The parking *lot* shall not be closer than 100 feet from the *reference line*. (3/02)

400.15.3: Chemical, mechanical, or flush toilet facilities (a minimum of 1 for males and 1 for females) must be placed at a location approved by the Planning Board. (3/02)

400.15.4: Adequate trash receptacles shall be provided.

400.15.5: A copy of the State mooring permit must be provided to the Town.

400.16: Shoreland Protection: (3/08)
The protected shoreland is all land located within 250 feet of the *reference line* of public waters as delineated in *RSA* 483-B. No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the New Hampshire Department of Environmental Services to ensure compliance with *RSA* 483-B provisions.

400.17: Recreation:
Recreational uses consistent with the enjoyment and preservation of open spaces and natural resources, and which do not materially harm or affect the residential or rural quality of the Town shall be encouraged. Interrelated trail systems and access points shall be encouraged to enhance circulation and provide safe and efficient movement of recreational users. The trails should be developed with the following uses in mind; cross country skiing, snowmobiling, horseback riding, picnicking, non-motorized biking, hiking and backpacking, and snowshoeing. Existing trails or those developed within the provisions of this General Provision shall not be deemed *structures* within the confines of this Ordinance. (3/94)

400.18: *Home Occupation*: (3/98)
Permitted in all districts if in conformance with the rest of this Ordinance as well as the following:

400.18.1: Activity must be operated by residents of the property. No more than 2 non-residents may be employed on this site.

400.18.2: The activity must be clearly incidental and subordinate to the primary use of the premises as a residence and must not change the appearance, character, or condition of the premises or surrounding neighborhood.

400.18.3: There must be no exterior display, no exterior storage of materials or equipment and no other variation from the residential nature of the premises other than *signs* as provided for elsewhere in this Ordinance and parking as allowed in this section

400.18.4: No on-*street* parking as a result of this activity shall be allowed. If this activity causes a need for additional parking, Site Plan Review will be required. (3/98)

400.18.5: No increase in sewage disposal on this site will be permitted except for normal personal use of employees and occasional use by clients/customers. Any activity that increases the sewage disposal beyond this amount shall require a *Special Exception* or *Variance*.

400.18.6: No traffic, other than that of employees, shall be caused by this activity between the hours of 8:00 p.m. and 7:00 a.m.

400.18.7: The activity may require Site Plan Review, *Special Exception*, or *Variance* (as appropriate) if the activity does not meet those conditions that permit a *Home Occupation*. (3/97, 3/2020)

400.19: *Essential services*:
Site Plan Review is not required for installations such as poles, wires, anchors, guys, conduits, distribution transformers, underground equipment, etc. Site Plan Review is required for substations, switching stations and other such large facilities. The Planning Board has the option to waive any requirements contained in this Ordinance regarding utility *structures* which are less than 200 square feet in area as per *RSA* 674:30. (3/07, 3/2020)

400.21: *Special Events* Permit: (3/01 & 3/13)

400.21.1: All *special events* require a permit from the Select Board. A *Special Events* Permit is normally in lieu of any other permit or *approval* normally required by the Town, including Site Plan Review. A second occurrence shall require Site Plan Review. The Select Board retains the option of requiring a Site Plan Review due to the magnitude or frequency of the event. Permits may be granted for uses and/or activities not permitted in the Zoning Ordinance and shall be considered *short term* in nature with no expectation of becoming permanent provided:

400.21.1.2: The Select Board may place any conditions that they deem necessary in the permit to protect the health, safety and welfare of the public and to carry out the intent of this Ordinance, such as, other land use permits, hours or days of operation, parking, access, fencing, shelter, availability of water, toilet facilities, noise, police, fire and highway departments' services. (3/2020)

400.21.1.3: The size of the event must be stipulated in the permit (the size shall include the area to be occupied as well as the numbers of people allowed).

400.21.1.4: The Select Board shall establish a fee for the permit (this fee is for administrative purposes only and shall cover such things as notification, secretarial, and administrative costs).

400.21.1.5: The Select Board may require a bond or any other form of security that they feel is warranted for the event.

400.21.1.6: The Select Board may require a prepayment for anticipated town services.

400.21.1.7: The property owner(s) shall provide the Select Board with written notification that they are allowing the use of their property for this event.

400.21.1.8: The Select Board shall determine to whom the permit shall be issued.

400.21.1.9: The *application* shall be made by the property owner, or an authorized agent.

400.21.2: A *Special Events* Permit is normally in lieu of any other permit or *approval* normally required by this Town, including Site Plan Review. It may be granted for uses and or activities not permitted in the Zoning Ordinance and shall be considered *short term* in nature with no expectation of becoming permanent. The Select Board retains the option of requiring a Site Plan Review, due to the magnitude or frequency of the event. (3/2020)

400.21.3: The Select Board shall provide an *application* form for a *Special Events* permit.

400.21.4: Private residential parties and events, such as, but not limited to, graduation and wedding parties are excluded from this Section provided that all of the following conditions are met:
(1) The party or event shall be for no more than 2 days;
(2) Off-*street* parking is available for all vehicles;
(3) The party or event will not start before 8:00 a.m. and shall end prior to 10:00 p.m.; (3/2020)
(4) The Police and Fire Departments are notified of the date and time of the party or event.

400.21.5: The Select Board's decision on a *Special Events* permit *application* may be appealed to the Zoning Board of Adjustment. (3/2020)

400.22: Outdoor Wood-Fired Hydronic Heaters: (03/09, 03/16)
All new outdoor wood fired hydronic heaters (OWHH) will have to meet the standards of a Phase I or Phase II unit effective April 1, 2009 and must meet all unit requirements and *setbacks* to *RSA* 125-R, except for the following change to *RSA* 125-R:3 II: *Setback* and Stack Height Requirements which will require that all OWHH shall be installed at least 100 feet from the nearest property line and have a permanent attached stack that is at least 2 feet higher than the peak of the roof of a residence or place of business not served by the OWHH if that residence or place of business is located within 300 feet of the OWHH.

400.23: Small Wind Energy Systems: (3/09, 3/16)

400.23.1: Purpose: It is the purpose of this Section to regulate the safe, effective and efficient use of small wind energy systems to reduce the on-site consumption of utility supplied electricity. It is recognized that Holderness, New Hampshire residents value the natural beauty of our area. A balance is sought between this value and the fact that wind power is an important and inevitable part of our future.

400.23.2: Findings: Holderness, New Hampshire finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Therefore, we find that it is necessary to create proper guidelines and permits for small wind energy systems to enable a clean, renewable energy resource to be utilized in a cost-effective and timely manner and to minimize impact on the surrounding *abutters* and neighbors.

400.23.3: Definitions

400.23.3.1: Power grid: The transmission system, managed by ISO (Independent Service Operator) New England, created to balance the supply and demand of electricity for consumers in New England.

400.23.3.2: Small Wind Energy System: A residential wind energy conversion system consisting of a wind turbine, a tower, and supporting *structures* (e.g. guy wires, if needed), and associated control or conversion electronics, which is primarily intended for on-site consumption. (3/2020)

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

400.23.3.4: Tower Height: The distance from the base to the system hub.

400.23.3.5: Total Height: The vertical distance from the ground level to the tip of the rotating blades at their highest point.

400.23.4: Permitted Use & Requirements

400.23.4.1: Rated Capacity: Small wind energy systems shall not have a rated generation capacity greater than 25 kW in the General Residential and *Commercial* Districts and 100 kW in the Rural Residential District. (3/2020)

400.23.4.2: Site Plan Review & Building Permit: No small wind energy system shall be erected, constructed, or installed without Planning Board Site Plan Review and receiving a building permit. A building permit shall be required for any physical modification to an existing small wind energy system.

400.23.4.3: *Abutter* and Regional Notification: The *Compliance Officer* shall notify all *abutters* and the local governing body by certified mail upon *application* for a building permit to construct a small wind energy system. Abutters will be afforded 30 days to submit comments to the *Compliance Officer* prior to the issuance of the building permit. The *Compliance Officer* shall review the *application* for regional impacts per *RSA* 36:55. If the proposal is determined to have potential regional impacts, the *Compliance Officer* shall follow the procedures set forth in *RSA* 36:57, IV. (3/2020)

400.23.4.4: Small wind energy systems shall be an *accessory use* in all zoning classifications and subject to the requirements set forth below:

400.23.4.5: Tower Height: Tower height shall be no greater than 150 feet.

400.23.4.6: Blade Location: The wind energy system blade shall not extend over sidewalks, parking *lots* or *driveways*.

400.23.4.7: Setback and Location: No part of the small wind energy system, including guy wire anchors, may extend closer than 35 feet from any property line including the *road* frontage. *Setback* of the small wind energy system (excluding guy wire supports) must measure at least 1.1 times the total height of the small wind energy system from the property line and utility lines other than those serving the wind system.

400.23.4.8: Multiple Systems: Multiple wind energy systems are not permitted on a property.

400.23.4.9: Noise: Noise from small wind energy systems shall not that specified by the State site evaluation committee rules at the property boundary. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms. (3/2020)

400.23.4.10: Aesthetics: All measures will be taken to ensure that the system shall have as little adverse visual impact on the surrounding area and neighbors in particular, as possible. The color must be non-reflective and neutral. The less visible and the more the *structure* blends with the surroundings, the better. All *temporary* or permanent *signs* are prohibited on the small wind energy system except for manufacturer's standard logo on the turbine or appropriate warning *signs* on the base of the tower not to be positioned more than 10 feet from the ground. The small wind energy system shall not be artificially lit unless required by the Federal Aviation Administration.

400.23.4.11: Adverse visual impact may occur when a project is out of context with its surroundings. When assessing the visual impacts of a wind energy system, both the visual characteristics of the area in which the system will be sited as well as the visual characteristics of the areas from which the system will be seen will be considered. Where potential undue adverse visual impact of a system is of concern, a view shed analysis, using a Geographic Information System (GIS) technology or something similar, may be required at the expense of the *Applicant*.

400.23.4.12: Utility Notification: If the owner's intent is to connect the small wind energy system to the power grid, proof of public utility acceptance shall be required prior to installation.

400.23.4.13: Access: The tower shall be designed and installed so as not to provide ready access to the public. All ground-*mounted* electrical and control equipment shall be labeled and secured to prevent unauthorized access.

400.23.4.14: Decommissioning: If the wind energy system is not used for a period of twelve consecutive months, it must be disassembled by the property owner unless a specific and time-bound extension is provided by the Select Board. Decommissioning a wind energy system shall include the removal of all above-grade *structures*. The wind energy system shall be maintained in good condition and good repair at all times. Any *structure* that is or becomes in disrepair, such that it does not meet its intended usage in the opinion of the Select Board, must be repaired within 45 days. If the wind energy system is not removed after one year of not being in use, a Notice of Abandonment will be issued by the Select Board. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, pursuant to *RSA* 674:65, the *Compliance Officer* may pursue legal action to have the small wind energy system removed at the owner's expense. If the owner fails to comply, the Select Board shall have the tower removed at the owner's expense and any associated legal fees charged to the owner. (3/2020)

400.23.4.15: Automatic Over-speed Controls: All small wind energy systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the system.

400.23.4.16: State and Federal Requirements: Evidence shall be provided that the system meets all Federal Aviation Administration and New Hampshire aviation regulations.

400.23.4.17: Monitoring Equipment: To determine the efficacy of installing a small wind energy system, a limit of three meteorological towers, including guy wires and monitoring equipment, may be erected per *lot* at any given time. These *structures* will conform to all *setback* and height regulations for a small wind energy system and may remain in place for a period not to exceed 18 months with minimal permitting processes and fees. The *structures* will require a building permit. (3/2020)

400.23.4.18: Modification: Existing small wind energy systems will require a building permit for any changes which result in an increase in size, height, width or sound output. Any change in location of the small wind energy system will be deemed to be a new installation. In-kind replacements shall not be construed to be a modification.

400.23.4.19: Site Preparation: To prevent *erosion* and to maintain the aesthetics surrounding a proposed tower location, minimal clearing of trees and other natural vegetation is encouraged.

400.23.4.20: *Steep Slopes* Locations: For small wind energy systems located on any geologic prominence whose side(s) are incorporated in the *Steep Slopes* Protection Area, the highest point of a rotating blade may not

extend above the highest point of ground on the geologic prominence on which the system is sited unless the *Applicant* can demonstrate that minimal adverse impact is created.

400.24: *Accessory dwelling unit* (or *ADU*): (3/17)
Permitted by *Special Exception* in the General Residential, Rural Residential and *Commercial* District.

400.24.1: Maximum size of *ADU* 800 square feet.

400.24.2: At least one *parking space* must be provided for *ADU*.

400.24.3: Only one (1) *ADU* allowed per *dwelling*.

400.24.4: Adequate provisions for sewage disposal and water supply must be shown in accordance with state law to be in compliance with *RSA* 485-A:38.

400.24.5: Per *RSA* 674:72 an interior door must be provided between the principal *dwelling unit* and the *ADU*.

400.24.6: The *ADU* must have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door. The square footage of the shared hallway is included in the 800 square footage maximum size. (3/2020)

SECTION 500: *STEEP SLOPES* (3/08)

500.1: Purpose and Intent:
As recognized in its Master Plan, the Town of Holderness' lakes, mountains, hillsides, woodlands, streams, *wetlands* and scenic views are important elements of the quality of life for residents, other property owners, and visitors. The nature of the *soils* on *steep slopes* in the Town is such that the land is exceptionally vulnerable to *erosion* and associated problems. Therefore, in order to protect the public health, safety and welfare of individual landowners, owners of abutting property and the Town of Holderness, this Section is intended to guide the use of steeply sloping land within the Town. The purposes of this Section are: (1) to reduce damage to streams, lakes and groundwater from the consequences of excessive or improper construction, *erosion*, storm water runoff, or effluent from improperly sited or designed sewage disposal systems; (2) to preserve the natural topography, drainage patterns, *vegetative cover*, scenic views and wildlife habitat; (3) to protect unique natural areas; and (4) to provide reasonable access to properties for fire, public safety, or other emergency crews.

