# TOWN OF NORTHUMBERLAND

# ZONING ORDINANCE

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# ZONING ORDINANCE
# TOWN OF NORTHUMBERLAND

## ARTICLE I

## PREAMBLE

Under the authority granted by Chapter 31, Sections 60-83, New Hampshire Revised Statutes Annotated, as amended, this Ordinance is enacted by the voters of the Town of Northumberland, for the purpose of promoting the health, safety, morals, prosperity, convenience or general welfare, as well as efficiency and economy in the process of development of the incorporated Town of Northumberland, New Hampshire, by securing safety from fire, panic, and other dangers, by providing adequate areas between buildings and various rights-of-ways, by reserving the rural charm now attached to our town, the promotion of good civic design and arrangements, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements and by other means.

## ARTICLE II

## DISTRICTS

For the purpose of the ordinance, the Town of Northumberland is divided into the following districts:

Village Residential High Density
Village Residential Moderate Density
Residential Low Density
Agriculture
Heavy Industrial
Light Industrial
Commercial
Timber Management
Flood Plain

The districts are bound as shown on the Zoning map dated March 12, 1991, and filed with the Town Clerk.

## ARTICLE III

## DISTRICT REGULATIONS

**Section 3.1** **Village Residential Districts**

The purpose of these districts is to provide for mixed types of residential uses at moderate and high densities. These districts include the already built areas of Groveton Village, Northumberland Village, and Dean Brook Park. It is intended that these areas will be encouraged to improve, redevelop, and expand as centers of major residential use. The areas are serviced by public water and sewerage in nearly all cases and are in close proximity to commercial services, industrial areas, and public facilities.

### Village Residential High Density

Permitted Uses

1. Single and two family dwellings.
2. Home occupations

3. Professional Offices
4. Churches and Schools
5. Bed and Breakfasts, lodging houses, motels
6. Manufactured housing parks
7. Shared homes
8. Manufactured housing, single units

Special Exceptions

1. Multi Family Dwellings (three or more units)

Area Requirements

1. The minimum lot size in areas served by public water and sewerage shall be 10,000 square feet. Where either service is not available, the minimum lot size shall be sufficient for state septic approval.
2. The minimum frontage along the major road of access shall be 80 feet.
3. The minimum depth of the front yard shall be 50 feet as measured from the centerline of the road or no less than abutting properties. The minimum setback for the side yard shall be 10 feet and for the rear yard 15 feet.

**Village Residential Moderate Density**

Permitted Uses

1. Single and two family dwellings
2. Home occupations
3. Professional Offices
4. Parks
5. Single family manufactured houses

Area Requirements

1. The minimum lot size in areas serviced by water and sewerage shall be 20,000 square feet. Where either service is not available, the minimum lot size shall be adequate for state septic approval.

2. The minimum frontage along the major road of access shall be 80 feet.

3. The minimum depth of the front yard shall be 50 feet as measured from the centerline of the road of no less than abutting properties. The minimum setback for the side yard shall be 10 feet and for the rear yard 15 feet.

**Residential Low Density**

The purpose of this district is to create a residential neighborhood adjacent to the more dense and mixed use areas of Groveton and Northumberland Villages.

Permitted Uses

1. Single and two family dwelling
2. Home occupations
3. Agriculture
4. Single manufactured houses
5. Accessory uses

Special Exceptions

1. Cluster Housing (see section on Cluster Housing)

Area Requirements

1. The minimum size shall be 1 acre unless this area is insufficient to permit on-site water and septic systems.
2. The minimum frontage along the major road of access shall be 150 feet.
3. The minimum depth of the front yard shall be 75 feet as measured from the centerline of the road or no less than abutting dwellings. The minimum set back for side and rear yards shall be 20 feet.

## Section 3.2 Agricultural District

The importance of maintaining the best agricultural lands into the future is a priority for the town. Most of these agricultural lands are in or near the flood plain along the Connecticut River or the hill farms near Lost Nation Road.

Permitted Uses

1. Single family homes except in flood plain
2. Agriculture and related activities
3. Home occupations (not to employ more than 4 people not related or not living on-site)
4. Professional offices (not to employ more than 4 people not related or not living on-site)
5. Manufactured housing, single units
6. Kennels

Special Exceptions

1. Wood Products manufacturing and commercial wholesale and retail operations
2. Cluster housing
3. Gravel pits (see section on Gravel Pits)
4. Golf courses, picnic grounds, boat launching ramps, and parks

Area Requirements

1. The minimum lot size shall be two acres.
2. The minimum frontage along the major road access shall be 200 feet.
3. The minimum depth of the front yard shall be 75 feet as measured from the centerline of the road or no less than abutting dwellings. Side yard setbacks shall be at least 30 feet and the rear yard shall be at least 30 feet.

## Section 3.3 Industrial districts

These districts include land currently in industrial use and additional area for new or expanded industrial activities. The purposes of these districts are to encourage the retention and development of local job opportunities, the expansion of the community tax base, and safe and health industrial uses. The Town encourages a mix of industrial uses and hence is zoning for heavy and light industrial uses.

## Heavy Industrial District

Heavy Industry includes industries, which may need to be monitored for pollution due to noise or discharges in the air and water. Such industries may include but are not limited to chemical plants, oil refineries, blast furnaces, foundry rolling mills, paper mills, fertilizer and reduction plants, varnish plants, soap factories, and woodchip power plants.

Permitted Uses

1. Manufacturing facilities not injurious to the health of the community in accordance with the purpose of the district.
2. Storage and distribution facilities for petroleum, coal and wood products, and sand and gravel.
3. Warehouses
4. Uses permitted in Light Industrial Zone.
5. Production, processing, packaging, storage and distribution of plant or fish-based products including but not limited to:
greenhouses, aquaculture, hydroponics, or aquaponics.
6. Generation and distribution of heat and power from plant products and other renewable energy sources.

Special Exceptions

1. Junk Yards

Area Requirements

1. Adequate area for the facility and sufficient parking for employees based upon the industry.

2. The minimum depth of the front yard shall be 75 feet or less with site plan review and adequate screening from the highway. The minimum side and rear setbacks shall be 20 feet if adjacent to another industrial lot. If property borders on a residential district the setbacks shall be 40 feet. If a dense vegetation buffer is established and maintained around the side and rear boundary lines bordering any residential district, the set backs may be reduced to 30 feet.

## Light Industrial District

Light industry shall not create smoke, odors, sound or other hazards carrying beyond the boundaries of the industry premises.

Permitted Uses

1. Manufacturing facilities meeting the above description
2. Warehouses
3. Research and development
4. Professional offices
5. Product assembly
6. A state-licenses child care facility as accessory use, and lunch room or cafeteria intended for employees as an accessory use are permitted by right for all commercial, industrial and institutional uses.

Special Exceptions

1. Uses permitted in Heavy Industrial District if through site plan review and buffers, it can be proven that smoke, odors, sound or other hazards will not carry beyond the boundary of the industry. It will fall upon the industry to prove this to the satisfaction of planning board.

Area Requirements

1. The minimum lot size shall be adequate for development of the facility and sufficient parking for such industry.
2. The minimum depth of the front yard shall be 75 feet or less with site plan review and adequate screening from the highway. The minimum side and rear setbacks shall be 20 feet if adjacent to another industrial lot. If property borders on a residential district the setbacks shall be 40 feet. If a dense vegetation buffer is established and maintained around the side and rear boundary lines bordering any residential district, the setbacks may be reduced to 30 feet.

## Section 3.4 Commercial District

The purpose of this district is to encourage the continued concentration of commercial activities and services in Groveton and Northumberland Village and to provide convenient access to the activities by a majority of the town's population. Regulations of this district should consider the land use needs of commercial activities in terms of area, parking, access, signs, etc. New construction or reuse of buildings or structures in the commercial district should be compatible with the existing scale and style of the area, and the existing placement of other structures.