500.2: Delineation:
This Section shall apply to all areas that include a *slope* equal to or greater than 15 percent (*Steep Slopes* Protection Area), as shown on the Town's *steep slopes* map. The steep *slope Application* Requirements, Performance Standards and Design Guidelines apply only to the area of *site disturbance*. If an area is incorrectly identified on the map as having *steep slopes*, the provisions of this Section shall not apply. Conversely, if an area is found to have *steep slopes* and is not identified on the map, the provisions of this Section shall apply. The final determination of a *Steep Slopes* Protection Area shall be made by the Select Board, who may have prepared a site-specific survey at the *Applicant's* expense to make the determination.

500.3: *Application* Requirements:

500.3.1: Sediment and *Erosion* Control Plan: A Sediment and *Erosion* Control Plan will be prepared by a New Hampshire licensed professional *engineer* that shows specific methods that will be used to control soil

erosion and *sedimentation*, soil loss, and excessive storm water runoff, both during and after construction (Section 400.2, Removal of Natural Material).

500.3.2: Site Grading Plan: A Site Grading Plan for the construction site and all access routes will be prepared by a New Hampshire licensed professional *engineer* or surveyor. Uses that will cause more than 15,000 square feet of *site disturbance* must show the area subject to *site disturbance* in two-foot contours. The area to be disturbed should be clearly delineated relative to the proposed *structures* and property lines.

500.4: Performance Standards:

Uses permitted in the underlying district are permitted within the *Steep Slopes* Protection Area so long as they also meet the following conditions: (3/20200

500.4.1: During Construction: The Sediment and *Erosion* Control plan must meet the Best Management Practices for Stormwater Management and *Erosion* and Sediment Control as cited in the New Hampshire Department of Environmental Services "Stormwater Management and *Erosion* and Sediment Control Handbook for Urban and Developing Areas in New Hampshire" and subsequent revisions.

500.4.2: **Post-*Development* Runoff:**

500.4.2.1: For a proposed contiguous *site disturbance* area equal to or less than 50,000 square feet, the Sediment and *Erosion* Control Plan must demonstrate that the post-*development* volume and peak flow rate, based on the 2-, 10- and 25-year, 24-hour storm event, shall not exceed the pre-*development* volume and peak flow rate for all flows off the property. The plan design should incorporate infiltration wherever possible.

500.4.2.2: For a proposed contiguous *site disturbance* area greater than 50,000 square feet, the Sediment and *Erosion* Control Plan must meet or exceed all minimum New Hampshire Department of Environmental Services requirements for "Alteration of Terrain*"* and subsequent revisions.

500.4.3: **Excavations:** Any grading cut and fill shall not exceed a 2:1 ratio. All excavations require a maximum grade of 15 percent with a minimum of 6 inches of topsoil covering the excavation area.

500.4.4: **Vegetative and Topographical Features:** Existing natural and topographic features, including the *vegetative cover*, should be preserved to the greatest extent possible. In the event that extensive amounts of vegetation are removed, the site shall be replanted with indigenous vegetation and shall replicate the original vegetation as much as possible.

500.4.5: ***Driveway*:** No section of any *driveway* may exceed a 12 percent *slope* for residential *development* or 8 percent *slope* for nonresidential site plans.

500.4.6: ***Unsuitable land*:** No *structure* shall be allowed on a *slope* greater than 25 percent prior to *site disturbance*.

500.5: Design Guidelines:

All proposed *structures* shall meet the following design guidelines:

500.5.1: Minimum *Lot* Size: The minimum allowable *lot* size for any *lot* shall be determined according to Section 300.4.7, *Lot* Area. However, for property with *steep slopes*, that area with a *slope* greater than 25 percent is considered to be unsuitable for *development* and therefore is excluded from the calculation of *lot* size.

500.5.2: *Lot* Coverage: For district GR, allowable *lot* coverage is limited to 35 percent of *useable lot area*. For district RR, allowable *lot* coverage is limited to 15 percent of *useable lot area*. For district CD, allowable *lot* coverage is limited to 50 percent of *useable lot area.*

500.5.3: Building Envelope: The building envelope (i.e. opening for building construction) permitted is a rectangle with an up-*slope* boundary 40 feet or less from the building, side boundaries 40 feet or less from each side of the building, and a down-*slope* boundary 25 feet or less from the building. *Accessory structures* shall be built within the building envelope. Building envelope boundaries shall be at least 35 feet from property lines.

500.5.4: Clearing for a View: In order to develop a view, trees may be removed beyond the building envelope for a width not to exceed 25 feet and extending outward there from at an angle of 45 degrees or less on both sides. The single 25-foot opening may be at any point along the down-*slope* boundary of the building envelope. The opening may extend outward to a distance where the tops of the trees are at or above the level of the down *slope* building foundation. No natural vegetative ground cover or stumps shall be removed except as necessary for a foot path to down-*slope* property, and for cutting that vegetation that has grown over 3 feet in height for the purpose of providing or maintaining a view. See Appendix B.

500.6: Administration of Building or Structural Permits:

In addition to meeting the conditions set forth in this Section, permits for building or *structures* shall be granted in accordance with the following pertinent procedures: (3/2020)

500.6.1: A building or structural permit shall be granted by the Select Board upon a finding that the proposed use is consistent with the intent of the Ordinance. The Select Board shall provide notice of the *application* to the Conservation Commission and may require review by any *board*, commission, or other professional expertise deemed necessary.

500.6.2: The *Applicant* must demonstrate that no alternatives are available for the productive use of areas outside of the *Steep Slopes* Protection Area, that no practicable 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 area.

500.6.3: Upon fulfillment of the requirements of the building or structural permit, and after a final site inspection, the Select Board shall issue a Certificate of Compliance. Usage of the site, other than for construction, is not approved until after site inspection and a Certificate of Compliance is issued.

500.7: Costs:

All costs incurred by the Town pertaining to the consideration of an *application*, including consultant's fees, on-site inspections, environmental impact studies, notification of interested persons, and other costs shall be borne by the *Applicant* and paid prior to the Town's final action.

500.8: Additional Recommendations: (Recommended, but not required)

500.8.1: Only low level, indirect lighting should be used. *Spotlight*s and *Floodlight*s should be avoided.

500.8.2: No portion of any *structure* should extend above the elevation of the ridgeline.

500.8.3: *Structures* should use natural landforms and existing vegetation to screen them from view from public *roads* and waterways to the extent practicable.

500.8.4: Cuts and fills should be minimized, and where practical, *driveways* should be screened from public view.

500.8.5: Building sites and *roads* should be located to preserve trees and *natural ground cover*. (3/2020)

500.9: Performance Security:
Performance Security shall mean (1) an irrevocable letter of credit with an automatic call provision issued by a State of New Hampshire bank or national bank with banking offices located within the State of New Hampshire (LOC) or (2) cash in United States currency held in escrow by the Town (cash bond).

500.9.1: A *Steep Slopes* Performance Security may be required in an amount sufficient to ensure there is no cost to the Town for stabilization measures to prevent water or soil damage, including inspection or consultation fees, in the event of abandonment or deferment of the project. In addition, a deed restriction may be attached to the property requiring proper yearly maintenance of changes to the *Steep Slopes* Protection Area. Work shall be completed within 2 years of *approval* of the plan and the Performance Security shall not be discharged before one year following completion of the plan.

500.9.2: Review of the *application* by an independent State of New Hampshire licensed professional *engineer*, at the *Applicant's* expense, may be required to develop a cost estimate for the Performance Security to assist the Planning Board in setting the amount of the Performance Security and to ensure that the *application* adequately addresses all issues related to the Town's interests as defined herein.

500.9.3: The Planning Board, with advice from Town Counsel, shall work with the *engineer* to reach *approval* of the *engineer's* cost estimate before the *Applicant* obtains the Performance Security. The Performance Security shall not be released until the Town is satisfied that the project plan has been accomplished and is satisfied that all conditions of the *approval* and any other pertinent zoning ordinance, *subdivision* regulation, site plan regulation, or building requirements have been met.

SECTION 525: GROUNDWATER PROTECTION (3/10, 3/16)

525.1: Purpose:
The purpose of this Section is to preserve, maintain, and protect from contamination existing and potential groundwater supply areas. The purpose is to be accomplished by regulating land uses which could contribute pollutants to aquifers identified as being needed for present and/or future public water supply.

525.2: Definitions:

525.2.1: Aquifer: A geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

525.2.2: Gasoline station: 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.

525.2.3: Groundwater: Subsurface water that occurs beneath the water table in *soils* and geologic formations.

525.2.4: Impervious: Not readily permitting the infiltration of water.

525.2.5: *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,

gravel or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered *impervious surfaces*.

525.2.6: *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.

525.2.7: 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.

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

525.2.9: Petroleum bulk plant or terminal: 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.

525.2.10: 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.

525.2.11: Regulated substance: Any of the following, with the exclusion of ammonia, sodium hypochlorite, sodium hydroxide, acetic acid, sulfuric acid, potassium hydroxide, and potassium permanganate:

525.2.11.1: Oil as defined in *RSA* 146-A:2, III

525.2.11.2: Any substance that contains a regulated contaminant for which an ambient groundwater quality standard has been established pursuant to *RSA* 485-C:6.

525.2.11.3: Any substance listed in 40 CFR 302, 7-1-05 edition. These chemicals are either used for the treatment of drinking water and are regulated by DES rules (Env-Wq 401) or by other State departments as listed under or *RSA* 485:C (Groundwater Protection Act).

525.2.12: 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).

525.2.13: Seasonal high-water table: Elevation of the highest annual average groundwater table location.

525.2.14: 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.

525.2.15: Snow dump: For the purposes of this Ordinance, a location where snow which is cleared from *roads* and/or motor vehicle parking areas is placed for disposal. (3/2020)

525.2.16: 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.

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

525.2.18: Wellhead protection area: The surface and subsurface area surrounding a water well or wellfield supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

525.3: Groundwater Protection Overlay District:

The Groundwater Protection Overlay 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, Yield, and Water Quality of Stratified-Drift Aquifers in the Pemigewasset River Basin, Central New Hampshire (USGS 1996) and the most current Wellhead Protection Areas approved by NH Department of Environmental Services as shown on the map entitled "Groundwater Protection District Map of Holderness, NH, September 2009," adopted by reference into the Zoning Ordinance.

525.3.1: District Boundary Disputes: If the location of the Groundwater Protection Overlay 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 a boundary of the Groundwater Protection Overlay 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 "Groundwater Protection District Map of Holderness, NH, September 2009."

525.4: Applicability:

This Section applies to all uses in the Groundwater Protection Overlay District, except for those uses exempt under Section 525.10 (Exemptions). Preexisting uses not specifically exempt shall comply with Section 525.9, Performance Standards, 525.9.1 – 525.9.1.6. (3/2020)

525.5: Permitted Uses:

All uses permitted by right or allowed by *Special Exception* in the underlying district that are also located within the Groundwater Protection Overlay District remain permitted by right or still require a *Special Exception*, as applicable, unless they are Prohibited Uses. All uses must comply with the Performance Standards unless specifically exempt under Section 525.10. See Section 525.5 for applicability to preexisting uses. (3/2020)

525.6: Prohibited Uses:

The following uses are prohibited in the Groundwater Protection Overlay District:

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

525.6.2: The *development* or operation of a solid waste landfill;

525.6.3: The outdoor storage of *road* salt or other deicing chemicals in bulk;

525.6.4: The *development* or operation of a *junkyard*;

525.6.5: The *development* or operation of a snow dump;

525.6.6: The *development* or operation of a wastewater or septage lagoon;

525.6.7: The *development* or operation of a petroleum bulk plant or terminal;

525.6.8: The *development* or operation of gasoline stations;

525.6.9: The *development* or operation of sludge monofills;

525.6.10: 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;

525.6.11: Facilities that generate, treat, store, or dispose of hazardous waste subject to Env-Hw 500-900 except for:

525.6.11.1: Household hazardous waste centers and events regulated under Env-Hw 401.03(b)(1) and Env-Hw 501.01(b); and;

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

525.6.12: Non-sanitary treatment works which discharge to the ground and that are subject to Env-Wq 402, except the following:

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

525.6.12.2: Treatment works approved by NH DES designed for the treatment of contaminated groundwater;

525.6.13: Storage of regulated substances in greater than household quantities (> 5 gallons), unless in a free-standing container within a building or above ground with covered secondary containment adequate to contain 110 percent of the largest container's total storage capacity;

525.6.14: Storage of fertilizers, unless such storage is within a *structure* designed to prevent the generation and escape of contaminated runoff or leachate;

525.6.15: Excavation or mining within 4 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.

525.7: Conditional Uses:

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

525.7.1.1: Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with Section 525.9.2.3, is approved by the Holderness *Compliance Officer*;

525.7.1.2: Any use that will render impervious more than 15 percent or 2,500 square feet of any *lot*, whichever is greater.

525.7.2: In granting a Conditional Use Permit:

525.7.2.1: The Planning Board must determine that the proposed use is not a prohibited use;

525.7.2.2: Conditional Uses shall also be in compliance with the Performance Standards in Section 525.9 as well as all applicable local, State and Federal requirements;

525.7.2.3: 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.

525.7.3: 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.

525.8: Performance Standards:

525.8.1: The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under 525.10:

525.8.1.1: 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;

525.8.1.2: 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;

525.8.1.3: 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.

525.8.1.4: 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;

525.8.1.5: Secondary containment with a cover must be provided for outdoor storage of regulated substances if an aggregate of regulated substances exceeding 5 gallons is stored outdoors on any particular property;

525.8.1.6: 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;

525.8.2: In addition, Conditional Uses shall:

525.8.2.1: Develop and submit a stormwater 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:

525.8.2.1.1: Minimize the release of regulated substances into stormwater through a source control plan that identifies pollution prevention measures;

525.8.2.1.2: 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;

525.8.2.1.3: Stipulate that *expansion* or redevelopment activities may, at the discretion of the Planning Board, require an amended storm water plan;

525.8.2.1.4: 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).

525.8.2.2: For any use that will render impervious more than 15 percent 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, December 2008, NHDES.