Permitted Uses

1. Single, two or multi-family dwellings, mixed commercial and residential
2. Businesses, retail and wholesale
3. Automobile Service Stations
4. Financial Institutions
5. Schools
6. Motels, hotels, and lodging houses
7. Churches
8. Restaurants
9. Theaters, halls, and clubs
10. Offices
11. Parking lots
12. Laundromats
13. Other service businesses

Special Exceptions

1. Those commercial activities which do not pose greater nuisance or impact on the land and neighborhood.
2. Kennels

Area Requirements

1. The minimum lot size shall be sufficient for build-up and required parking for specific types of facility.
2. The minimum frontage along the major road of access shall be 100 feet.
3. The minimum depth of the front yard shall be 25 feet as measured from the curb or no less than abutting properties.

## Section 3.5 Forestry/Timber Management District

The purpose of the Timber Management District is to permit forestry activities to occur with minimal interference from unrelated development. Soils and terrain in the district are often not appropriate for development.

Uses permitted in this district in addition to Timber Management are:

1. Agricultural management activities
2. Land management roads
3. The operation of machinery and the erection of buildings and other structures used primarily for agriculture, forestry management or primitive recreational activities.
4. Surveying and other resource analysis
5. Mineral extraction operations, less than 5 acres in size
6. Primitive recreational uses including fishing, hiking, hunting, wildlife study, and photography, wild crop harvesting, trapping, tenting and camping, cross country skiing, and snowshoeing
7. Trails provided that they are constructed and maintained so as to reasonably avoid sedimentation of water bodies
8. Campsites
9. Motorized vehicular traffic on roads, and snowmobiling on property-owner approved trails
10. Road projects for forestry management
11. Wildlife and fishery management practices
12. Signs for directional purposes on trails or in accordance with purposes of district
13. Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations.

Special Exceptions

1. Commercial mineral extraction operations or those affecting an area 5 acres or greater in size.
2. Campgrounds
3. Utility facilities
4. Single dwelling units
5. Remote camps
6. Non-commercial structures utilized for educational, scientific, or nature observation purposes.
7. Commercial sporting camps having a total gross floor area of no more than 8,000 square feet for all principle buildings concerned.
8. Other structures uses, or services, which the Board determines, are consistent with the purposes of the district and of the Master Plan and are not detrimental to the resources or uses which they protect.

## ARTICLE IV

## GENERAL PROVISIONS

The following regulations apply to any use of land in any district:

### Section 4.1 Existing Lots

In any district, a single lot in existence at the effective date of adoption of this Ordinance may be built upon even though such lot fails to meet the minimum requirements for area or width, or both, that are applicable in the district. However, the use of the lot must comply with requirements of other provisions of the Ordinance.

### Section 4.2 Lot in Two Districts

When a lot lies within two districts, the regulations of the district in which more than 50 percent of the lot is located shall apply to the entire lot.

### Section 4.3 Principal Building

There shall be only one principal building on a lot unless otherwise approved as a Manufactured Housing Park or cluster housing proposal.

### Section 4.4 Prohibition of Certain Uses

Any uses that may be obnoxious or injurious by reason of the production or emission or odor, dust, smoke refuse mater, fumes, noise vibrations, or similar conditions, or that are dangerous to the comfort, peace, enjoyment, health or safety or the community of lending to its disturbance or annoyance are prohibited in any district.

### Section 4.5 Removal of Ruins

The owner or occupant of land in any district shall remove fire or other ruins or shall repair, rebuild, or replace the structure within one year.

### Section 4.6 Septic Systems

The design, construction and operation of a private septic system must meet the Water Supply and Pollution Control commission's regulations and standards under **RSA 149:E**, the subdivision regulations of Northumberland, and any other laws adopted by the Town.

### Section 4.7 Parking

When a new use is established or an existing use is expanded as permitted in this Ordinance, adequate off-street parking with convenient and safe access must be provided on the same lot or on another lot located within a reasonable distance of the proposed use. Each parking space shall have an area of 10 feet wide by 20 feet long. Entrance and exits shall be located so as not to create traffic hazards or congestion.

The minimum parking requirement for different uses are listed below. The Board of Adjustment shall make reasonable determinations for those uses not specified herein.

| | |
|---|---|
| Residential dwelling units: (including single, two, and multi-family homes, apartment buildings) | 2 spaces per unit |
| Restaurants providing seating | 1 space per 25 sq./ft |

| | |
|---|---|
| Tourist home, lodging houses, etc. | 1 space per room/unit |
| Theaters, churches | 1 space per 3 seats |
| Clubs, halls, schools, community buildings | 1 space per 200 sq./ft of principal use area (P.U.A.) |
| Retail store, professional offices and banks | 1 space per 400 sq./ft of P.U.A. |
| Manufacturing facilities | 1 space per two employees on largest shift |

**Section 4.8 Off-street Unloading**

In addition to adequate parking, new or expanding uses shall provide for adequate and safe off-street unloading space for delivery vehicles.

**Section 4.9 Signs**

1. All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times. Any sign, which becomes in disrepair may be removed upon order of the Selectmen or Building Inspector if not repaired after a 30-day notice.
2. No sign shall overhang or project above sidewalks, streets, alleys, or other public ways.
3. Mobile or portable signs, including those mounted on trailers or vehicles, are prohibited from any district.
4. Political signs may be displayed only in conformance with **RSA 664:17**.
5. Signs shall not gyrate, rotate, blink, move or appear to move in any fashion. colors of signs and lights shall not distract or confuse motor vehicles operators. Signs shall not resemble traffic control devices or block such official signs or devices.
6. The following signs are allowed without a permit, provided other provisions of this Section and Ordinance are met:

    a. On-premise signs advertising home occupations. These signs shall not exceed two square feet in size and shall be attached flat to the building or structure.

    b. On-premise signs advertising commercial or industrial uses, provided that a sign does not exceed 16 square feet in size.

    c. Temporary on-premise real estate or construction signs. These signs shall not exceed 12 square feet in size and shall be removed promptly when the sign has fulfilled its function.

    d. On-premise yard sale signs. These signs may be posted or erected no more than one week prior to the sale and shall be removed promptly when the sale is concluded.

    e. Off-premise, non-lighted directional signs. These signs shall not exceed two square feet in size.
7. The following signs require a permit from the Selectmen or Building Inspector.

    a. On-premise signs advertising commercial or industrial uses, which exceed 16 square feet in size.

    b. Special public event signs, such as for fairs, auto races, concerts, etc.

h. All other signs are prohibited.

## Section 4.10 Areas and Dimensions

1. Minimum lot size, frontage and setbacks:
   a. No changes recommended except that setbacks from all property lines for commercial and industrial uses shall be 35 feet in the Residential, Residential Cluster and Rural Zones (Amends XI, Part E also).
2. Maximum Lot Coverage
   a. Maximum lot coverage for commercial and industrial buildings, parking lots and on-site roadways in the Light Manufacturing, Residential and Residential Cluster Zones shall not exceed 50 percent. In the Agricultural Zone it shall not exceed 50 percent excluding wetlands. there shall be no limits in the Heavy Manufacturing and Village Residential Zones.
3. Maximum Building Size
   a. The maximum size of new or expanded multi-family residential and non-residential buildings shall be as defined in the Subdivision Regulations.
4. Maximum Building Height
   a. No portion of a building containing enclosed floor space shall be more than 35 feet above average ground level.

## Section 4.11 Non-conforming Uses

Any existing use of land or a building, which constitutes a non-conforming, use by reason of this Ordinance or any amendment

a) may be continued, subject to the provisions of this section.
b) A non-conforming building may be repaired or improved. However, it cannot be rebuilt after damage exceeding 50% of its market value.
c) Any existing non-conforming use shall not be changed to another non-conforming use.
d) A non-conforming use of a building, structure or land, which has been abandoned, shall not be re-established. Abandonment includes the replacement of the non-conforming use or the discontinuance of the non-conforming use for a period of one year.
e) Extension or enlargement of non-conforming use may occur provided it is within the bounds of the property owned on the date of enactment of the Ordinance.
f) No motor vehicle and/or machinery junkyard may continue as a non-conforming use unless it is maintained in accordance with the standards set down and enforced by the NH **RSA Chapter 267:1-4** and with any standards established by the Board of Selectmen.