525.8.2.3: For any use of regulated substances, a spill control and countermeasure (SPCC) plan shall be submitted to the *Compliance 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:

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

525.8.2.3.2: 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;

525.8.2.3.3: A list of all regulated substances in use and locations of use and storage;

525.8.2.3.4: 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;

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

525.9: Exemptions:

The following uses are exempt from the specified provisions of this Ordinance provided they comply with all other applicable local, State, and federal requirements:

525.9.1: A mobile fuel tank specifically manufactured for the purpose of being transported from site to site for the sole purpose of fueling motor vehicles and/or equipment, provided fuel transfers are conducted over an *impervious area* and utilize portable spill containment equipment with trained personnel present during transfers. Said tank, transportation and fueling shall comply with all other applicable regulations.

525.9.2: 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 525.9.1.3;

525.9.3: Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards 525.9.1.3 – 525.9.1.6;

525.9.4: Storage and use of office supplies is exempt from Performance Standards 525.9.1.3 – 525.9.1.6;

525.9.5: *Temporary* storage of construction materials on a site where they are to be used is exempt from Performance Standards 525.9.1.3 – 525.9.1.6 if incorporated within the site *development* project within six months of their deposit on the site;

525.9.6: The sale, transportation, and use of pesticides as defined in *RSA* 430:29 XXVI are exempt from all provisions of this Ordinance;

525.9.7: 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 525.9.1.3 – 525.9.1.6;

525.9.8: Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable State rules are exempt from inspections under Section 525.12 of this Ordinance.

525.10: Maintenance and Inspection:

525.10.1: 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 Grafton County. The description so prepared shall comply with the requirements of *RSA* 478:4-a.

525.10.2: Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Holderness *Compliance Officer* at reasonable times with prior *approval* of to the landowner or under an administrative inspection warrant under *RSA* 595-B. (3/2020)

525.10.3: All properties within the Groundwater Protection Overlay District known to the Holderness *Compliance 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 Section 525.10, shall be subject to inspections under this Section.

525.10.4: The Select Board may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Select Board as provided for by State law.

SECTION 550: *OUTDOOR LIGHTING* (3/10)

550.1: Purpose:
The intent of this Ordinance is to help preserve the rural character of Holderness by preserving the visibility of night-time skies through minimizing the upward transmission of light. This Ordinance recognizes that proper lighting is necessary for safety, but that inappropriate or outdated lighting can waste energy and create unwanted *glare* for neighbors, motorists, pedestrians and wildlife.

550.2: *Outdoor Lighting* Design:

550.2.1: Any *luminaire* emitting more than 1800 *lumens* (1700 *lumens* = typical light output of a 100W incandescent bulb) shall be *fully shielded*.

550.2.2: Any *luminaire* rated at 1800 *lumens* or greater and any *flood* or spot light rated at 900 *lumens* or greater shall be *mounted* at a height equal to or less than 3 +(D/3) where D is the distance (in feet) to the nearest property boundary (D/3 means distance divided by 3). In no case shall the height of the *luminaire* exceed 20 feet.

550.2.3: If *direct light* from a *luminaire* can be seen from residential buildings on adjacent or nearby properties or if said *luminaire*(s) create *glare* perceptible to motorists, boaters or pedestrians on public ways, the *luminaire* shall be redirected or shielded to eliminate the offending *light trespass*.

550.2.4: Mercury vapor *lamps* shall not be used due to their energy inefficiency and environmental disposal concerns. (3/2020)

550.2.5: Moving, fluttering, blinking or flashing lighting shall not be permitted except as *temporary* seasonal holiday decorations during the period of November 15 through January 15. All such lighting shall be turned off at 11:00 p.m. and remain so until 7:00 a.m. and not be the cause of objectionable conditions to neighbors or safety concerns with passing motorists.

550.2.6: *Luminaires mounted* on a gas station canopy must be *fully shielded* and shall be recessed *mounted* in the ceiling only and directed at the ground beneath.

550.2.7: *Uplighting* is prohibited at any level of light output.

550.2.8: Lighting in public areas (including *commercial* installations) shall not exceed illumination recommendations as listed in the most current edition of the *IESNA* Lighting Handbook.

550.2.9: All *area lighting* shall be timed to turn off by 11:00 p.m. and remain so until 7:00 a.m. unless it can be demonstrated to the Select Board that doing so creates an undue risk to health, safety or security. Installation involving non-metered usage is exempted from this requirement until the Public Utility Commission implements *part-night rates*.

550.3: Exemptions:

550.3.1: The Planning Board, at its discretion, may waive certain lighting regulations as they pertain to sports lighting if it can be demonstrated that said lighting presents no safety or nuisance issues for operators of vehicles, neighbors and pedestrians.

550.3.2: All hazard-warning or traffic control *luminaires* required by Federal, State and local agencies are exempted from this Ordinance.

550.3.3: *Non-conforming short-term* (see Section 550.3) lighting may be permitted in special circumstance by order of the Select Board or their designated representative. (3/2020)

550.3.4: Pre-existing installations lawfully in place prior to the enactment of this Ordinance shall be allowed. However, any change to an existing *luminaire* or its position (other than replacing a lamp or defective electrical component) shall be viewed as a new installation and be subject to this Ordinance.

SECTION 575: *TELECOMMUNICATIONS FACILITIES* (3/13, 3/16)

575.1: Purpose:

It is the express purpose of this Section to permit *carriers* to locate *telecommunications facilities* within the Town of Holderness consistent with appropriate land use regulations that will ensure compatibility with the visual and environmental features of the Town. This Section enables review of the location and siting of *telecommunications facilities* by the Town of Holderness so as to reduce the adverse impacts such facilities may

create on, including, but not limited to, migratory bird flight corridors, impacts on aesthetics, environmentally sensitive areas, historically significant locations, health and safety by injurious accidents to person and property, and diminution of property values. It is structured to encourage *carriers* to locate on existing buildings and *structures* whenever possible. New ground *mounted telecommunications facilities* are permitted, but only when the use of existing *structures* and buildings are found to be impractical. *Co-location* is encouraged for all telecommunications facility *applications* and the review of a telecommunication facility shall be on the basis of the site being built using all positions on the tower.

575.2: Applicability:

No person shall, within the Town of Holderness, build, erect, or install a telecommunications facility, or a *structure* intended for use in conjunction with such a facility, without a building permit and Site Plan *approval*, if required, by the Planning Board. All provisions of the Site Plan Review Regulations shall apply, except where the *application* is exempted by State and Federal law.

575.3: Location:

Telecommunication facilities may be permitted in all districts as primary or *accessory uses*.

575.3.1: Existing *Structures* Policy: *Telecommunications facilities* may be located on existing *structures*, including, but not limited to, buildings, water towers, existing *telecommunications facilities*, utility poles or towers, and related facilities, provided that such installation preserves the character and integrity of those *structures*.

575.3.2: Existing *Structures* Burden of Proof: The *Applicant* shall have the burden of proving that there are no existing *structures* which are suitable to locate its telecommunication facility and/or to transmit or receive radio signals. To meet that burden, the *Applicant* shall take all the following actions to the extent possible:

575.3.2.1: The *Applicant* shall submit to the Planning Board a list of all contacts made with owners of all existing potential sites regarding the availability of potential space for a telecommunication facility.

575.3.2.2: The *Applicant* shall provide copies of all letters of inquiry made to owners of existing *structures* and letters of rejection.

575.3.2.3: Certification by a licensed professional *engineer* shall be submitted for all existing facilities deemed by the *Applicant* as incapable of physically supporting *co-location* without radio frequency interference.

575.3.2.4: Ground *mounted telecommunications facilities* shall be designed so as to be reasonably camouflaged to the greatest extent possible in the judgment of the Planning Board. Review shall include, but is not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees. It is understood that facilities taller than the existing surrounding tree canopy may not be totally camouflaged.

575.3.2.5: The Planning Board may require a review or independent study by a consultant chosen by the *Board* at the expense of the *Applicant* to determine compliance with this Section of the Ordinance as needed.

575.4: Permitted Uses:

Telecommunications facilities are considered either primary or *accessory uses*. Having an existing permitted use on the site shall not preclude the addition of a facility as a secondary use as long as all other provisions of this Section are met. A different existing use or an existing *structure* on the same *lot* shall not preclude the installation of a facility on such *lot*. For purposes of determining whether the installation complies with district regulations, including, but not limited to, *setback* and *lot* coverage requirements, the dimensions of the entire *lot* shall control, even though the facility may be located on leased parcels within such *lots*. Facilities that are installed in accordance with the provisions of this Section shall not be deemed to constitute the *expansion* of a nonconforming use or *structure*.

575.4.1: This Section shall not govern any tower, or the installation of any *antenna* that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only *antennas* as per State law and regulations.

575.4.2: Existing Tower Facilities: *Carriers* may locate on a telecommunication facility on any *guyed tower*, *lattice tower*, *mast*, or *monopole* in existence prior to the adoption of this Section of the Ordinance. This provision shall only apply as long as the height of the *mount* shall not be increased, a *security barrier* already exists, and the area of the *security barrier* is not increased. (3/2020)

575.4.3: Reconstruction of Existing Tower Facilities: An existing *guyed tower*, *lattice tower*, *monopole*, or *mast* in existence prior to the adoption of this Section of the Ordinance may be reconstructed with a maximum 20-foot increase in height so as to maximize *co-location*. The standards of this Section must be met and the 20-foot increase in height does not increase the existing facility to exceed 150 feet in height. The *mount* shall be replaced with a similar *mount* that does not significantly increase the visual impact on the community.
575.4.4: Existing *Structures*: A *carrier* may locate a telecommunication facility on an existing *structure*, building, utility tower or pole, or water tower subject to the provisions of this Section. (3/2020)

575.4.5: Ground *Mounted* Facility: A telecommunication facility involving construction of a ground *mount* shall require Site Plan Review and compliance with this Section.

575.4.6: Any alteration of the original permitted use and device configuration of the facility shall require a new *approval*, unless exempted.

575.5: *Application* Requirements:
The Planning Board shall act upon the *application* in accordance with the procedural requirements of the Site Plan Regulations pursuant to State law and regulations. In addition, the *Applicant* shall provide the following information:

575.5.1: All *Applications*

575.5.1.1: Proof of legal authority of the *Applicant* to use the proposed site, including but not limited to, proof of ownership of the land or *structure*, copies of any *easements*, or a lease or other contractual right to use the site; and

575.5.1.2: Plans of the site, including but not limited to, landscaping, with all dimensions and other requirements of this Section labeled and shown to be met by the plan; and

575.5.1.3: A written description of the facility and any support *structures*, and its coverage range, with a description of the technical reasons for its design; and

575.5.1.4: An inventory of the location, design, and height of any other telecommunication facilities, either within, or within 2 miles of the Town of Holderness, with a statement of what role the proposed facility plays in the *Applicant's* plan for service coverage.

575.5.2: New or Reconstructed Facility or Ground *Mount*

575.5.2.1: A description of the support *structure*, proof of structural integrity, and the technical reasons for its design; and

575.5.2.2: A visual study demonstrating compliance with the visibility and camouflage requirements of this Section; and

575.5.2.3: A licensed *engineer's* certification that the facility has been designed with the maximum capacity for *co-location* in light of its dimensions.

575.5.3: In addition to the Site Plan Regulation noticing requirements, any *application* for a new Telecommunications Facility shall include the name and mailing address of any municipality or portion thereof, which lies within a 20-mile radius of the proposed facility. Notice to such municipality shall be provided in the same manner as specified for *abutters* and shall allow representatives of the municipality and their residents to comment at any public hearing related to the *application*. Regional notification and comments from other municipalities and their residents shall not be construed to imply legal standing to challenge any decision.

575.6: Construction and Dimensional Requirements:

All facilities shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed, the owners of facilities governed by this Section shall bring the facility into compliance within 6 months of the effective date of the changes, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring facilities into compliance with any changes shall constitute grounds for removal of the facility or *antenna* at the owner's expense, in accordance with Section 575.10 of the Ordinance.

To ensure the structural integrity of towers and *antennae*, all facilities shall be inspected every three years by a licensed *engineer* approved by the Town with the cost to be paid by the owner. The *engineer* will submit a report to the Town and the owner. The owner shall be notified of any non-compliance which shall be brought into compliance within 30 days of notification. Failure to bring the facility into compliance shall constitute abandonment and grounds for removal of the facility according to Section 575.10.

575.6.1: Height: The height of a tower shall be the minimum height necessary for service, but shall not exceed 150 feet.

575.6.2: *Setbacks* and *Separation*: In addition to compliance with the minimum zoning district *setback* requirements for all *structures*, towers shall be set back a distance equal to 150 percent of the height of the tower from all property lines. The *fall zone* may cross property lines subject to submission of a *fall zone easement* from the abutting property owner(s). The area of the *easement* shall be shown on all applicable plans and the terms of the *easement* shall be provided with the Site Plan *application* submission.

575.6.3: Security Fencing: Towers shall be enclosed by security fencing not less than 6 feet in height and shall also be equipped with an appropriate anti-climbing device.

575.6.4: The height of a facility shall not increase the height of a *structure* by more than 15 feet.

575.7: Performance and Design Standards:

575.7.1: Visibility: All telecommunication facilities shall be designed and installed in such a manner that, in the judgment of the Planning Board, there shall be no unreasonable adverse visual impact on the area where the facility is located and any adverse visual impact shall be adequately mitigated. The *Board* shall utilize the following standards:

575.7.1.1: Change in community scale, as exhibited in relative height, mass, or proportion of the facility within its proposed surroundings; new visible elements proposed on a contrasting background; different colors and textures proposed against a contrasting background, and use of materials that are foreign to the existing built environment.

575.7.1.2: Visual mitigation shall be determined on amount and type of landscaping and / or natural vegetation; preservation of view corridors, vistas, and view sheds; and continuation of existing colors, textures, and materials.

575.7.2: Camouflage

575.7.2.1: When a facility extends above the height of a building on which it is *mounted*, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities *mounted* on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.

575.7.2.2: Facilities which are side *mounted* shall blend with the existing building's architecture and the panels shall be painted or shielded with material consistent with the design features and materials of the building.