## Section 4.12 Yard Sales

1. The use of a lot for the sale of private goods on the premises, provided that such sales cannot exceed (6) six times per calendar year, each time not to exceed (12) twelve hours in length. A permit for additional sales may be obtained from the Town Office contingent upon compliance with all requirements of this ordinance and no complaints of previous non-compliance.

a. Multi-family yard sales at the residence of one of the participants are permitted. All goods sold at the yard sale must be the property of said individuals.
b. Adequate parking shall be provided so as not to interfere with traffic flow.
c. All related signs shall not be erected more than (48) forty eight hours prior to the event and all related signs are to be removed within (24) twenty four hours of the end of the event.

## Section 4.13 Special conditions for retaining walls:

1. Retaining walls, which exceed three feet above ground level in height, must be properly designed and are subject to site plan review. The Planning Board may require that a licensed professional engineer design, and/or inspect the installation of any retaining wall over three feet in

height to assure that the construction meets adequate design requirements for safety. Such inspection, if required, will be at the expense of the applicant.

Pre-engineered systems. The Planning Board will recognize commercially available pre-engineered systems that are installed in accordance with manufacturers' instructions as meeting all engineering criteria of this section.

2. No retaining wall exceeding three feet in height will be permitted closer than the building set back for each zoning district without special permission of the Planning Board. The Planning Board may require increased setbacks from any dwelling which either existed, or for which a building permit had been issued at the time construction of the retaining structure is commenced or if there is a disapproving abutter or if it is necessary to protect the safety, property or general welfare.

In granting special permission to place retaining walls within set back areas, which might be as close as a property line, consideration will be given to damage to property that would occur if wall washed out and other safety issues. Consideration should be given to whether damage would be to the owner of a retaining wall or an abutter.

## Section 4.14 Telecommunications Equipment and Facilities

### SECTION I: AUTHORITY

This Ordinance is adopted by the Town of Northumberland on 11th of March 2008 in accordance with the authority granted by the New Hampshire RSA 674:16 and 21.

### SECTION II: PURPOSE

A. This Ordinance is adopted in order to establish general guidelines for the siting of towers and antennas and to enhance and fulfill the following goals:

1. Preserve the authority of the Town of Northumberland to regulate and provide for reasonable opportunity for the siting of telecommunications facilities.

2. Enhance the ability of providers of telecommunications services to provide such services to the community effectively and efficiently.

3. 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.

4. Encourage wireless telecommunications services to provide blanket coverage for the Town of Northumberland.

5. To improve and assist in the technology of wireless services for the benefit of individuals living and/or working in the community.

### SECTION III: DEFINITIONS

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

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

Tower: Means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas.

Telecommunications Facilities: Means any antenna, tower, or other structure intended for use in connection with the transmission or reception of radio or television signals or any other electromagnetic transmission/receptions.

## SECTION IV: LOCATION OF TELECOMMUNICATIONS FACILITIES

Telecommunications facilities may be permitted in all zoning districts, provided that they are, if necessary, camouflaged, hidden or disguised. [Future Historic Districts in the Town of Northumberland may be specifically exempted from this provision.]

## SECTION V. PERMITTED USES

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

B. Any alteration of the original permitted use and device configuration of the facility will require a new approval.

C. Amateur Radio; Receive-Only Antennas. This Ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. This Ordinance adopts the provisions and limitations as referenced in RSA 674:16,IV.

D. Essential Services & Public Utilities. Telecommunication facilities shall not be considered infrastructure, essential services, or public facilities, as defined or used elsewhere in the Town's ordinances and regulations. Siting for telecommunications is a use of land, and is addressed by this Section.

## SECTION VI: CONSTRUCTION PERFORMANCE REQUIREMENTS

A. Federal Requirements. All facilities must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed, the owners of facilities governed by this Ordinance shall bring these facilities into compliance as mandated by the controlling federal agency. Failure to bring facilities into compliance with any changes shall constitute grounds for the removal of the tower or antenna at the owner's expense, in accordance with Section X through the execution of the posted security.

B. Building Codes/Safety Standards. To ensure the structural integrity of towers and antennas, all facilities will be inspected every five by an engineer approved by the Town, with the cost to be

paid by the owner. The engineer will submit a report to the Town. If the report concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, the owner will receive notice that he/she has 30 days to bring such tower into compliance with the standards. If the owner fails to comply within 30 days, such action shall constitute an abandonment and grounds for the removal, in accordance with Section X, of the tower or antenna, at the owner's expense through execution of the posted security.

C. Additional Requirements for Telecommunications Facilities. These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.

1. Height. All efforts should be made to keep tower height at a minimum; in no case shall a tower exceed 200 feet.

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 the height of the tower from all property lines, for public safety purposes.

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

4. Landscaping.

a. A buffer shall be provided that effectively screens the view of the compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. Natural vegetation is preferred.

b. In locations where the visual impact of the compound would be minimal or non-existent, the landscaping requirement may be reduced or waived entirely.

c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.

5. Camouflaging.

a. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and built environment.

b. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive.

6. Advertising

a. There shall not be any commercial advertising on the telecommunications tower/antenna

itself. Signs stating ownership shall be subject to the rules of the Town of Northumberland Zoning Ordinance Section 4.9 (Signs) and subject to a Site Plan Review.

## SECTION VII: CONDITIONAL USE PERMITS

A. General. Telecommunications Facilities are permitted only after obtaining a Conditional Use Permit and Site Plan Approval from the Planning Board. All such uses must comply with other applicable ordinances and regulations of the Town of Northumberland.

B. Issuance of Conditional Use Permits. In granting the Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties, and preserve the intent of this Ordinance.

C. Procedure on Application.

1. The Planning Board shall act upon the application in accordance with the procedural requirements of the Site Plan Review Regulations and RSA 676:4.

2. All towns within 20 miles of the proposed location will be notified of the public hearing, by certified mail, to be paid by the applicant. A notice will also be posted in the newspaper customarily used for legal notices by these municipalities. Such notice shall be published not less than 7 days nor more than 21 days prior to the public hearing date.

3. Decisions. All decisions shall be rendered in writing.

D. Plan Requirements. Each applicant requesting a Conditional Use Permit under this Ordinance shall submit a scaled plan showing or accompanied by the following information:

1. Title block that shows the name of the development or project.

2. North arrow, date of plat, scale; name, address and seal of all persons preparing the plat.

3. Signature block for Planning Board endorsement.

4. Vicinity sketch and zoning district(s).

5. Total area of the parcel in acres and square feet.

6. Lot frontage.

7. Boundary lines and approximate dimensions and bearings.

8. Tax map and lot numbers.

9. Locations and descriptions of any existing or proposed easements, deed restrictions, or covenants.

10. Physical features on the site and within 200 feet of the site.

11. Soil information based on the Coos County Soil Survey (USDA/NRCS).

12. All natural features, such as streams, ponds, wetlands, etc.

13. Existing and proposed grades and contours, and base flood elevations.

14. Shape, size, height, location and use of existing and proposed structures on the site.

15. Existing buildings and structures within 500 feet of the site.

16. Access to the site, with location and width of existing and proposed driveways.

17. A driveway permit been granted from either the NH DOT or the Town of Northumberland to conform to existing driveway standards. This shall include new driveways and existing entrances to serve a wireless service facility.

18. Locations, names, right-of-way and travel widths of any existing and proposed roads on the property and within 200 feet of the site.

19. Final road profiles and cross sections for any new roads.

20. Locations and sizes of all electric and telephone lines on the site.

21. Existing and proposed fire hydrants and/or fire ponds.

22. Existing and proposed methods of handling stormwater runoff, and the direction of the flow indicated by arrows.

23. Sizes and locations of all stormwater drainage lines, catch basins, drywells, drainage ditches, retention basins, and culverts.