575.7.2.3: All ground *mounted* facilities shall be surrounded by a fully-grown *buffer* of dense tree growth that extends continuously for a minimum distance of 150 feet from the *mount*, *security barrier*, or designated clear area for access to equipment, whichever is greatest, and screens views of the facility in all directions. These trees must be existing on the subject property, planted on site, or be within a landscape *easement* on an adjoining site. The Planning Board shall have the authority to decrease, relocate, or alter the required *buffer* based on site conditions. The vegetative *buffer* area shall be protected by a landscape *easement* or be within the area of the *carrier's* lease. The *easement* or lease shall specify that the trees within the *buffer* shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons and / or property.

575.7.3*:* The portion of the facility extending above the height of the vegetation immediately surrounding it shall be of a color which blends with the background or surroundings.

575.7.4: *Equipment shelters* shall be designed consistent with one of the following design standards:

575.7.4.1: The shelter shall be located in underground vaults; or

575.7.4.2: The shelter is architecturally consistent, with respect to materials and appearance, to buildings in the area of the facility; or

575.7.4.3: The shelter shall be camouflaged behind an effective year-round landscape *buffer*, equal to the height of the proposed building, and / or a wooden *fence* if other types of camouflage are not feasible; the style of fencing and / or landscape *buffer* shall be determined by the Planning Board for compatibility with the neighborhood; or

575.7.4.4: A shelter *mounted* on a roof top shall be concealed or camouflaged so that the shelter is either not visible at grade or appears to be part of the original *structure*.

575.7.5: Lighting: The *mounts* of facilities shall be lighted only if required by the Federal Aviation Administration (FAA). All other lighting shall be in compliance with Section 550 of this Ordinance.

575.7.6: Signage: *Signs* shall be limited to those needed to identify the property and the owner and warn of any danger. All *signs* shall comply with Section 400.6 of this Ordinance.

575.7.7: Scenic Landscapes and Vistas: Consideration shall be given to placement of ground-*mounted* facilities within open areas that are clearly visible from public *roads*, recreational areas, or abutting properties such that there is minimum impact to scenic landscapes and vistas.

575.7.8: *Driveways*: Existing entrances and *driveways* to serve a telecommunication facility shall be utilized unless the *Applicant* can demonstrate that a new entrance and *driveway* will result in less visibility, traffic, and environmental impact. New *driveways* to serve a facility shall not exceed 12 feet in width, shall be a crushed stone surface, and shall conform to Site Plan Regulations.

575.7.9: *Antenna* Types: An *antenna array* placed upon an existing or proposed ground-*mount*, utility pole, or transmission line *mount*, shall have a diameter of no more than 4 feet, exclusive of the diameter of the *mount*. The Planning Board may permit a larger diameter *antenna array* after a finding that the visual impacts of a larger *antenna array* are negligible.

575.7.10: Ground and Roof *Mounts*: all ground *mounts* shall be of a *mast* type *mount*. *Lattice towers, guyed towers*, and roof-*mounted monopoles* are expressly prohibited unless constructed as part of a reconstruction project permitted under Section 575.5.3.

575.7.11: Hazardous Waste: No hazardous waste shall be discharged on the site of any telecommunication facility. If any *hazardous materials* are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110 percent of the volume of the *hazardous materials* stored or used on the site.

575.7.12: Noise: Telecommunication facilities constructed with lattice work will be designed to mute and /or suppress noise.

575.8: Monitoring and Maintenance:

575.8.1: Maintenance: The owner of the facility shall maintain the facility in good condition. Such maintenance shall include, but shall not be limited to, painting; maintenance of the structural integrity of the *mount* and *security barrier*; and maintenance of the *buffer* areas, fencing, landscaping, and *driveway*.

575.8.2: Subleases or Transfers of Ownership: Any new lease, sublease, or transfer of ownership of any facility permitted under this Ordinance shall be reported to the Town of Holderness, and adequate provision made for the continuation of security under Section 575.11. *Violation* of this section shall be grounds for revocation of the Site Plan *approval*.

575.9: Abandonment or Discontinuation of Use:

575.9.1: Any *antenna* or tower that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of quarterly inspections. The owner shall remove the abandoned *structure* within 90 days of receipt of a declaration of abandonment from the Town of Holderness. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to *abutters* and the last known owner / operator of the tower. If the abandoned tower is not removed within 90 days, the Town may execute the security and have the tower removed. If there are 2 or more users of a single tower, this provision shall not become effective until all users cease using the tower.

575.9.2: At such time that a *carrier* plans to abandon or discontinue operation of a telecommunication facility, such *carrier* shall notify the Town of Holderness by certified US mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be provided no less than 30 days prior to abandonment or discontinuation of operations.

575.9.3: Removal includes, but is not limited to, removal of *antennas*, *mount*, *equipment shelters*, and *security barriers* from the subject property; proper disposal of waste materials from the site in accordance with local and state solid waste disposal regulations, and restoration of the location and area of the facility to its natural condition.

575.10: Performance Security:
Performance Security shall mean (1) an irrevocable letter of credit with an automatic call provision issued by a bank with banking office in the State of New Hampshire (LOC) or (2) cash in United States currency held in escrow by the Town (cash bond).

575.10.1: A Telecommunications Facility Performance Security shall be required for the removal and disposal of abandoned *telecommunications facilities* where the facility owner is unwilling or unable to remove the facility in accordance with Section 575.10. The amount of the Performance Security shall be based upon the removal cost plus 10 percent provided by the *Applicant* and certified by an independent structural *engineer* licensed in New Hampshire. Every 5 years from the date of plan *approval*, the owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by an independent professional structural *engineer* licensed in New Hampshire. If the cost has increased more than 10 percent, the owner of the facility shall be required to increase the amount of the Performance Security pro rata.

575.10.2: Review of the *application* by an independent State of NH licensed professional *engineer*, at the *Applicant's* expense, may be required to develop a cost estimate for the Performance Security to assist the Planning Board in setting the amount of the Performance Security and to ensure that the *application* adequately addresses all issues related to the Town's interests as defined in the Zoning Ordinance and regulations.

575.10.3: The Planning Board, with advice from Town Counsel, shall work with the *engineer* to reach *approval* of the *engineer's* cost estimate before the *Applicant* obtains the Performance Security. The Performance Security shall not be released until the Town is satisfied that the project plan has been accomplished and is satisfied that all conditions of the *approval* and any other pertinent zoning ordinance, *subdivision* regulation, site plan regulation, or building requirements have been met.

SECTION 600: SPECIAL PROVISIONS

600.1: *Cluster Residential Development*:
The objective of a *Cluster Residential Development* is to encourage flexibility in residential *development* design by permitting mixed housing types, which may be grouped on *lots* of reduced dimensions to allow for a more economic provision of *street* and utility network, and to encourage the preservation and recreational uses of open space in harmony with the natural terrain, scenic qualities, and outstanding land features. The remaining land in the tract which is not built upon is reserved as permanently protected open space.

Proposals for *cluster development* must go to the Planning Board for *subdivision approval* and must comply with applicable provisions of the Holderness *Subdivision* Regulations. The following standards must be met by *Cluster Residential Development*:

600.1.1: Where cluster or multiple *dwelling units* are permitted, the minimum *lot* size of each *dwelling unit* within the cluster shall be determined by the Planning Board based upon the character of the land involved, the type of housing proposed and the need for adequate on-site sewage disposal, as determined by the Holderness *Subdivision* Regulations and the State Subsurface Systems Bureau standards. Where a community sewage disposal system, located on common land, is permitted, legal responsibility for ownership and maintenance must be established as part of the *approval* process.

600.1.2: The total number of *dwelling units* to the total acreage shall remain at the same overall density as required in each zoning district. The land area not used for individual *lots*, or construction of buildings or *structures* and *roads* shall be permanently maintained as open space or common land for the purposes of recreation, conservation, *park* or public *easement* or *agriculture*. The open space or common land or any portion of it shall be held, managed and maintained by the developer until it is owned in one or more of the following ways:

600.1.2.1: By a Homeowners' Association, set up by the developer and made a part of the deed or agreement for each *lot* or *dwelling unit*.

600.1.2.2: By a Conservation Trust or private non-profit organization, such as the Society for the Protection of New Hampshire Forests or the Audubon Society, which will ensure that the common land will be held in perpetuity as open space.

600.1.2.3: By the developer, as appropriate, for areas such as golf courses, outdoor recreational area and enclosed recreational facilities.

600.1.3: All agreements, deed restrictions, organizational provisions for a Homeowners' Association and any other method of management of the common land shall be established prior to *approval*.

600.1.4: Each *dwelling unit* shall have reasonable access to the common open land, but need not front directly on such land.

600.1.5: The Plan shall provide for the convenience and safety of vehicular and pedestrian movement on the site and for adequate location of *driveways* in relation to *street* traffic. Maximum building or *structure* height, *parking* standards, and minimum distance from *lot* lines shall be required as specified under general provisions of this Ordinance.

600.2: *Manufactured housing*:

Manufactured housing is permitted on individual *lots*. It shall be placed on a permanent masonry foundation, and the area between the bottom of the *manufactured housing* unit and the ground shall be completely enclosed.

Only 1 *manufactured housing* unit shall be located on the same *lot*.

600.3: *Recreational Camping Park* Standards:

The following regulations shall apply to all *recreational camping parks*:

600.3.1: A *recreational camping park* shall have an area of not less than 5 acres.

600.3.2: Each tent, recreation vehicle or trailer space shall be at least 2,500 square feet in area and at least 30 feet in width and shall have a suitable *parking area* of at least 10 feet in width and 20 feet in depth.

600.3.3: A strip of land at least 25 feet in width and 100 feet from any public *road* shall be maintained as a landscaped area abutting all *recreational camping park* property. (3/2020)

600.3.4: 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 and State regulations.

600.3.5: Each *recreational camping park* shall provide one or more service building or *structures* containing flush-type toilets. Separate toilet areas shall be provided for males and females in accordance with all applicable State and local laws.

600.3.6: All interior *roads* within a *recreational camping park* shall have a hard well drained surface. Two-way *roads* must be at least 30 feet in width with surface at least 20 feet in width. One-way *roads* must be at least 18 feet in width with surface at least 12 feet in width.

600.3.7: *Lot* coverage on any site shall be a maximum in square footage as follows: (3/99)

600.3.7.1: RV, camper, or tent, including deck, porch, screened in areas, other *structures*, (attached or not): 400 square feet.

600.3.7.2: Parking: minimum 200 square feet; maximum 400 square feet.

600.3.7.3: Portable picnic tables and approved fire pits shall not be included in the *lot* coverage calculations.

600.4: Waterfront *Right-of-Way*:

The purpose of this provision is to provide guidelines for the *development* of the waterfront land used to provide access to Big and Little Squam Lakes and White Oak Pond for non-contiguous property, so as to prevent overcrowding and for the protection of the shoreline and quality of water. (3/2020)

Right to gain access to a water body through or by means of any land in the Town of Holderness shall not be created or attached to any real estate, except in accordance with the standards set forth below and subject to the Planning Board *approval*. Any owner granting rights of use and access shall comply with the following standards:

600.4.1: Waterfront *Lot*: The minimum *lot* size of any waterfront *lot* shall be 1 acre. The minimum depth shall be one-half the frontage. (3/2020)

600.4.2: Water Frontage: Said *lot* shall have not less than 200 linear feet of shore frontage for up to 10 residential *dwelling unit*s, individual campsites or individual *lodging* units granted rights of use or access, with an additional 20 linear feet of shore frontage for each additional residential *dwelling unit*, individual recreational campsite or individual *lodging* unit.

600.4.3: *Parking*: An area of 300 square feet for *parking* shall be provided for each *dwelling unit*, recreational campsite or individual *lodging* unit granted use of access. The *parking area* shall not be closer than 100 feet to the *reference line*. Parking shall only occur in the designated parking area.

600.4.4: Toilets: One chemical, mechanical or flush toilet facility each for males and females shall be provided for 2 to 25 dwelling units, individual campsites or individual *lodging* units planned.

600.5: Waterfront Area and Building or *Structure* Units Which are Contiguous:

600.5.1: Waterfront Area: The minimum shared area shall be 11,000 square feet for 2 up to 10 residential *dwelling units*, individual campsites, or individual *lodging* units, with an additional 1,000 square feet per *residential unit*, individual recreational campsite or individual *lodging* unit. Waterfront shared area shall not be utilized to satisfy the minimum *lot* size requirements for building or *structure*. (3/2020)

600.5.2: Water Frontage: Said *lot* shall have not less than 200 linear feet of shore frontage for up to 10 residential *dwelling units*, individual campsites, or individual *lodging* units granted rights of use or access, with an additional 20 linear feet of shore frontage for each additional residential *dwelling unit*, individual recreational campsite or individual *lodging* unit.

600.6: *Marinas*:
This section shall regulate the standards for *marinas* on waterbodies to ensure harmonious and compatible *development* with regard to adjacent properties and to promote higher water quality and safety conditions. Conditions under Section 500 General Provisions are to be met except for minimum frontage requirements.

600.6.1: Docks may be permitted on the basis of one slip per 25 feet of shoreline.

600.6.2: *Parking* shall be provided on the basis of 3 spaces for every 2 wet slips; additionally, 1 space for every dry-docking storage rack shall be provided unless the storage space is exclusively used for winter or sales storage. Additional trailer *parking areas* shall be determined on a case by case basis.

600.6.3: No boat storage building or *structure* shall exceed 35 feet in height.

600.6.4: A *lot* shall not exceed 50 percent impervious cover; nor shall more than 75 percent of the shore frontage be developed with respect to dockage, *boathouses*, ramps or other *structures*. The 25 percent undeveloped area shall be a minimum of 50 feet in width extending back from the mean high-water mark.

SECTION 700: NONCONFORMING USES, *STRUCTURES* OR *LOTS* (3/97)

700.1: Uses:

700.1.1: All properties whose active use lawfully existed before the passage of this Ordinance or a relevant amendment thereto, but which became nonconforming as of passage of this Ordinance or relevant amendments, may continue in the same use. (3/2020)

700.1.2: A nonconforming use that is discontinued for one year with an intent to abandon that use shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed without *Variance approval* of the *Board* of Adjustment. (3/11)

700.1.3: Nonconforming uses may not be expanded in a manner which would cause it to be substantially different from the use to which it was put before *expansion*; such *expansions* shall meet the regulations of the district in which the activity occurs. A change from seasonal to year-round use shall constitute a substantial *expansion* or change of use for purposes of this Ordinance. (3/11, 3/2020)

700.2: *Structures*:
Any *structure* lawfully existing at the time of the original passage of this Ordinance, March 1985, or which has been lawfully constructed since, but is now *non-conforming* to the Ordinance shall have the right to continue indefinitely. (3/18)

700.2.1: Nonconforming buildings or *structures* may be repaired, improved, or expanded, provided:

700.2.1.1: No alteration shall increase the nonconformity according to the requirements of this Ordinance, including use regulations, and all other dimensional and area requirements.