24. Location, types, and sizes of all existing and proposed landscaping and screening.

25. Location of any proposed lighting.

E. Other Information Required. In order to assess compliance with this Ordinance, the Planning Board shall require the applicant to submit the following prior to any approval by the Board:

1. Propagation map showing proposed radio frequency coverage.

2. The applicant shall provide notice of a date on which a balloon (or balloons) will be floated at the proposed site, and provide with his/her/its application pictures from areas around town and within 20 miles from which the balloon(s) is visible.

3. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.

4. The applicant shall submit written proof that it has conducted an evaluation of any requirements of the National Environmental Policy Act (NEPA) pertaining to the proposed facility, as may be required under applicable FCC rules, and the results of any such evaluation. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and/or NEPA, the applicant shall submit the EA or EIS to the Board prior to the beginning of the federal 30-day comment period; the Town proceedings with respect to the proposed facility shall become part of the FCC application requirements.

5. The applicant will provide the Board with the following information regarding co-location:

a. The number of sites for telecommunication facilities each provider will require;

b. Sites outside of the Town for the particular coverage area that are being considered;

c. How the siting of a telecommunication facility will affect the ability to allow a competitor's antennas on the same property;

d. The applicant will provide the Board with studies of alternative sites in Town that have been considered for siting.

e. The applicant shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other wireless telecommunication providers. An opportunity for co-location is not to be considered a justification for excessive height of towers. Co-location opportunities shall also not exclude the investigation of alternative sites.

6. The applicant will provide the Board with any copies of the federal license from the FCC proving that they, or their contracted client, are eligible to deploy their systems under the Federal Telecommunications Act of 1996.

7. Upon request, the applicant will provide:

a. Detailed maps showing all of the carrier's current externally visible tower and monopole locations in the state within a 20-mile radius, both active and inactive; and

b. Site descriptions for each of the above locations showing the antenna height and diameter, and all externally visible structures.

8. The applicant will submit an agreement to the Town to the effect that the Town will be held harmless for any extraordinary fire or safety events.

## SECTION VIII: WAIVERS

A. Any portion of these regulations may be waived or modified when, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of these regulations.

1. Conditions. In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.

2. Procedures. A petition for any such waiver shall be submitted in writing by the applicant for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant.

## SECTION IX. BONDING AND SECURITY INSURANCE

The applicant shall provide a bond to the Town in an amount that would be sufficient to cover the costs of removal and disposal of the facility components. The Planning Board shall set the form and amount of the security. The Planning Board shall also require the applicant to submit proof of appropriate liability insurance with respect to the proposed facilities prior to construction.

The term of the bond shall be negotiated with the Planning Board and administered by the Selectmen. In addition, if the Board requires an engineering assessment in order to set the amount of the bond, the cost shall be borne by the applicant.

## SECTION X: REMOVAL OF ABANDONED ANTENNAS AND TOWERS

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. 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 two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

## SECTION XI: ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Board of Selectmen, and they are hereby given the power and authority, to enforce the provisions of this ordinance. The Selectmen may appoint an agent to enforce this ordinance.
Upon any well-founded information that this ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other legal action.

## SECTION XII. SEVERABILITY

The invalidity of any provision of this ordinance shall not affect the validity of any other provision.

## SECTION XIII: APPEALS

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

## SECTION XIV: PERMITS AND FEES

The applicant shall comply with any fees associated with the Town of Northumberland Planning Board's site-plan review process, including a public hearing. Also, an application fee shall be charged for the Telecommunications Conditional Use Permit, to be submitted to the Planning Board as well. PLEASE NOTE THAT THE SITE-PLAN REVIEW IS A SEPARATE PROCESS IN ADDITION TO THE CONDITIONAL USE APPLICATION.

## Section 4:15 Northumberland Flood Plain Zoning

### 1. PURPOSE

The general purpose of the Flood Plain Zone is to promote and protect the health, safety and general welfare of the people of the Town of Northumberland by providing reasonable regulations governing the development and use of the area adjacent to the Connecticut River and its floodplain, including riparian wetlands, within the Town of Northumberland. The specific purposes of these regulations are to:

1. Protect and maintain existing and potential water supplies within the Town, including aquifers, aquifer recharge areas and surface sources for the health and safety of the public.
2. Prevent pollution of surface water and groundwater caused by erosion, sedimentation, nutrient and chemical runoff, and the inappropriate siting of waste disposal facilities.
3. Prevent destruction of significant alteration of the natural flow of water courses, floodplains and riparian wetlands which provide flood protection for persons and property.
4. Prevent unnecessary or excessive expenditures of municipal funds to provide and/or maintain additional services and utilities which might be required as a result of improper development of lands within the District.
5. Preserve fish and other aquatic habitat and restore and protect the integrity of the aquatic food web.
6. Maintain a healthy riparian tree canopy and understory.
7. Protect wildlife habitats and travel corridors and maintain ecological balances

within riparian areas along the Connecticut River.

8. Protect the recreational values associated with rivers, streams and riparian areas.

9. Encourage those land uses that can be harmoniously, appropriately and safely located in floodplains and riparian areas.

10. Protect the unique and unusual aesthetic features associated with the Connecticut River in the Town which are vital to the economic and environmental well being of the Town.

11. Restore and maintain natural water temperatures.

## II AUTHORITY

1. The floodplain zoning district is authorized by RSA 674:16, Grant of Power to Zone, and RSA 674:21 1.(j), Innovative Land Use Controls, Environmental characteristics Zoning.
2. All development must comply with the Town of Northumberland's Floodplain Management Ordinance. Where any provision of the ordinances differ or appear in conflict, the more stringent standard shall be controlling.

## III DISTRICT BOUNDARIES

**Connecticut Riverbank Buffer Zone:** the land within one hundred twenty five (125)feet inland from the ordinary high water mark of the river. ("Ordinary high water mark" is defined further in this section of the zoning ordinance).

**Connecticut River Floodplain Zone:** The Floodplain Zone extends from the outer edge of the of the Connecticut Riverbank Buffer Zone to the boundary of the 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) for the Town of Northumberland. This shall only apply to those locations where the special flood hazard zones, as mapped on the FIRM, extend beyond the boundary of the Connecticut River Buffer Zone as defined above.

## IV. DETERMINATION OF BOUNDARIES

When questions exist as to the location of the ordinary high water mark, the determination shall be made by the Zoning Board of Adjustment after consultation with the Conservation Commission.

## V. PERMITTED USES

ALL permitted uses shall comply with the Town of Northumberland's Floodplain Management Ordinance.

A. Permitted Uses in Riverbank Buffer Zone:

a. Agriculture including application of fertilizers and other agricultural chemicals, using best management practices as published by the NH Department of Agriculture to protect surface waters from damage from soil erosion and chemical application, provided, however, that an undisturbed fifteen foot buffer strip is left along the ordinary high water mark.

b. On non-agricultural lands, fertilizer applications of lime or wood ash only.
c. Wildlife refuges, parks, conservation areas, nature trails and other outdoor recreation uses consistent with the purposes of this district.
d. Removal of diseased, unsafe or noxious trees and normal trimming and pruning of vegetation, if said vegetation is located no closer than 15 feet from the high water mark of the river.
e. Walkways with a maximum of four (4) feet which shall meander down to the river's edge in a manner that protects the soil and vegetation from erosion.

B. Permitted uses in Floodplain Zone

a. Agriculture including applications of fertilizers and other agricultural chemicals, using best management practices as published by the NH Department of Agriculture to protect surface waters from damage from soil erosion and chemical applications.
b. Forestry and tree harvesting using vest management practices as published by the NH Division of Forests and Lands to protect surface waters from damage from soil erosion and otherwise.
c. Wildlife refuges, parks, conservation areas, nature trails and other outdoor recreation uses consistent with the purposes of the district.
d. Wells and water lines.
e. Stairways and walkways with a maximum width of four(4) feet, road crossings of water courses, access ways and tights of way for overhead power and telephone lines.
f. New and replacement subsurface disposal systems.