700.2.1.2: Specifically, for an existing *setback* nonconformity, any reconstruction must be completed within the existing *building footprint* and no *expansion* of any kind shall occur within that part of the *structure* that is in the *setback*. (3/18)

700.2.1.3: For the purpose of snow load management adding a pitched roof or increasing the *slope* of an existing roof will not be considered an *expansion* provided it does not increase any living or storage space. (3/18)

700.2.1.4: A nonconforming *structure* which has been destroyed or partially destroyed, or has been purposely demolished, may be reconstructed as long as the pre-existing nonconformity is not increased. Provisions of Section 700.2.1.1, 700.2.1.2 and 700.2.1.3 apply. Reconstruction must be completed within two years of the destruction or demolition date. If the reconstruction is not completed (fully enclosed) within two years of the destruction or demolition date any new *structure* must be built conforming to the standards in this ordinance. (3/18)

700.2.2: A nonconforming *structure* which has been destroyed or partly destroyed may be rebuilt with the following limitations: The rebuilt *structure* shall not exceed the dimensional size of the original *structure*. If the reconstruction of a destroyed or demolished nonconforming *structure* is not completed within 2 years of the building's destruction or demolition, any new building located on the property shall be built conforming to standards identified elsewhere in this Ordinance. (3/11)

700.3: *Lots*:

Any *lot* of record lawfully existing as of the time of passage of this Ordinance, March 1985, or which has been legally constructed since, but is now *non-conforming* to the Ordinance and not conforming to present minimum *lot* size, minimum frontage requirements, or minimum dimensional requirements, shall have the right to continue in its present use indefinitely, as well as being used for any other conforming use for the district in which it is located. Undeveloped nonconforming *lots* may be developed with any use permissible in the zoning district without compliance with minimum *lot* size, frontage or dimensional requirements, so long as the following conditions are met: (3/2020)

(1) sufficient off-*street* parking for any such proposed use is provided within the property boundaries;
(2) *lots* whose sole frontage is upon a Class VI or private *road* not shown on a plan approved by the Planning Board must first successfully complete the permit process as set forth in *RSA* 674:41; and
(3) all other provisions of the Zoning Ordinance are met such as, but not limited to, *setbacks*, *lot* coverage, septic requirements, etc.

No nonconforming *lot* may be permitted to be further subdivided or otherwise made less conforming in nature. (3/12)

700.3.1: Owners who are proposing to increase living area square footage which is located on nonconforming *lots* must also provide the Select Board and *Health Officer* with a septic site assessment done by a permitted subsurface sewer or waste disposal system designer and provide evidence that the septic system complies with *RSA* 485-A:38. (3/02 & 3/14)

700.4: Waiver of Dimensional Compliance for Replacement of Pre-Existing Septic Systems: (3/99)

Upon *application* duly made in accordance with Section 800, the *Board* of Adjustment may approve a *Special Exception* to allow replacement of a pre-existing septic system by a new system which may require minor waivers of dimensional standards, such as *setbacks*, otherwise applicable to such a system. In order for the *Special Exception* to be approved, the *Applicant* shall demonstrate to the *Board* of Adjustment the following:

700.4.1: The existing system must never have been permitted, substandard, failing or failed septic system, or one that may be reasonably expected to fail in the foreseeable future.

700.4.2: The proposed replacement system must be an improvement over the existing system and must be approved by the State in its proposed location.

700.4.3: The proposed system cannot reasonably be replaced in strict compliance with dimensional standards required by this Ordinance.

700.4.4: The waiver from dimensional requirements shall not constitute a significant or substantial deviation from the purposes of this Ordinance.

700.4.5: A qualified, licensed professional must present credible evidence that no adverse results are expected from the waiver of the dimensional requirements.

700.4.6: All other applicable criteria of Section 900 shall be satisfied. (3/99)

The *Special Exception* allowed by this section shall not be deemed to affect the procedures to allow emergency replacement of failed systems permitted by Section 1100. (3/99)

SECTION 800: *BOARD* OF ADJUSTMENT

800.1: Creation, Appointment and Jurisdiction:

Within 30 days after the adoption of this Ordinance and thereafter, as terms expire or vacancies occur, the Select Board shall appoint a *Board* of Adjustment consisting of 5 members whose powers shall conform to the provisions of all State laws and regulations. Thereafter, as terms expire or vacancies occur, the appointing authority shall be responsible for filling vacancies and maintaining full membership of the *Board* of Adjustment.

800.1.2: The *Board* of Adjustment may also include not more than 5 alternate members appointed by the Select Board.

800.2: Appeals:

Appeals to the *Board* of Adjustment may be taken by any person aggrieved or by any officer, department, *board* or bureau of the municipality affected by any decision of the administrative officer, in the manner prescribed by State law and regulations, within the time limit set by the *Board* of Adjustment according to said statute. The person making the appeal shall pay the cost of mailing the notices of a hearing prior to the hearing.

800.3: *Variances*:

The *Board* of Adjustment shall have the power to authorize on appeal, a *Variance* from the provisions of this Ordinance pursuant to *RSA* 674:33 and 674:33-a, and as they may be amended.

SECTION 900: *SPECIAL EXCEPTIONS*

Uses of land and buildings or *structures* as *Special Exceptions* as listed under each district may be allowed only by *approval* of the *Board* of Adjustment, provided that the land use impact on the environment and particular site in question and on abutting landowners is not negative, and if each of the standards and requirements contained in this Ordinance are complied with. *Special Exception approvals* are valid for 2 years from the date of final *approval* unless extended by the Zoning Board of Adjustment for good cause (*RSA* 673:33 IV). (3/2020)

900.1: Procedure for *Special Exception*:

A *Special Exception* will require an *application* and a site plan duly made to the *Board* of Adjustment. A site plan for the proposed *development* of a site seeking a *Special Exception* shall provide the following information where applicable:

900.1.1: The *lot* dimensions and any bounding *streets* and their rights-of-way and pavement widths.

900.1.2: Location and dimensions of existing or required service areas, *buffer* zones, landscaped areas, recreational areas, *signs*, rights-of-way, *easements*, streams and drainage.

900.1.3: All existing buildings or other *structures* with their dimensions.

900.1.4: All proposed buildings, *structures* or additions with their dimension indicating "proposed" on the plan.

900.1.5: Indicate all *setback* (front, rear, and side) dimensions and building or *structure* heights.

900.1.6: Computed *lot* and building or *structure* areas and percentage of *lot* occupancy.

900.1.7: Elevations or contours, if required or if relevant.

900.1.8: Location and number of *parking spaces* and lanes with their dimensions.

900.1.9: Any required loading, unloading, and trash storage areas.

900.1.10: Dimensions and directions of traffic lanes, exits, and entrances.

900.1.11: All *abutters* of any proposed land use not permitted as a matter of right indicated under district permitted uses shall be notified by the *Board* of Adjustment by certified mail not less than 5 days before the date of any public hearing regarding said site. The names and addresses of the *abutters* shall be supplied by the *Applicant* on a *plat* plan to be submitted to the *Board* of Adjustment.

900.1.12: The *Applicant* shall pay the total cost of posting and advertising any hearings, the cost of certified mailings, and any necessary site inspection fees.

900.2: Conditions for *Special Exception*:

The *Board* of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, grant a permit for a *Special Exception* as listed in the various districts. Before granting a permit, the *Board* shall determine that all the provisions set forth in Sections 400, 600 and 700, and all other conditions enumerated in the Ordinance are met, and shall hold an *abutters'* hearing to hear any valid objections based on demonstrable fact. The *Board*, in acting on an *application* for a *Special Exception*, shall grant the *Special exception* only if all of the following conditions are met: (3/2020)

900.2.1: The specific site is an appropriate location for the use or *structure*.

900.2.2: The use will be compatible with neighboring land uses.

900.2.3: Property values in the district will not be reduced by such a use.

900.2.4: There will be no nuisance or serious hazard to vehicles or pedestrians.

900.2.5: Adequate and appropriate facilities are provided for the proper operation of the proposed use.

900.2.6: The proposed use shall comply with the minimum land space dimensional requirements set forth for each district, and as set forth in the General and Special provisions of the Ordinance.

900.2.7: Existing *roads* are of sufficient capacity to carry additional traffic that would be generated by the proposed use. (3/2020)

900.3: Special Standards:
The *Board* of Adjustment may place reasonable restrictions on the granting of a *Special exception* where the *Board* determines such restrictions are necessary to protect the surrounding properties, the neighborhood, or the Town as a whole, in keeping with the purposes and intent of this Ordinance. Such restrictions may include, but are not limited to: (3/2020)

900.3.1: Increasing the required *lot* size or yard dimensions in order to protect the adjacent properties.

900.3.2: Limiting the *lot* coverage or height of buildings or *structures* because of obstruction to view and reduction of sunlight and air to adjacent properties.

900.3.3: Controlling the location and number of vehicular access points to the property.

900.3.4: Limiting the number, location and size of *signs* on-site.

900.3.5: Requiring suitable on-site landscaping and screening where necessary to reduce noise and *glare* and to maintain the property in character and keeping with the surrounding area.

900.3.6: Providing a specific layout of facilities on the property such as location of the building or *structure*, *parking spaces* or area, and access to the building or *structure* so as to minimize effects on adjoining property.

900.3.7: Requiring that, in the case of conversions of existing *structure* into 2 or more *dwelling units* or *lodging* units or into a more intensified use, the *lot* or land area is sufficient in size to support an adequate subsurface sewage disposal system. *Soils* type and *slope* shall be identified on a plan. An inspection of the existing sewage disposal system and a detailed diagram showing type, extent and location of the system, certified by a professional sanitary *engineer*, indicating that the system is adequate for its intended proposed use, shall be furnished.

SECTION 1000: ADMINISTRATION AND ENFORCEMENT

1000.1: Administration:
The Select Board is hereby given the power and authority to enforce the provisions of this Ordinance and control issuance of any permits required under the regulations set forth. (3/02)

1000.2: Issuing Permits:

1000.2.1: Permits are required for, but not limited to, any building, *structure*, *driveway*, *sign*, use, demolition, or excavation, unless specifically excluded in the ordinance. No permit shall be issued for the erection of any *structure* and the use of land unless the proposal complies with the provisions of this Ordinance. (3/2020)

1000.2.2: Any property owner, or authorized agent intending to erect, construct, alter, demolish, or reconstruct any building or *structure*, shall first make *applications* for a building permit on forms obtained from the Select Board's office. (3/02)

1000.2.3: As required by the NH Department of Environmental Services and in accordance with *RSA* 485 A:39, prior to the execution of a purchase and sale agreement for any developed waterfront property contiguous to or within 200 feet of the *reference line* of a fresh water body, coastal waters, or a river and which uses a septic disposal system, 2 copies of a Site Assessment form shall be filed with the Town Clerk. One shall be given to the Planning Board, and the other shall be given to the *Compliance Officer* who shall review it with the Selectmen. (3/96) (*RSA* 485-A:39)

1000.2.4: A plan for all permitted uses shall be submitted to the Select Board. If the plan complies with the provisions of this Ordinance, the Select Board shall, within 15 days of the receipt of the plan, issue a building or *structure* permit. Exception – if a recommendation from the Conservation Commission is required (Sect. 400.11), the Select Board are granted until 15 days after they receive the recommendation to issue or deny the permit. The building or structural permit will state if a "Certificate of Compliance" is required prior to occupation or use. (3/08, 3/2020)

1000.2.5: A fee, based on a fee schedule established by the Selectmen, shall accompany a building or *structure* permit *application*. The building or *structure* permit will be posted in a prominent place on the *lot*. The Selectmen shall cause a list of approved or denied permits to be posted in 2 public places within 5 days of date of issue.

1000.2.6: Permits issued by the Select Board for construction or demolition shall be good for a maximum of 2 years. The *applicant* may reapply for an extension of time if the project is not completed within the 2-year period. If hazardous or emergency conditions exist, the Select Board may issue a permit for a lesser amount of time. Permits issued for "use" or in conjunction with *Special Exceptions* or *Variances* granted by the Zoning Board of Adjustment are valid until 1 year after the "use" or activity associated with the *Variance* or *Special Exception* ceases. (3/98, 3/10, 3/2020)

1000.2.7: Upon completion of the requirements of the building or *structure* permit, and after a final review and/or site inspection, a Certificate of Compliance shall be issued by the Select Board. Usage of the building or *structure*, other than for construction, is not approved until after a post-construction review and/or site inspection is conducted, and a Certificate of Compliance is issued. In deciding whether to issue a Certificate of Compliance, the Select Board may request certificates or statements from various practitioners involved in the construction of the building or *structure* to confirm that the work complies with all relevant zoning requirements (3/08).

1000.3: Enforcement:

1000.3.1: Upon receiving any credible information that this Ordinance is being violated, and upon an affirmative vote that a *violation* more probably is being committed, the Selectmen are authorized hereby to enforce the provisions of this Ordinance by *application* for appropriate relief in the Superior Court, or by taking any other legal action.

1000.3.2: Any *violation* of any provision of this Ordinance by any person, whether the owner of a property or whether acting under authority of such owner, shall incur the penalties provided per State law and regulations (*RSA* 676:15, *RSA* 676:17, *RSA* 676:17-a, *RSA* 676:17-b). (3/07, 3/2020)

1000.4: Site Plan Regulations:
In accordance with the provisions of *RSA* 674:43 and :44, the Town of Holderness Planning Board has adopted regulations governing the review and *approval* or disapproval of site plans for the *development*, change, or *expansion* of use of tracts for *non-residential uses* or for *multi-family dwelling units*, which are defined as *structure*s containing more than 2 *dwelling units*, whether or not such *development* includes a *subdivision* or re-*subdivision* of the site. (3/10, 3/2020)

1000.5: *Subdivision* Regulations:
In accordance with the provisions of *RSA* 674:36 as amended, the Town of Holderness Planning Board has adopted regulations governing the review and *approval* or disapproval of plans for the *subdivision* of property. The purpose of such *approval*, includes, but is not limited to, the prevention of scattered and premature *subdivisions*; the encouragement of harmonious *development*; the coordination of sizing of *streets* so they are adequate and safe; the provision for open areas for *parks* and recreation; the provision of adequate building areas; the prescription of the minimum area of *lots*; the provision of on-site sanitary facilities; and generally the creation of conditions favorable to health, safety, convenience, and prosperity. (3/10)

SECTION 1100: EMERGENCY ACTIONS

1100.1:
Items in this section are to expedite corrective actions for existing situations that have failed. They are never to be used for new, nonexistent systems or as a means to circumvent the intent of this Ordinance.

1100.1.1: Expedited Septic System Repair or Replacement: After inspection and confirmation of failure by the *Health Officer*, existing septic systems that have failed and which the *Compliance Officer* certifies cannot be located elsewhere on the property meeting present zoning requirements may be repaired or replaced in their existing location without *approval* of the Zoning Board of Adjustment. All failed septic systems that are being relocated on the property and cannot meet present zoning requirements are required to receive *approval* from the Zoning Board of Adjustment for all *Variances* prior to construction. The Zoning Board of Adjustment shall hold a hearing to consider the required septic system *Variances* within 14 calendar days of receipt of an *application* following all statutory requirements for notice. This "emergency action" does not negate the need for the *Applicant* to adhere to all applicable State requirements. Upon receipt of *approval* from the Zoning Board of Adjustment, the Select Board or *Health officer* shall expedite the issuance of a building permit for the new system. (3/94, 3/14, 3/2020)

1100.1.2: Replacement Well: The Selectmen, or their designee, after consultation with the *Health Officer*, may immediately issue a building permit to repair or replace a water source. If the location of a replacement well cannot practicably meet the requirements of this Ordinance the permit may be issued without a *Variance*. The Selectmen or their designee shall attempt to have the new well site come as close as possible to the Ordinance requirements. (3/00)

SECTION 1200: MISCELLANEOUS PROVISIONS

1200.1: Saving Clause:
The invalidity of any provision of this Ordinance shall not affect the validity of any other provisions.

1200.2: Effective Date:
This Ordinance shall take effect immediately upon its adoption.

1200.3: Amendments:
This Ordinance may be amended by majority vote of any Town Meeting, in accordance with State law and regulations.

1200.4: Validity:
Whenever the provisions of this Ordinance or rulings made under the authority hereof differ from those of other ordinances or regulations of the Town, that provision or ruling which imposes greater restriction or higher standard shall govern. (*RSA* 676:14)

SECTON 1300: DEFINITIONS

1300.1:
For the purpose of this Ordinance, the following terms have the following meaning:

Abutter – Any person whose property adjoins or is directly across the *street* or stream from the land under consideration by the local land use *board*. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality or a local land use *board*, in the case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined by State law and regulations. (3/07)

Accessory Building, Structure, Use – A building, structure, or use secondary to and serving the principal structure or use and on the same *lot* as the principal structure. When used in connection with agricultural uses, "accessory structure" shall include all structures customarily used for agricultural purposes. (3/97, 3/11, 3/15)

Accessory dwelling unit (or "ADU") – A residential living unit that is within or attached to a *single-family dwelling* that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. (3/17)

Accessory Farming and Agricultural Activities – All activities (e.g., Agritourism) that are accessory to the primary farm operation including, but not limited to, eating a meal, overnight stays, enjoyment of the farm environment, education about farm operations, gatherings such as reunions and weddings, or active involvement in the activity of the farm. (*RSA* 21:34-a,II(b)(5)) (3/19)

Agriculture – See General Farming and Agriculture (3/2020)

Antenna – The exterior apparatus designed for telephonic, radio, television, communications service, pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any frequency and bandwidth.

Antenna array – A collection of antennae attached to a *mount* to send and receive radio signals.

Applicant – A person or entity submitting an *application* for *development*, a permit, or other required *approval* under this Ordinance. Applicant includes the owner of the property and any person designated by the owner to represent the owner. (3/15)

Application – The completed form or forms and all accompanying documents, exhibits, and fees required of an *Applicant* by the applicable department or *board* of the Town for *development* review, *approval*, or permitting

purposes. (3/15)

Approval – The recognition by the *decision-making authority*, certified by written approval on a plan or *Plat* or in a Notice of Decision that the *Application* meets the requirements of the Town regulations, granted at a duly called meeting of the authority. (3/13, 3/15)

Area Lighting – A *luminaire* which emits 1800 *lumens* or more or a *spotlight* which emits 900 *lumens* or more employed to illuminate surface areas greater than 100 square feet on a routine basis for more than one hour per night.

Average Tree Canopy Height – An average height found by inventorying the height above ground level of all trees over 20 feet in height for a radius of 150 feet.

Board – For the purposes of *Subdivision*, Site Plan Review, or Boundary Line Adjustment, Board means the Planning Board, and for purposes of *Variances*, Appeals, Equitable Waivers, *Special Exceptions*, and District Boundary Determinations, Board means the Zoning Board of Adjustment, of the Town of Holderness, New Hampshire. (3/13, 3/15)

Boathouse – Any wharf, dock or pier designed for the docking and mooring of waterborne craft over which a permanent *structure* has been erected for the sheltering of a boat or other waterborne craft from sun and weather.

Boat slip – This is a volume of water 20 feet long, 6 feet wide and 2 feet deep as measured at *normal high water*, and located adjacent to a *structure* which watercraft may be secured. (3/02)

Boat tours/Guided fishing trips – Boats and services for hire operated by licensed operators or guides. All *parking* must be off *street*. Sanitary facilities must be provided in the area of the dock. One facility for operational capacity up to 25 people; two facilities shall be provided for operational capacities over 25. (3/98, 3/2020)

Buffer – The strip of natural vegetation separating a *development* from *streets* and highways. (3/13)

Building footprint – The exterior dimensions of a *structure*, including, but not limited to, any permanent extensions such as decks, porches, balconies, steps, breezeways, chimneys, and the overhang or drip line. (3/11)

Carrier – A Company that provides personal wireless services, also sometimes referred to as a provider.

Church – A place for worship and related religious functions, not for habitation. (3/94)

Civic uses – Uses by agencies and departments of Town, Grafton County, State and Federal governments. (3/94)

Cluster Residential Development – A pattern of *subdivision development* which places housing units into compact groupings while providing a network of commonly owned or dedicated open space. (3/2020)

Co-location – The se of a single *mount* on the ground by more than one *carrier* (vertical co-location) or the same *carrier* with multiple licenses, and/or the use of several *mounts* on an existing building or *structure* by more than one *carrier* or the same *carrier* with multiple licenses.

Commercial – Any use involving in part or in whole the sale of merchandise, materials, or services, but not including *home occupations* as defined in the Ordinance. (3/11)

Commercial storage facility – A building of multiple cubicles with a common roof, with lockable doors, independent of each other for rent to consumers for storage. (3/94)

Community wastewater system – A non-municipal wastewater collection, treatment and disposal system serving at least 15 service connections or a daily average of at least 25 individuals.

Community water supply – A non-*municipal water supply* system serving at least 15 service connections or a daily average of at least 25 individuals.

Compliance Officer – A person or persons designated by the Select Board of the Town to uphold and ensure compliance with the Zoning Ordinance. (3/15)

Day care center – A facility where more than 6 children receive maintenance and care and are supervised by other than the guardian or relatives for less than 24 hours per day. (3/94)

Decision-Making Authority – An individual or body vested with the authority to make recommendations or act on *Application* requests. The final decision-making authority is the one which has the authority to act on a request by approving or denying it. This may include the Town Administrator, the *Health Officer*, the *Compliance Officer*, the Zoning Board of Adjustment, the Planning Board, the Conservation Commission, or the Select Board. (3/15)

Detached Accessory Structure – A building or structure, no greater in size than 500 square feet, whose primary use is for storage. (3/2020)

Development – 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. (3/13)

Direct Light – Light emitted directly from the *lamp*, off the reflector or through the lens of a *luminaire*.

Driveway – Access for not more than 2 adjacent *lots*. (3/13)

Dry well – An *effluent disposal area* constructed as a covered, underground pit with an open-jointed or perforated lining and surrounded with septic stone, into which effluent is discharged for final disposal into the surrounding soil. The term includes seepage pit and effluent disposal pit. As defined by the NH Code of Administrative Rules En-Wq 1002.2.1 and as it may be amended. (3/12, 3/2020)

Duplex – A *structure* used for residential purposes consisting of two *dwelling units* with a common wall. (3/17)

Dwelling, Single-Family – A detached residential building or *structure* other than a *mobile home*, designed for and occupied by1 family only.

Dwelling, Two-Family – A *structure* containing two dwelling units; a *duplex*. (3/15)

Dwelling, Multi-Family – A residential building or *structure* designed for or occupied by 3 or more families, with the number of families in residence not exceeding the number of *dwelling units* provided or permitted.

Dwelling unit – One or more rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same *structure*, and designed or used for residential purposes containing independent cooking, sanitary facilities, and adequate room for (3/04) sleeping. It shall include *rental cottages* (3/04), and modular units provided these units meet the standards of the local building or *structure* code, but shall not include camper or *recreational vehicles*, *motel*, hotel, *lodging* house or similar *structure*. (3/11, 3/2020)

Easement – A grant or reservation of land for use by others, which may include the public, for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement. The usage of the word, "easement," for land *platting* purposes in these regulations means that such easement area is included within the dimensions and areas of the *lots* or parcels through which the easement may run, and is not to be separated there from as in the case of a *right-of-way*. Any *easement* shall be a minimum of 50 feet in width. (3/19)

Engineer – A duly licensed professional engineer as required by the New Hampshire licensing laws. (3/13)

Erosion – The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities. (3/08)

Equipment Shelter – An enclosed *structure*, cabinet, shed, vault, or box near the base of the *mount* within which are housed equipment for telecommunication facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.

Essential services – The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of facilities reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies and for the public health, public safety, or general welfare. *Telecommunications facilities* are not essential services for the purpose of this Ordinance. (3/98)

Expansion –

(1) For *structures*, any increase in height, width, length, living area square footage, above or below ground. This includes, but is not limited to, porches, decks, roof overhangs, patios, and *basements*/cellars. (3/14)

(2) Expansion of use shall be any use that increases the impact of that use to the inhabitants of the Town or the Town itself not limited to, but including, traffic (both human and vehicle), waste disposal (both solid and septage), water withdrawal, and municipal services. The Planning Board shall be the determiner of whether there is or is not an increase in the impact of the use. (3/02, 3/14)

Facility – See Telecommunication Facility.

Fall Zone – The area on the ground from the base of a ground *mounted* telecommunication facility that forms a circle with a diameter equal to twice the height of the facility, including any *antennae* or other appurtenance. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Family – An individual, or two or more individuals related by blood, marriage, or legal adoption or guardianship, or a group of not more than six unrelated persons living together as a single housekeeping unit, including domestic help, but excluding boarders or roomers. (3/15)

Farm roadside stand – An agricultural activity, and not considered *commercial*, provided that at least 35% of the product sales in dollar volume is attributed to products produced on the farm. (*RSA* 21:34-a,III) (3/19)

Fence – A solid or divided wall which is intended to prevent access from one area to another area and is not intended to retain earth. (3/13)

Fixture - The assembly that houses the *lamp(s)* which may include a housing, *mounting* bracket, pole socket, *lamp* holder, ballast, reflector and lens.

Flood hazard – Those areas subject to periodic *flooding*. (3/97)

Floodlight or Spotlight – A *fixture* that incorporates a reflector or refractor to concentrate light output in a particular direction.

Full Cutoff or Fully Shielded – A light *fixture* in which the lamp is shielded in such a way as to direct all (100 percent) of its light output below a horizontal plane established at the lowest point of the *lamp*.

Funeral Home – An establishment engaged in undertaking services such as preparing the dead for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home includes a funeral chapel. (3/15)

General farming and *agriculture* – All activities of a farm as defined in *RSA* 21:34-a. (3/19)

Glare – Light emitted from a *luminaire* with intensity sufficient to reduce the viewer's ability to see.

Gray Water – All wastewater generated in households or office buildings from streams without fecal contamination, i.e., all streams except for the wastewater from toilets. (3/2020)

Greenhouse – A *structure* constructed for the production of flowers and or vegetables with an area set aside for packaging and wrapping of said commodities. (3/94)

Guest House & Bunk House are distinguished from a *dwelling unit* by being limited to sleeping facilities with no plumbing, and therefore cannot be used as independent living. These *structures* shall not be used to satisfy the residency requirement. (3/10, 3/2020)

Guyed Tower – A *monopole* or *lattice tower* that is secured to the ground or other surface by diagonal cables for lateral support.

Hazardous Materials – This term includes, but is not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids such as phenol and cresols and their salts, and all radioactive material.

Health Care – A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, or physical condition, including, but not limited to a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, intermediate care center, outpatient laboratory or emergency care center. (3/15)

Health Officer – As defined in NH *RSA* 128. (3/15)

Home Occupation – Any use conducted by a member of the *family* within a *dwelling* or an *accessory building* which is incidental to the use of the *dwelling* as a residence and conforming to the criteria set forth under General Provisions. (3/11)

IESNA – Illuminating Engineering Society of North America

Impervious Area or Surface – Any modified surfaces including, but not limited to, the area of the *building footprint*, paved, gravel or crushed stone *driveways*, *parking areas*, and walkways unless designed to effectively absorb or infiltrate water. For the purpose of Section 525 of this Ordinance, the definition of "impervious" in Section 525.3.4 shall apply. (3/11, 3/2020)

Junkyards – As defined in *RSA* 236:112 Section I, a junkyard means any business or place used for storing and keeping, or storing and selling, trading, or otherwise transferring materials, such as, but not limited to:

(1) Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris and waste;
(2) Junked, dismantled or wrecked motor vehicles, or parts thereof; and
(3) Iron, steel or other old or scrap ferrous or nonferrous material (3/2020)

Kennel, Animal Boarding and Grooming – An establishment in which more than 6 dogs or domestic animals more than 1 year old are housed, groomed, bred, boarded, trained or sold.