C. Uses permitted by Special Exception: The following uses are the only uses eligible to be permitted as special exceptions by the Zoning Board of Adjustment.

1. Uses allowed by Special Exception in the Floodplain Buffer Zone

a. Wells and waterlines
b. Non-commercial water dependent uses, such as docks, boathouses and access points. Such uses shall be located and constructed so as to comply with NH Wetlands Board laws, rules, and regulations and to cause the least practicable damage to the surface water and riverbank.
c. Stairways, road crossings of water courses, access ways and right-of way for overhead power and telephone lines, if located and constructed so as to cause the least impact on the surface water and only if there is no feasible alternative.
d. Selective pruning or removal of trees is permissible to maintain a filtered view of the river from principal structure, to provide pedestrian access to the river, ro remove diseased, unsafe, or noxious trees, or to promote the health and vitality of existing vegetation. No laws are permitted except that garden plots may be established. Ground covers and shrubs shall be maintained. In no case shall cutting occur within fifteen (15) feet of the river, except as provided in C.1.f Trees selected for cutting shall be marked in the field. Following a site visit, the ZBA, after consultation with the Conservation Commission, shall determine whether the selective cutting will maintain a filtered view. In all cases, timber harvesting shall be performed in accordance with RSA 224:44-a.
e. If unable to conform with the 125 foot setback and be located outside of the Riverbank Buffer Zone, all replacement septic tanks and leachfields may be set back from the high water mark of the Connecticut River based on the characteristics of the receiving soil

as they relate to USDA Soil Conservation Service drainage classes, as follows:

1. As close to 125 feet as technically feasible where the receiving soil downgradient of the leaching portions of the septic system is a porous sand and gravel material with a percolation rate faster than 2 minutes per inch.
2. At least 100 feet for soils with restrictive layers within eighteen (18) inches of the natural soil surface; and
3. At least 75 feet for all other soil conditions.

f. Removal of diseased or unsafe trees within fifteen feet of the ordinary high water mark provided the roots are left in the soil, intact, to prevent erosion.

2. Uses Allowed by Special Exception in the Floodplain Zone.
   a. Accessory structures and uses customarily associated with residential uses.
   b. Campgrounds
   c. Water impoundments, but only if the ZBA finds that the impoundment does not unreasonably interfere with the functioning of natural systems or that the environment benefits of the impoundment outweigh the adverse impact
   d. Additional Provisions
      1. No use which utilizes, stores, processes or disposed of toxic substances which may pose a threat to surface or ground water quality is permitted.
3. No underground fuel storage tanks are permitted.

## VI. NONCONFORMING STRUCTURES

Any new construction or substantial improvements to nonconforming structures shall ALSO comply with the Town of Northumberland's Floodplain Management Ordinance.

A. Pre-existing structures may be repaired, improved, or expanded. An expansion of a structure located within the Connecticut River Floodplain Zone that increases the sewage load (e.g. additional bedrooms shall require approval of the Zoning Board of Adjustment to review the adequacy of the septic system to handle the increased loading in light of the standards set forth herein. Increased sewage loading in the Connecticut River Floodplain Zone is not permitted.

B. No alteration shall extend the structure closer to the watercourse, except that the addition of a deck or open porch is permitted up to a maximum of 12 feet toward the water feature, provided that the finished deck or porch edge is located at least fifteen from the edge of the ordinary high water mark.

## VII NONCONFORMING USES

Any new construction or substantial improvements to nonconforming uses shall ALSO comply with the Town of Northumberland's Floodplain Management Ordinance.

Existing uses which are nonconforming under this ordinance may continue until the use ceases to be active or is discontinued for a period of one year. An existing nonconforming use may not be changed to another nonconforming use, unless the Zoning Board of Adjustment finds that the change will result in closer compliance with the requirements and purposed of this ordinance.

**DEFINITIONS**
Ordinary high water mark: The line of the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas

## 4.16 Recreational Vehicles

1. A recreational vehicle, such as a motor home, travel trailer, or camper, may be permitted on a lot, with an existing dwelling unit, so long as it is not used for occupancy or as a dwelling in excess of three weeks in a calendar year.

2. A recreational vehicle such as a motor home, travel trailer, or camper, may be permitted on a lot without an existing dwelling unit, so long as sewage and gray water disposal is in accordance with State law. Occupancy shall be limited to six consecutive months in a calendar year.

## 4.17 Small Wind Energy Systems

**SECTION I**: AUTHORITY

This Ordinance is adopted by the Town of Northumberland in accordance with the authority granted by the N.H. HOUSE BILL 310: ALLOWING MUNICIPALITIES TO REGULATE SMALL WIND ENERGY SYSTEMS.

**SECTION II**: PURPOSE

Establish guidelines for the construction of small wind turbines and fulfill the following goals:

1. Preserve the authority of the Town of Northumberland to regulate and provide for reasonable opportunity for the construction of small wind turbines.

2. Promote the benefits of renewable, abundant and non-polluting energy resource as an alternative to conventional energy sources. Public perception should view wind turbines as assets to their community.

3. To improve and assist in new energy technologies for the benefit of individuals living and working in the Town of Northumberland.

**SECTION III:** DEFINITIONS

Refer to RSA 674:62, SMALL WIND ENERGY SYSTEMS or see Section VIII, DEFINITIONS of this zoning ordinance.

**SECTION IV:** LOCATION OF SMALL WIND TURBINES

Small wind energy systems may be permitted in all zoning districts.

**SECTION V**: REQUIREMENTS PURSUANT TO RSA 674:63

**A.** TOWER HEIGHT: maximum of 150 feet. (The height may vary due to site conditions)

**B.** SETBACK REQUIREMENTS: A distance of 150 percent of the system height from the nearest property boundary (RSA 674:63 iii).

**C.** Abutting roadways: a distance of 150 percent of the system height for setbacks concerning PUBLIC/PRIVATE ROADS and their respective RIGHT-OF-WAYS:

1. The edge of a public/private right-of-way (called the "sideline") is to be the assumed legal boundary.

2. A PUBLIC ROAD is defined as a highway under the jurisdiction of either the State of New Hampshire or the Town of Northumberland.

3. A TOWN ROAD shall be considered a Class 5 road, including all Class 6 roads (OWNED BUT NOT MAINTAINED BY THE TOWN).

**D.** Minimum distance to physical structures on adjoining properties (ie. buildings, town public utilities, state public utilities and other structures shall be considered and determined under site plan review.

**E.** Towers constructed within 250 feet of a Protected Shoreline (ie. Connecticut River, Upper Ammonoosuc River, and other designated bodies of water) will require State of New Hampshire Department of Environmental Services review.

**F.** NOISE: The maximum allowed per the current regulations as set by the State.

**SECTION VI:** VISUAL AESTHETICS

Turbines are not required to blend in with the surrounding landscape. Emergency or information signs on tower are allowed. Signs for any kind of commercial advertisement is strictly forbidden.

**SECTION VII:** DESIGN AND QUALITY OF TURBINE

Small wind turbines must meet the minimum technical standards recognized by the AMERICAN WIND ENERGY ASSOCIATION. Manufacturer specifications and analysis must be supplied in the building permit process and site plan review. The responsibility of the applicant is to ensure:

1. Turbine is of a certain quality that has pitch control.

2. Specific materials will help reduce vibration and overall stabilization.

3. ICE FORMATION ON BLADES. For public safety, the best quality material must be considered to reduce (and eliminate) ice formation on blades.

**SECTION VIII:** CONSTRUCTION AND ELECTRICAL STANDARDS

Structural designs for tower, base and footings are to comply with the uniform building and electrical code. The board shall consider analysis of proposed structure to be certified by a licensed professional engineer.

**SECTION IX:** ALLOWANCE FOR ROAD CUTTING FOR CONDUITS

If a line from tower to meter must cross a town road, the applicant's decision to dig or cut to lay conduit under such road must be reviewed and approved by town road agent.

**SECTION X:** CONNECTING TO THE GRID

Interconnection requirements for wind turbine installations shall conform to RSA 362-A:9.