Lamp – The component of a *luminaire* which produces light.

Lattice Tower – A type of *mount* with multiple legs and structural cross bracing between the legs that is self-supporting and freestanding.

Leach field or Effluent Disposal Area (EDA) – An area designed for the final disposal of effluent, commonly referred to as a leach field, including the bed and any required fill extensions, in which effluent is dispersed using leach lines or *dry wells*. As defined by the NH Code of Administrative Rules Env-Wq 1002.24 and as it may be amended. (3/12, 3/2020)

Light Industry – The assembly manufacture, processing, packaging, or other operations to goods or materials such as in machine shops. (3/94)

Light Trespass – The transmission of light beyond the boundaries of the property on which the emitting *luminaire* is located.

Living Space – This area includes three dimensional, fully enclosed space used for indoor living, calculated in cubic feet in area, including dormers and lofts, but does not include crawl spaces and screened-in porches as long as windows are not installed. (3/11)

Lodging – A building which contains accommodations such as, but not limited to, motels, bed & breakfasts, and hotels, with or without kitchens, primarily provided to transient guests and offered to the public for compensation. These accommodations shall not be used to satisfy the residency requirement. (3/15, 3/17, 3/2020)

Lot – A lot is a parcel of land occupied or to be occupied by only one main building or *structure* and the *accessory buildings* or *structures* or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area. (3/19)

Lot Frontage – *Lot* width measured at the *road lot* line, or along a waterbody (as appropriate). When a *lot* has more than one *street lot* line, *lot* width shall be measured, and the minimum *lot* width required by the Ordinance shall be provided at each such line. (3/2020)

Lumen – A measurement of light output. For purposes of this Ordinance, the values used shall be the initial lumen output rating of the *lamp*.

Luminaire – The complete lighting assembly consisting of a *fixture* and its *lamp(s)*.
Luminaire Height – The vertical distance from the ground directly beneath the centerline of the luminaire to the lowest part of the *lamp*.

Luminosity: a measure of the perceived brightness of a lit object. For the purposes of the Ordinance the values used shall be the manufacturers rated maximum night time luminosity of an internally lit sign when available, or the measured average luminosity of the lit area of the sign otherwise, in units of candelas per square meter (cd/m^2).

Manufactured Housing/Mobile Home – A detached, transportable *structure* built on a permanent chassis and designed to be used as a *dwelling* with or without a permanent foundation when connected to the required utilities, including plumbing, heating and electrical systems contained therein. Sectional homes, modular homes and prefabricated homes are not considered as manufactured housing/mobile homes.

Marina – A *commercial* waterfront facility whose principle purpose is the provision of publicly available services for the securing, fueling, renting, launching, storage, servicing or repairing of watercraft. A facility for short-term docking that is ancillary or incidental to other *commercial* land uses shall be considered a *commercial* use and not a *marina*. (3/98)

Mast – A thin pole that resembles a streetlight standard or a telephone pole. A dual-polarized *antenna* is typically deployed on a mast.

Monopole – A thicker type of *mount* than a *mast* that is self-supporting with a single shaft of wood, steel or concrete, or other material, that is designed for the placement of *antennae* and arrays along the shaft.

Mount – The s*tructure* or surface upon which *antennae* are *mounted*, including the following four types of mounts: (1) Roof mounted – mounted on the roof a building; (2) Side-mounted – Mounted on the side of a building; (3) Ground-mounted – mounted on the ground; and (4) *Structure*-mounted – Mounted on a *structure* other than a building.

Multi Use Facilities/Property – A *structure* or *structures* on one *lot* that may have combined residential, multiple *commercial* and/or *non-residential* uses. The tenants need not be the owner, and need not be the same. Being a *commercial* site, this will require Site Plan Review as well as a *Special Exception*. This does not include *home occupation*s. (3/98, 3/15, 3/2020)

Municipal or Government Building – A building or *structure* owned, operated, or occupied by a governmental agency to provide a governmental service to the public. (3/15)

Municipal Wastewater System – A wastewater collection, treatment and disposal system that serves at least 2 homes and that is owned and operated by a municipal or regional government.

Municipal Water Supply – A water supply system for serving at least 15 service connections or a daily average of at least 25 individuals and operated by a municipal or regional government.

Museum – A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, historic, or literary objects of interest or works of art, intended to be used by members of the public for viewing with or without an admission charge and which may include, as an *accessory use*, the sale of goods to the public as gifts or for their own use. (3/15)

Natural Ground Cover – Any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. Natural ground cover shall also include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones and boulders. (3/08)

Non-Conforming Lot – A *lot* which was lawfully created but which does not conform to the current minimum dimensional requirements specified for the zone in which it is located. (3/11)
Non-Conforming Use or Structure – An activity or a structure or a portion thereof, which lawfully existed before the adoption or amendment of this Ordinance, but which does not conform to all of the current terms and standards for the zone in which it is located and which are contained in this Ordinance. (3/2020)

Non-Residential Development – All *development* of buildings, *structure*s, or land except 1 *family* and *two-family dwellings* and related non-*commercial accessory structures*. (3/12)

Nursing Home – A nursing home, convalescent home, skilled nursing facility (SNF), care home, rest home, or intermediate care facility providing a type of residential care. It is a place of residence for people who have significant difficulty coping with activities of daily living and require continual nursing and care. (3/15)

Ordinary High-Water Mark – for the Squam Lakes is the full lake elevation of 562.5 feet. (3/02)

Outdoor Lighting – The illumination of an outdoor area or object by any man-made, light-producing device.

Parking Space – A single parking space is 10 feet in width by 20 feet in length and having additional adequate area for maneuvering.

Park – A public or private area of land, with or without buildings, intended for outdoor active or passive recreation. (3/15)

Part-Night Rate – A rate for unmetered lighting which considers the fact that the *luminaire* is turned off for a portion of the night.

Pemigewasset River Corridor – That area of land contiguous to the Pemigewasset River, 500 feet from the mean high-water level. (3/2020)

Plat – The survey, map, drawing, or chart for a *subdivision* or site plan submitted to the Planning Board for *approval*. (3/13) A document prepared by a registered surveyor or *engineer* that delineates property lines and shows monuments and other landmarks for the purpose of identifying property. (3/15)

Plot Plan – A *plat* of a *lot*, drawn to scale, showing the actual measurements, the size and location of any existing and proposed buildings, the location of the *lot* in relation to abutting *streets*, and other such information. (3/15)

Private Clubs – An establishment utilized by an organization for functions pertaining to their order. (3/94)

Professional Offices – A facility whose personnel provide a service such as legal, medical, personal services, banking, educational services, burial services. (3/94, 3/01, 3/15)

Public Safety Facility – A government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities. (3/15)

Radio Frequency Radiation – The emissions from telecommunication facilities.

Recreation Facility – *Commercial* – A recreation facility operated as a business and open to the public for a fee. Site Plan Review is required. (3/94)

Recreation Facility – *Commercial* Low Impact – A recreation facility operated as a business and open to the public for a fee. The low impact uses shall be meeting facilities, arts, crafts, theater activities, (3/04**)** non-motorized biking, non-motorized boating, cross country skiing, snowmobiling, horseback riding, horse drawn wagon or sled operation, picnicking, swimming (both lake and pool), snowshoeing, hiking and backpacking. (3/95)

Recreation Facility – Personal – A recreation facility as an *accessory use* on the same *lot* as the principal permitted use, and designed to be used primarily by the occupants of the permitted use and their guests (examples; tennis court, swimming pool, etc.). (3/94)

Recreation Facility – Public – A recreation facility operated by a non-profit or governmental agency and open to the general public. Non-profit organizations require Site Plan Review. (3/94)

Recreational Camping Park or Recreational Campground – A plot of ground upon which two or more *temporary* living quarters, such as *travel trailers*, tent campers, tents, pickup campers, or similar types of vehicles or *structures* are located, established or maintained, and operated for children or adults for recreation (including education or vacation purposes) either free or by payment of a fee. Occupancy of a recreational site shall not fulfill residency requirements for the Town of Holderness, NH. (3/16)

Recreational Vehicle/Travel Trailer – A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or towable by a light duty vehicle, (4) not for use as a permanent *dwelling* but as *temporary* living quarters for *recreational camping*, travel, or *seasonal use*, and (5) not a primary residence. (3/94)

Reference Line – As defined in the Shoreland Water Quality Protection Act (*RSA* 483-B:4, XVII), this term shall mean, for all lakes, ponds and artificial impoundments greater than 10 acres in size, the surface elevation as listed in the Consolidated List of Water Bodies subject to Shoreland Water Quality Protection as maintained by the NH Dept. of Environmental Services (583' for White Oak Pond; 562.5' for Little Squam Lake; and 563' for Squam Lake). For the Squam Channel, the section north of the bridge will be governed by the Reference Line for Squam Lake and the section south of the bridge will be governed by the Reference Line for Little Squam Lake. For other water bodies (ponds, rivers and perennial streams), the Reference Line is defined by the ordinary high-water mark. (3/15, 3/2020)

Rental Cottages – One or more buildings which contain accommodations, with or without kitchen facilities, used by seasonal guests for *temporary* living quarters; not a primary residence. (3/94, 3/2020)

Residential Unit – See Dwelling. (3/10)

Restaurant – A *commercial* establishment where food and beverages are prepared, served, and consumed primarily within the principal building. (3/15)

Retail – The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license. (3/15)

Riding Stable – A facility that incorporates buildings and associated paddocks to house domesticated animals (such as horses, mules, donkeys, and llamas) and trails for recreational purposes for public use. (3/94, 3/2020)

Right-of-Way – A grant or reservation of land for use by others, which may include the public, and which must be included in the conveyance of land affected by such right-of-way. Any right-of-way shall be a minimum of 50 feet in width. (3/19)

Riverine – Located on or inhabiting the banks of a water course. (3/2020)

Road – All roads are public unless designated as private. (3/2020)

Road Agent – The duly designated road agent of the Town of Holderness. (3/13)

Roadway – The finished *road* surface between the shoulder breaks. (3/13)

RSA – Revised Statues Annotated (3/2020)

Sand and Gravel Excavation – An area where the excavation of earth material is extracted for sale, in the form of loam, sand, gravel, fill, pea stone, etc., as per State laws and regulations. (3/07)

Seasonal Use – The use of a *structure* or property for not more than 6 months of continuous use in any calendar year without intending to establish a domicile or permanent residence.

Security Barrier – A wall, *fence*, or berm that restricts an area from unauthorized entry or intrusion.

Sedimentation – The process by which sediment resulting from accelerated *erosion* has been or is being transported off the site of the land-disturbing activity and into a lake or natural watercourse or *wetland*. (3/08)

Separation – The distance between one *carrier's* array of *antennae* and another *carrier's* array.

Setback – The distance between a legal boundary (*right-of-way*, *lot* line, *reference line*, or property line) and any part of a building or *structure*. All distances shall be measured as horizontal distance as if on a flat plain. (3/02)

Shoreland Frontage – The width of a *lot* measured along its common boundary with a river, lake, or pond, measured at the *reference line*. The width shall be based on the sum of reasonable straight-line incremental measurements. However, in no case shall a straight-line increment be less than 25 feet. (3/15)

Short Term – An event lasting 4 days in duration or less. (3/2020)

Sign – Any device (including, but not limited to, letters, words, numerals, figures, emblems, pictures or any part of this combination) used for visual communication intended to attract the attention of the public and visible to the public *right-of-way* or other properties. The term, sign shall not include any flag, badge, or insignia of any governmental unit, nor shall it include any item of merchandise normally displayed within a show window of a business. (3/15)

Site Disturbance – Any activity that removes the *vegetative cover* from the land surface. (3/08)

Slope – The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; rise over run. (3/08)

Soils – As defined and classified by "Key to Soil Types," High Intensity Soil Maps for NH SSSNNE Special Publication No. 1, as amended. (3/13)

Special Event – An event that is 4 days in duration or less, which may or may not be permitted in the Zoning Ordinance. (3/01, 3/2020)

Special Exception – A use of a building or *structure* or *lot* which may be permitted under this Ordinance only upon *application* to the *Board* of Adjustment and subject to the *approval* of the *Board* when such use would not be detrimental to the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare and only in cases where the words "Special Exception" in this Ordinance pertain.

Steep Slope – Land area where *slope* is equal to or greater than 15 percent (3/08)

Structure – Anything constructed or erected using materials or a combination of materials, including *signs*, the use of which requires location on the ground or attachment to something having location on the ground. A structure shall also include subsurface mechanisms such as, but not limited to, septic systems, swimming pools, and wells. *Fences* that are 6 feet in height and lower are excluded. (3/11, 3/14)

Subdivision – The division of a *lot*, tract, or parcel of land into 2 or more *lots*, *plats*, sites, or other divisions of land as defined in *RSA* 672.14. (3/15)

Substantial Improvement – Substantial improvement shall mean any change to *structures* that will increase the value of those *structures*. The following are exempt from this provision and shall not require a permit; repair, in kind, of existing portions of the *structure*, any painting of *structure*, roof repair or replacement as long as all dimensions remain original. (3/02)

Telecommunications Facilities – Any *equipment shelter*, *antenna*, tower, or other device which provides mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications, personal communications service, and common *carrier* wireless exchange access services. (3/99)

Temporary – No more than 150 days in a 365-day period unless as otherwise defined in this ordinance. (3/13, 3/2020)

Temporary Outdoor Lighting – Outdoor lighting which is used for a period of one week or less with at least 180 days passing before being used again at that specific location.

Temporary Sawmill – A *structure* with equipment for the production of logs into lumber, that is set in the ground or on wheels and in a location for not more than 1 year. (3/94)

Uplighting – The practice of directing light above the horizontal plane for purposes such as, but not limited to, highlighting architectural details, illuminating *signs* and casting light on flags.

Unsuitable land – Land which is unsuitable for *development* by reason of high-water table; *wetlands*, *slopes* in excess of 25 percent; and/or bedrock or impervious strata. (3/15, 3/2020)

Useable Lot Area – The net area of a tract, parcel or *lot* excluding all *Unsuitable land*. (3/08, 3/2020)

Variance – A relaxation of the terms of this Ordinance according to the terms of *RSA* 674:33 I(b), where such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. (3/2020)

Vegetative Cover – Grasses, shrubs, trees, and other vegetation, which hold and stabilize *soils*. (3/08)

Vehicle Service Station – Any area of land, including *structures* thereon, that is used or designated to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and/or does mechanical repairs. (3/94)

Wetlands – An area that is inundated or saturated by surface water or groundwater 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 as defined by *RSA* 482-A:2,X and as it may be amended. (3/08, 3/11)

Wharves, Piers, Wet Docks, and Floats – *Structures* intended for the mooring of waterborne craft and/or the docking of same for the discharge and loading of passengers, freight, and other goods.

Wildlife Land – Land used as a sanctuary or place of refuge for wildlife. (3/13)

1300.2: *Floodplain* Hazard District Definitions:

The following definitions shall apply only to *FEMA Special Flood Hazard* District, and shall not be affected by, the provisions of any other Ordinance of the Town of Holderness. (3/2020)

100-Year Flood – See *Base flood*

Area of Special *Flood hazard* – The regulations in this Section shall apply to all lands designated as Special *Flood hazard* Areas (Zones A or AE) by the Federal Emergency Management Agency (*FEMA*) in its *Flood Insurance Study (FIS)* and the *Flood Insurance Rate Map (FIRM)* for the County of Grafton, NH dated February 20, 2008, or as amended. Together with the associated *Flood* Insurance Rate maps dated February 20, 2008, they are declared to be part of the Town of Holderness Zoning Ordinance and are hereby incorporated by reference. (3/07) These areas are those which have a 1-percent-annual probability of having a *flood* equal to or exceeding the *100-year flood* (*base flood*). (3/2020)

Base Flood – A flood having a 1 percent possibility of being equaled or exceeded in any given year.

Basement - Any area of a building having its floor sub grade on all sides.

Development – 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 operator or storage of equipment or materials. (3/07)

FEMA – Federal Emergency Management Agency.

Flood or Flooding – 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 Elevation Study – An examination, evaluation, and determination of *flood hazards* and if appropriate, corresponding *water surface elevations*, or an examination and determination of mudslide or *flood* related *erosion* hazards.

Flood Insurance Rate Map (FIRM) – 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 Holderness.

Flood Insurance Study – See *Flood Elevation Study*; https://www.fema.gov/flood-insurance-study. (3/2020)

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

Flood proofing – Any combination of structural and nonstructural 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.

Historic *Structure* – Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) as meeting the requirements for individual listing on the National Register.
(2) 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 quality as a registered historic district.
(3) 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
(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

Lowest Floor – 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 – 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 *flood* plain management purposes, the term "manufactured home" includes *park* trailers, *travel trailers*, and

other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a *manufactured home park* or *subdivision*. (3/07)

Manufactured Home Park or *Subdivision* – A parcel (or contiguous parcels) of land divided into 2 or more *manufactured home lots* for rent or sale. (3/07)

Mean Sea Level – The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which *base flood* elevations shown on a community *Flood Insurance Rate Map* are referenced.

New Construction – For the purposes of determining the 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*. (3/07)

Recreational Vehicle – A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent *dwelling*, but as *temporary* living quarters for recreational, camping, travel, or *seasonal use*.

Regulatory Floodway – 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. (3/07)

Structure – For *floodplain* management purposes, walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a *manufactured home*.

Substantial Damage – Damage of any origin sustained by a *structure* whereby the cost of restoring the *structure* to its "before damage" condition would equal or exceed 50 percent of the market value of the *structure* before the damage occurred. (3/07)

Substantial Improvement – Any combination of repairs, reconstruction, alteration, or improvements to a *structure* in which the cumulative cost equals or exceeds 50 percent of the market value of the *structure*. The market value of the *structure* should equal the appraised value prior to the start of the initial repair or improvement, or, in the case of damage, the value of the *structure* prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the *structure*. This term includes *structures* that have incurred *substantial damage*, regardless of actual repair work performed. The term does not, however, include any project for improvement of a *structure* required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "*historic structure*", provide that the alteration will not preclude the *structure's* continued designation as a "*historic structure*". (3/07)

Water Surface Elevation – The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of *floods* of various magnitudes and frequencies in the *floodplains*.

Approved by:

Robert Snelling_____ March 23,2020_
Planning Board Chair *Date*

Angi Francesco_____ March 23, 2020_
Planning Board Vice Chair *Date*

Received by:

Ellen King_____ March 23, 2020_
Town Clerk, E. King *Date*

APPENDIX A

Road names are from the Town of Holderness map prepared by the Lakes Region Planning Commission, December 1988, as amended.

***COMMERCIAL* DISTRICT (CD)**

A. Village Area (around bridge)
   1. North on Route 113 to the Science Center Brook
   2. South on Perkins Lane (Lake Shore Lane) 300 feet.
   3. West on Route 3 to:
      a. The western boundary of the fire station and an imaginary extension of this boundary drawn straight to the lake. This shall include all the property between Route 3 and the lake.
      b. The western boundary of *Lot* 008, Tax Map 101 (across from the fire station). The back of this boundary shall be 500 feet from Route 3 and roughly parallel to it.
   4. East on Route 3 to:
      a. The eastern boundary of *Lot* 025, Tax Map 102 (the property known as Little Switzerland.) This includes all property between Route 3 and the lake or channel.
      b. The eastern boundary of *Lot* 033, Tax Map 102(the Manor) This includes all property between Route 3 and Shepard Hill *Road*.
   5. East on Shepard Hill *Road* to:
      a. The easterly boundary of *Lot* 033, Tax Map 102
      b. The easterly boundary of *Lot* 044, Tax Map 102 (Old Village Inn)

B. Route 175 North Elks Club to Campton Town Line:
   1. Route 175 North from and including *Lot* 001, Tax Map 221 (the Elks Club) to the Campton town line. Those shall include all land 500 feet on either side of Route 175.
   2. In the *Commercial* zone abutting the Campton town line, on Route 175, a boundary on the river side of the *road* shall be from the *road* to the *River Corridor* Overlay. This means the *commercial* zone does not extend any closer than 200 feet on a level measurement from the river. On the opposite (East) side of the *road* the *Commercial* zone extends back to the rear *lot* line of the *lot* on Route 175 but in no case more than 1500 feet. All *commercial* traffic entering this zone must do so from Route 175. 3/98

GENERAL RESIDENTIAL (GR)

A. Route 3 and Shepard Hill east from the *Commercial* District (CD) to the Center Harbor town line.
   1. All property on the North side of Route 3, Shepard Hill *Road*, and College *Road* to the lake.
   2. The south side of Route 3 from White Oak Pond outlet to the Dump *Road* to the shore of the pond.
   3. From the Dump *Road* to the Center Harbor town line to a line 500 feet from and parallel to Route 3 on the south side.
   4. Five hundred feet on either side of East Holderness *Road* from Route 3 to approximately the Beij property. *Lot* 004, Tax Map 251 Line (3000 feet)
   5. The southwest side of Shepard Hill *Road* to a line 500 feet back parallel to the *road*.
   6. Coxboro *Road* to Lane *Road* due east to White Oak Pond on one side and a line 500 feet back and parallel to the *road* on the other.

B. Route 113 to the Rockywold *Road*
   1. A line five hundred feet back and parallel to the left-hand side of the *road* when going from the center of town to Rockywold.
   2. All property to the lake side of Route 113.

3. A line 500 feet back and parallel to the left-hand side of the Rockywold *Road* when going from Route 113 to Rockywold.
4. All property to the lake side of the Rockywold *Road*.

C. Route 3 west from the *Commercial* District (CD) to the Ashland town line.
1. All property to the lake side of Route 3.
2. The northwest side of Route 3 to a line five hundred feet back parallel to the *road*.

D. Route 175 from Route 3 to the southerly boundary of *Lot* 001 Tax Map 212 (the Elks Club)
1. Five hundred feet on either side of Route 175
2. All property between the Howe *Road* and Route 175
3. Five hundred feet on the west side of the Howe *Road*.
4. All property from the Ashland town line to the southerly boundary of *Lot* 001, Tax Map 212 (the Elks Club) between Route 175 and Interstate 93, and between Route 175 and the Pemigewasset River.

E. Mt. Prospect *Road* from Route 175 to the Hutchins Hill *Road* (just before the golf course)
1. Five hundred feet on either side of Mt. Prospect *Road*.
2. Five hundred feet around the outside of the area known as Heritage Hill *development*.

F. Hardhack *Road* to Beede *Road*:
Five hundred feet either side of the *road*.

G. Perch Pond *Road* to the Mountain *Road*.
Five hundred feet either side of the *road*.

RURAL RESIDENTIAL (RR)
All other land in town, including islands, not specifically designated as General Residential (GR) or *Commercial* District (CD), or *Flood Hazard* (FH), shall be designated as Rural Residential (RR)

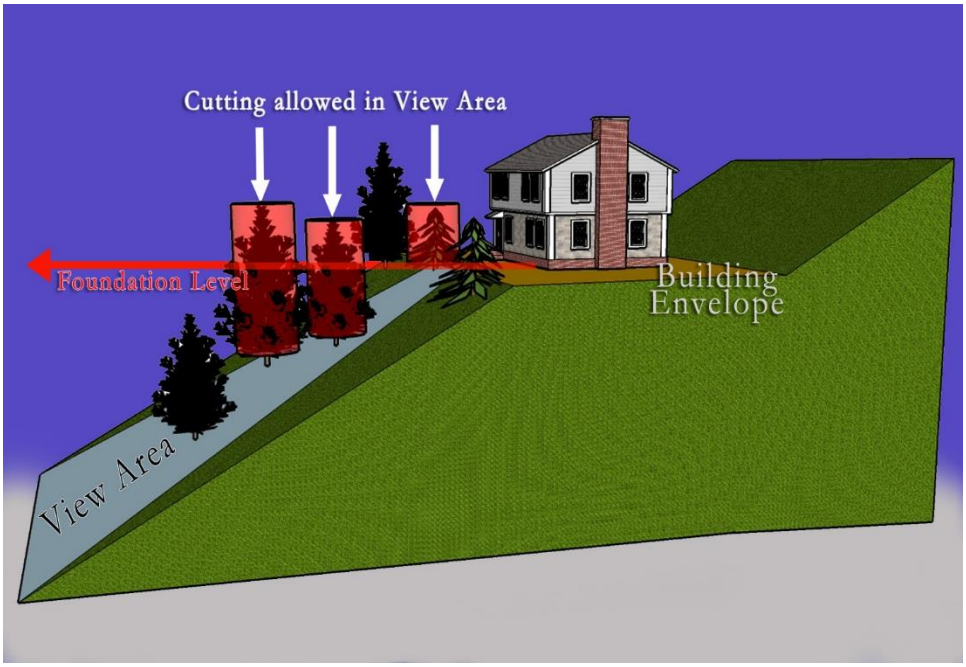
PEMIGEWASSET RIVER CORRIDOR (PRC)
That area of land contiguous to the Pemigewasset River, 500 feet from the mean high-water level. (3/2020)

HOLDERNESS *FLOOD HAZARD* DISTRICT (FH) (3/2020)
All lands West of interstate Route 93.

FEMA SPECIAL *FLOOD HAZARD* AREA (3/2020)
All lands designated as *special flood hazard areas* by the Federal Emergency Management Agency (*FEMA*) in its "*Flood Insurance Study* for the County of Grafton, NH" dated February 20, 2008.

Note: Town of Holderness *Flood Insurance Rate Maps* were revised in 2007.

APPENDIX B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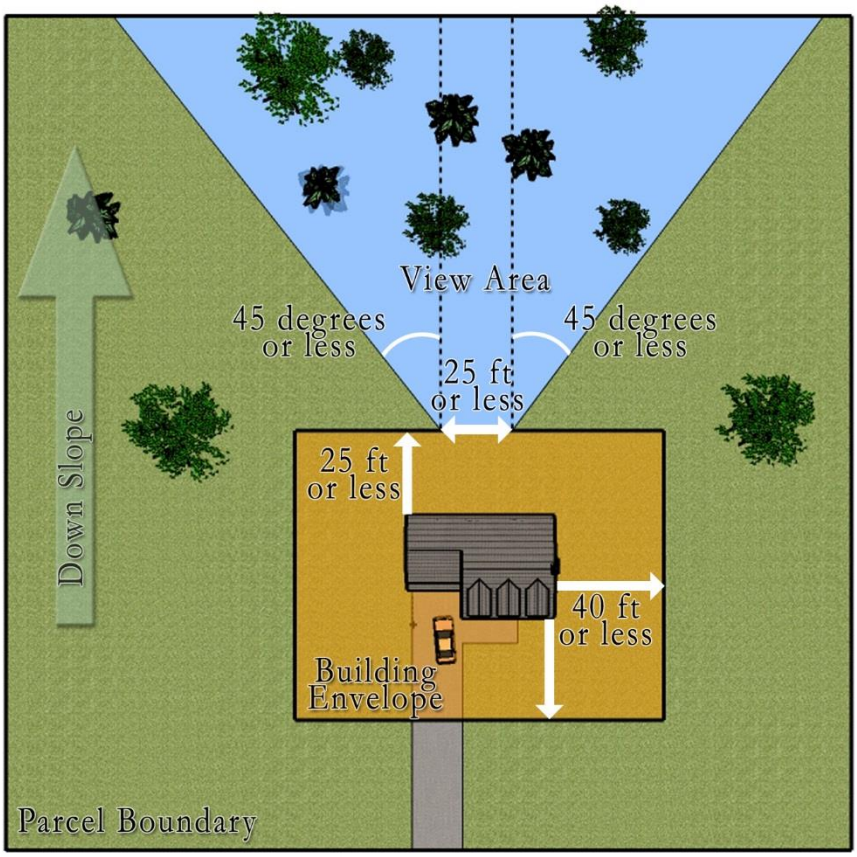
Building Envelope
View Area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45 degrees or less
25 ft or less
25 ft or less
40 ft or less
Down Slope
Building Envelope
Parcel Boundary