**SECTION XI:** FENCING

Construction of fencing is not required; the Planning Board has the right to request fencing upon review where public safety is at risk or deems necessary.

**SECTION XII:** (FAA) AVIATION REQUIREMENTS

Refer to RSA 674:64.

**SECTION XIII:** CONDITIONAL USE PERMIT

A. GENERAL. Small wind energy systems are permitted only after obtaining a conditional use permit and site plan approval from the Planning Board. All such uses must comply with other applicable ordinances and regulations of the Town of Northumberland.

B. ISSUANCE OF CONDITIONAL USE PERMITS. In granting the Conditional Use Permit, the Planning Board may impose conditions to the extent the board concludes such conditions are necessary to minimize any adverse effect of the proposed turbine(s) on adjoining properties, and preserve the intent of this ordinance.

C. PROCEDURE ON APPLICATION. The Planning Board shall act upon the application in accordance with the procedural requirements of the site plan review regulations.

D. REQUIREMENTS. Each applicant requesting a Conditional Use Permit under this ordinance shall submit:

**1.** Plat or map of property, with dimensions, along with a copy of recorded deed.

**2.** Any existing artificial structures or other natural features are to be shown in detail.

**3.** Proposed location of turbine.

**4.** Detailed foundation plan and construction standards.

**5.** All public and private easements across property site.

**6.** If a road is to be constructed for the purpose of accessing the proposed site, the planning board shall decide the minimum construction standards.

7. As-Built Plan: The applicant shall submit an 'after-construction' plan to the board upon completion of the project. Furthermore, any revisions or alterations made to the structure of the tower and/or turbine will require the applicant to notify the Planning Board. Any alteration of the approved wind turbine after the 'as-built' plan has been submitted shall be considered a 'change of use.'

**SECTION XIV**: : EXCEPTIONS

Small wind energy systems with a height of 40 feet or less shall not be subject to the regulations of this wind energy ordinance, and may require a building permit.

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**SECTION XV**: WAIVERS

Any portion of these regulations may be waived or modified, when, in the opinion of the Planning Board, strict conformity would impose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of these regulations.

1. Procedure: A petition for such waiver(s) shall be submitted in writing by the applicant for site plan review.

2. Example of a Waiver: To ensure structural stability, it may be necessary for guy-wire anchors to extend over the existing boundary lines onto the adjoining property. A signed letter of consent from the ADJOINING OWNER(S) is required.

**SECTION XVI**: ABANDONMENT

RSA 674:65 shall apply for out-of-service wind turbines.

**SECTION XVII**: ABUTTER NOTIFICATION

Refer to RSA 674: 66.

**SECTION XVIII**: VIOLATIONS

Any applicant who wishes to construct a small wind turbine must comply with this ordinance. The tower must meet the minimum standards set forth by the ordinance. If the standards do not meet FEDERAL, STATE AND LOCAL CODES, the application shall be void, and request for Conditional Use Permit and Site Plan approval will not be issued.

**SECTION XIX**: PERMITS AND FEES

The applicant shall comply with any fees associated with the Town of Northumberland Planning Board's site plan review process, including a public hearing. Also, an application fee shall be charged for the Small Wind Energy System Conditional Use Permit, to be submitted to the Planning Board as well. PLEASE NOTE THAT SITE PLAN REVIEW IS A SEPARATE PROCESS IN ADDITION TO THE CONDITIONAL USE PERMIT.

## ARTICLE V

## CLUSTER HOUSING

Cluster housing is allowed only as an approved special exception in the Specified Residential District. The purpose of this provision is to encourage the concentration of dwelling units in order to offer a wider variety of housing types and costs to the residents of the Town, to reduce energy consumption in the construction and use of residential dwellings, to promote more energy-efficient land use, and to retain open space.

**Section 5.1** **Regulations**

a) The minimum total parcel size for cluster housing shall be 10 acres.
b) The maximum overall density shall not exceed one dwelling unit per acre.
c) The type of housing that is allowed under this provision can range from single-family detached units to no more than four units horizontally attached or vertically in a two-story structure. However, the total number of units cannot exceed the number allowed through the circulation of the maximum overall density.
d) Fifty percent of the parcel must be retained as open land. Recreational areas may be included in the amount, but parking areas, driveways, roads, and other paved areas shall not be counted as open. The open land shall be permanently restricted for open space, recreation, conservation, agriculture or forestry uses. the land shall be either protected by

conservation or other types of easements, deeded to the Town of Northumberland, or shall be leased or conveyed in a manner which, as approved by the Planning Board, will guarantee permanent protection of the land.

**Section 5.2 Plan Requirements**

As part of the application to the Board of Adjustment for a special exception, a plan of the proposed cluster housing must be submitted which, besides following the subdivision regulation of the Town, shall also describe the following:

a) Road layout to and within the parcel, travel widths, turning areas (keeping in mind emergency or delivery vehicles), access to and between different areas of the parcel, traffic flow and safety and any necessary signs.
b) Location of all buildings and structures existing and proposed.
c) Location of private and community septic systems or treatment plants and private and community water supplies and distribution lines.
d) Location and type of recreational areas proposed considering the number of proposed dwelling units and the proximity and adequacy of public recreational facilities.
e) Foot paths and sidewalks for pedestrian use.
f) Parking areas.
g) Existing natural features such as vegetation and waterways that will be retained.
h) Location and type of natural buffers or screens where the propose housing will be adjacent to existing development.
i) The manner in which the open lands shall be permanently protected.

## ARTICLE VI

## MANUFACTURED HOUSING

Manufactured Housing parks are allowed as special exceptions the specified residential districts. The purpose of these regulation is to create a pleasant living environment for those who own or rent manufactured housing by requiring that each manufactured housing park provide adequate space, utilities, roads and other conveniences. Besides meeting any appropriate regulation or the Residential/Cluster District, each manufactured housing park must also meet the following requirements.

**Section 6.1 Regulations**

a) The minimum lot size for a manufactured housing park shall be 10 acres.
b) Each manufactured housing space shall be at least 10,000 square feet in area and at least 100 feet in width.
c) The park shall have paved access roads to and from all sites. The right-of-way shall be at least 50 feet and the paved roadway shall be no less than 20 feet wide.
d) No manufactured house shall be closer than 50 feet to a public street centerline.
e) At least ten percent of the total area of each manufactured housing park shall be reserved for the recreation and other open space purposes. Development for the further dwellings of the recreation and open space land shall be prohibited. The continued sue of this land for recreation and open space shall be ensured by either recreation or other types of easements, deeding of the land to a manufactured housing owner's association or to the Town of Northumberland, or another form of lease or conveyance which, following approval by the Planning Board, will guarantee permanent protection of the land.

f) A strip of land at least 25 feet in width shall be maintained as a vegetation buffer abutting all manufactured housing park property lines.
g) A non-porous pad or piers shall be provided for each manufactured housing unit.
h) Each manufactured housing space shall have an attachment for water supply. The water supply must meet all local and state regulations.
i) Each manufactured housing unit shall have an attachment for sewage disposal. the method of sewage disposal must be in compliance with all local and state regulations. However, it shall not be located on the manufactured housing space or the adjacent space unless the manufactured housing space is at least one acre in size.

**Section 6.2 Plan Requirements**

As part of the application for special exception, a plan must be submitted (same scale as subdivisions which includes:

a) Proposed sites of manufactured houses and other buildings
b) Roadways and turning areas
c) Parking areas
d) Pedestrian ways
e) Open space and recreational areas (including a description of the protection measures)
f) All utilities

## ARTICLE VII

## ADMINISTRATION AND ENFORCEMENT

**Section 7.1 Duty**

It shall be the duty of the Board of Selectmen and they are hereby given the power and authority to administer and enforce the provisions of the Ordinance. The Selectmen may appoint a Building Inspector to administer and enforce the Ordinance with final review by the Selectmen or their designee.

**Section 7.2 Violations**

Any person who violates any provision of this ordinance shall be fined not more than one hundred dollars ($100) for each day such violation may exist.

**Section 7.3 Building Permits**

1. A building permit must be signed by the Building Inspector and subsequently approved by the Selectmen if the footprint of the property will be changed in any way. A building permit shall not be required for remodeling or repairing unless the anticipated cost of materials for such work exceeds $5,000. The building permit must be posted on the premises and visible from the highway.

2. Per RSA 155-A:, in order to enforce the state building code, the appointed building inspector shall have the authority to inspect all buildings, structures, construction sites and other places in the jurisdiction.

3. The Building Inspector shall review all building permit applications and advise that applicants be aware:

a) All proposals are consistent with the need to minimize flood damage. If a structure is being placed or erected in the floodplain, an Elevation Certificate (FEMA Form 81-31) shall be filled out by the applicant and kept on file with the building permit application.

b) All public utilities and facilities, such as sewer, gas, electrical, phone, and water systems are located, elevated, and constructed to minimize or eliminate flood damage.

c) Adequate drainage is provided so as to reduce exposure to flood hazards.

d) Structures or buildings are designed, constructed and placed on the lot so as to offer minimum obstruction to and effect upon the flow of water. Neighboring properties and roadways shall not be subject to erosion problems as a result of the proposed project.

e) All work on any structure meets the:

a.I.) NH IBC 2009 Building Code
a.II.) RSA 319-c for licensed electricians
a.III.) RSA 329-A for licensed plumbers
a.IV.) Lead Paint Rules

4. The Building Inspector shall assure that new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding pursuant to NH RSA 674:36.

5. A building permit shall be valid from date of approval to March 31st of the current tax year. Residents completing the work within this time frame can request a refund of $25 of the original permit fee. Otherwise, a request to renew the permit for unfinished work for the subsequent tax year prior to the first expiration date of the permit can be granted at no additional cost. This renewal option can be utilized but once for any given permit.

6. The Board of Selectmen or the Building Inspector may impose conditions on the permit to ensure that the zoning ordinance is followed.

7. Fees – The building permit application administration fee shall be $100 for a timely filing for all projects with an anticipated valuation below $50,000. The building permit application administration fee shall be $250 for a timely filing for those projects with an anticipated valuation above $50,000. These fees are nonrefundable. An untimely filing or failure to file an application for a building permit shall constitute a fine of no less than $250.

8. All delinquent property taxes and fees must be paid to date to be able for the permit to be approved.

9. Driveway Permits

a.) A driveway permit shall be obtained from the Selectmen or Building Inspector before any action is taken to erect, construct, move or expand a driveway accessing a town road. The driveway permit application may be obtained from the assessor's office. Any changes to a driveway accessing a state road needs approval from NH DOT. The road agent or public works director must approve the location and dimensions of the driveway.

b.) The Board of Selectmen or Building Inspector may impose conditions on the permit to ensure that the zoning ordinance is followed.

c.) The following regulations shall control the construction of driveways:

I. Driveway entrances shall have a minimum sight distance of 250 feet for parcels with more than 500 feet of frontage.

II. There shall be no more than two fifteen-foot-wide driveway entrances per 500 feet of road frontage and no more than three total driveways per parcel, unless more are approved by the Planning Board. Parcels with less than 500 feet of frontage may have no more than one driveway access to any one road unless a minimum safe distance of 400 feet in either direction can be demonstrated.

III. Drainage shall not increase or damage the right-of-way or adjacent properties.

IV. The area adjacent to the public road must be graded such that the surface will slope at 2% or six feet, whichever is greater, from the edge of the traveled surface to the ditch line to serve as a drainage gutter.

V. The applicant shall install and maintain culverts in the ditch line of the road at the driveway entrance, unless the road agent or director of public works determines that culverts are not required. The minimum specifications for the culvert shall be 15 " CMP.

VI. Commercial entrances may require Planning Board Site Plan Approval.

VII. No trees shall be cut or damaged within the Town right-of-way without written approval from the Board of Selectmen.

VIII. No structures, equipment or buildings, permanent or temporary, shall be stored or parked within a town right-of-way without written permission.

IX. The owner and/or applicant are responsible for maintaining Class VI right-of-ways at their expense, and only with the prior permission of the Board of Selectmen.

X. Any damage to a town right-of-way shall be repaired promptly.

XI. In the event that the proposed work deviates from the work approved by the driveway permit, the owner and/or applicant shall obtain a permit modification from the Board of Selectmen or Building Inspector.

10. A building permit is not transferable to a subsequent owner.

## Section 7.4 Special Exception

The Board of Adjustment may make a special exception, subject to appropriate conditions and safeguards as determined by it as prescribed in NH **RSA 674:33**. In action on the application for a special exception, the Board shall take into consideration:

1. The proposed use shall be one permitted by this Ordinance as a special exception.

2. The specific site is an appropriate location and of adequate size for such use.

3. The use will not adversely affect the adjacent area and there are no reasonable objections to the use by the owners of the abutting land.

4. The proposed use will promote the public health, safety, welfare morals, order, convenience and prosperity of the adjacent area.

## Section 7.5 Variances

The Board of Adjustment may authorize a variance from the terms of this Ordinance where the Board finds that all of the following conditions apply:

1. There are special circumstances or conditions applying to the land or structure for which the variance is being sought (such as but not limited to, the exceptional narrowness, shallowness, or shape of the property in question, or exceptional topographical conditions), which are peculiar to such requirements of this Ordinance as will deprive an owner of such property a reasonable use of it, and will impose upon such owner a hardship not shared by owners of other property.

2. The granting of the variance will be in harmony with the general purposes and intent of this Ordinance, and with the convenience, welfare, and character of the area within which it is proposed, and will not be injurious or otherwise detrimental to the public welfare.

3. In order to support a variance it was necessary to have found that no diminution in value of surrounding properties would be suffered, that granting of the permit would be of benefit to the public interest, that its denial would result in unnecessary hardship to owner seeking it, that by granting permits substantial justice would be done, and that the use would not be contrary to the spirit of the ordinance.

4. The denial of the variance would result in injustice.

5. The specific variance is the minimum variance necessary to provide for a reasonable use of the land or structure.

6. Standards for permitting commercial and light industrial uses that do not meet the definition of residential based businesses in the Residential and Agricultural Zones.

    a. No offensive dust, dirt, fly ash, smoke or other materials shall be emitted into the air. No noise which is objectionable due to volume, intermittence, frequency or shrillness shall be transmitted outside the property from which it originates.

    b. Traffic generated by the proposed use shall not cause a decline in level of service of Town Roads or exceed the capacity of Town Bridges.

    c. No offensive wastes shall be discharged into any stream, water course or storm sewer. No vibration shall be transmitted outside the property from which it originates. No light, which is objectionable due to brightness, shall be transmitted outside the property from which it originates. No material which is dangerous as explosive radioactive or otherwise, or is a fire hazard shall be used, stored or manufactured.
    Storage of highly flammable liquids, chemicals and other materials within buildings (other than propane and heating fuel) not served by public water systems is prohibited. The Fire chief shall have final determination regarding this definition and may also prohibit other flammable materials based on the ability and equipment of the Fire Department in all zones. Material and uses are also prohibited that would result in the pollution of ground or surface waters or that may enter subsurface waste water disposal systems under state or federal regulations.

    d. There shall be no outside storage of material or equipment except by special written approval of the Planning Board and Board of Adjustment. Off-street parking shall be provided in a location and of a construction approved in writing by the Planning boards as required by the standards contained in the Subdivision Regulations.

## Section 7.6 Variances for Recognized Physical Disabilities

The Board of Adjustment may grant a variance from the terms of this Ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the Board of Adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises

## ARTICLE VIII

## DEFINITIONS

1. Accessory building or use: A building or use subordinate and incidental to the principal building or use of the lot.

2. Act: "Act" means the federal laws governing telecommunications facilities, as amended, including the Telecommunications Act of 1996, and FCC regulations promulgated thereunder.

3. Agritourism: A form of marketing attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm. Per RSA 674:32-b, II, it may be subject to applicable special exception, building permit, or other local land use approval and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety.

4. Antenna: "Antenna" means any exterior apparatus designed for telephonic, radio, television, personal communications (PCS), pager network or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

5. Aquaponics: Sustainable food production system that combines a traditional aquaculture (raising aquatic animals such as fish) and hydroponics (cultivating plants using mineral nutrient solution, in water, rather than soil).

6. Building: A constructed unit forming a shelter for persons, animals, or property having a roof and permanently located on the land.

7. .Cluster housing: The concentration of dwelling units on a parcel of land at a higher density than typically allowed. See **Article V** for specific description and regulations for cluster housing in Town.

8. Co-Location "Co-Location" means locating telecommunication facilities from more than one provider on a single site.

9. Dwelling (dwelling unit): A building or part of a building, which contains living and sleeping accommodations for permanent occupancy by a single family. This definition does not include manufactured housing units.

10. Accessory Dwelling Unit (ADU): Shall mean an additional dwelling unit within or attached to a single family dwelling. Only one ADU is allowed per single family dwelling. Either the ADU or the principal

dwelling unit shall be the principal residence and legal domicile of the owner of the property. An ADU shall make provision for adequate water supply and sewage disposal service in compliance with the Town's water and sewer regulations and/or the regulations adopted by NHDES (depending on the location of the dwelling in Northumberland ). The ADU must provide independent living facilities for one or more persons and containing the four elements of sleeping, eating, cooking, and sanitation. An ADU shall be provided a minimum of two (2) off-street parking spaces.

11. Family: Any number of persons related by blood or by marriage, or not more than four persons not related by blood or marriage, living together as a single housekeeping unit.

12. Footprint Change - Any difference in the size of an existing structure (additions or deletions) or any type of new separate structure or a demolition. (includes new pavement, wind energy systems, solar panels, etc.).

13. Agriculture: The production and growing of livestock and vegetation including dairying, pasturage, horticulture, animal and plant husbandry, and other similar activities.

14. FCC: "FCC" means the Federal Communications Commission.

15. Forestry: The growing, management and harvesting of trees. This does not include primary and secondary manufacturing of wood products such as lumberyards, sawmills, or furniture manufacturing.

16. Frontage: The width of a lot measured along its common boundary with the street line.

17. Height : The vertical distance between a mean finished grade at the structure and the highest point of the roof of a structure and, when referring to a tower or other telecommunications structure, the highest point on the tower or structure, even if such highest point is an antenna.

18. Home occupations: An occupation or profession carried on in a dwelling or other structure accessory to a dwelling, which is incidental, and secondary to the primary residential use. Home occupations shall not generate any nuisance such as offensive noises, vibration, smoke, dust, odors, heat, glare, traffic, or parking.

19. Junk: In accordance with RSA 236.91 II "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

20. Junk Yard: In accordance with RSA 236.91 IV "Junk Yard" or "automotive recycling yard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automotive recycling yard, and includes garbage dumps, and sanitary land fills.

In addition to the definitions in RSA 236:91 II, III and IV "junk yard" means any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on public highways, or used parts of motor vehicles, or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of this parts of material shall be equal in bulk to two or more motor vehicles. Junk yard shall also include anyplace of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for the use of the metal for scrap and where is intended to burn material which are parts of a motor vehicle or cut up parts thereof.

Junk yards are not limited to places related to automotive junk, but they also include any places of business where any worn, cast-off, or discarded article or material which is ready for destruction, resale, salvage, or conversion to other uses.

Junk materials covering an area in excess of 200 square feet on any parcel of land in the Town, for the sale, storage, display, dismantling, demolition, abandonment or discarding of junk will be considered a JunkYard for the purposes of this ordinance.

Building demolition debris is considered junk and must be removed with 90 days.

21. Kennels: Any location where breeding, raising, boarding, caring for, and/or keeping more than three dogs or cats or other small animals or a combination thereof (except litters of animals not more than 6 months of age) is carried on for commercial purposes.

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

23. Mobile Home Park: A tract of land on which two or more mobile homes are parked and occupied for living purposes.

24. Multi-family dwellings: A residential building with complete and separate living accommodations for three or more families.

25. Non-conforming uses: A use which lawfully occupied a building or land at the effective date of the Ordinance and which does not conform to the regulations of the district in which it is located.

26. Retaining Wall: A retaining wall is used to change the grade of property or prevent erosion and can be constructed of many materials. A series of retaining walls constructed to prevent erosion or change the grade of property is called terracing, and shall be considered one retaining wall under this ordinance. Building foundations shall not be construed to be a retaining wall. .

27. Remodeling or repairing – Maintenance of existing structure and/or renovations; as long as there is no change of the footprint on the property.

28. Sign: Any device having a display surface on one or both sides designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following are exempted from the provisions of this Ordinance:

a. On-premise signs identifying the names and address of the occupants of the property;

b. Flags and insignia of any government;

c. Legal notices and information and directional signs erected by any governmental body;
d. Signs directing traffic and parking on private property, but bearing no advertising.

29. Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity consistent with the net metering specifications of RSA 362-A:9 and which will be used primarily for onsite consumption.

30. Telecommunications Facility: "Telecommunications Facility":

1. Includes "wireless telecommunications facilities" such as any structure, antenna, tower or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communications services (PCR) and common carrier wireless exchange access services:

2. Includes "conventional telecommunications facilities" such as any telecommunications facility installed within, upon or across a public right-of-way utilizing poles, wires, conduits or similar equipment, whether installed above or below ground;

3. Does not include any tower or antenna that is under 70 feet in height and is use solely for non-commercial purposes

31. Tourist Home any dwelling (other than a hotel or motel) in which living accommodations without individual kitchen facilities are rented to three or more transient guests. A lodging, boarding or rooming house shall be considered a tourist home.

32. Tower (Telecommunications): "Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers and includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

33. Wind System Height: The height above grade of the tower plus the wind generator.

34. Wind Generator: Blades and associated mechanical and electrical conversion components mounted on top of the tower.

35. Wind Tower Height: the height above grade of the fixed portion of the tower, excluding the wind generator.

36. Yard, Front: The depth of the front yard shall be measured from the center line of the road to the front line of a building or accessory structure, except in the Commercial District where the front yard shall be measured from the curb or street line to the front line of the building.

37. Yard, Rear: The distance between the rear lot line and the rear line of the rearmost building.

38. Yard Sale: Yard sales, which term shall also include flea markets, lawn sales, barn sales, garage sales, and porch sales, are those sales to the general public of new and used items of personal property upon a lot as an accessory use and is regulated by Section 4.12."

39. Yard, Side: The distance between the side of a principal or accessory building and the nearest side lot line.

## ARTICLE IX

## MISCELLANEOUS

**Section 9.1** **Effective Date**

This ordinance shall take effect upon its passage.

**Section 9.2** **Amendments**

This Ordinance and its accompanying maps may be amended in accordance with **RSA 31:63-a and b**.

**Section 9.3** **Saving Clause**

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision.

**Section 9.4** **Conflicting Provisions**

Whenever the regulations made under this Ordinance differ from those described by any statute, ordinance, or other regulation, that provision, which imposes the higher standard, shall govern.

**Adoption date:** March 12, 1991
**Amendments:** March 8, 1994
**Amendments:** March 10, 1998
**Amendments:** March 9, 1999
**Amendments:** March 13, 2001
**Amendments:** March 12, 2002
**Amendments:** March 9, 2004
**Amendments:** March 11, 2008
**Amendments:** March 9, 2010
**Amendments:** March 13, 2012
**Amendments:** March 13, 2018
**Amendments**: March 12, 2019

**Amendment Procedure**

**Section 1** - The Board of Selectmen or Northumberland may amend any portion of this ordinance for any reason deemed necessary by the Town.

Duly Enacted and Ordained this 18 day of March, 2019, by the Selectmen of the Town of Northumberland, Coos County, State of New Hampshire at a duly called and duly held session of said Board of Selectmen.

Town of Northumberland
By:

James Weagle

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[illegible]