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NOV 16 2015

TOWN OF BARRINGTON

Voter Petition Zoning Amendment

An amendment to prevent contamination of Barrington's water supplies.

Are you in favor of an amendment to the Barrington Zoning Ordinance Article 12.4.2 Performance Standards within Stratified Drift Aquifer Area Boundaries to insert the following language:

Gasoline Service Stations shall be prohibited in or within 500 feet of a stratified drift aquifer area boundary.

Name: Print & Signature	Address	phone#
✓ Susan Frankel	Susan Frankel 128 Farmer Rd	664-9009
✓ Charles Janel	Po Box 584	
✓ Francis C. DiPucci	54 Liberty Lane	
✓ Bob DeTucci	54- Liberty Lane	
Lori Renu	105 Mallego Rd.	
✓ Marilyn McKay	241 Mallego Rd.	
✓ Robert W McKay	241 Mallego Rd	
Mae Lori Heseltan	309 Longshore Dr.	
✓ Ross Buchanan Ross Buchanan	12 Box 12 Mangus Way	
✓ James R Armstrong Jr	456 Franklin Pierce Hwy	
? Eliane Gallant	456 Franklin Pierce Hwy	



Name: Print & Signature

Address

phone#

Name ✓

Susan Bennett
Susan Bennett

Barrington
611 Franklin Pierce Hwy 682-8175

Ma ✓

GILIA DANNEBERG.

231 GREEN HILL RD. 332-7766.

Ma ✓

Jonathan Miele 87 Breezy way 9059520

Ma ✓

Jaime Miele ↑ same

Ma ✓

Anne Melvin

33 Eastern Ave, Unit 2 664-5089

Ma ✓

Marika Wilde

116 Province Rd., 664-7709

ALISON WEBB

~~Alison Webb~~

320 Hemlock Lane, 664-5505

Ma ✓
on twice

Chris Vachon

147 Boulder Dr. 664-2921

Gusset Purpora

47 Drew St
Barrington 833-5985

Ma ✓

James Jennison

18 Lake Rd 817-0256

Blank lines for additional entries.

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Name: Print & Signature	Address	phone#
✓ Ronald E. Staley <i>Ronald E. Staley</i>	144 Toland Rd Barrington NH	03841-3351 828
✓ <i>Bernard Bennett</i> BERNARD BENNETT	611 Franklin Pierce Hwy BARRINGTON, N.H.	603-802-8027
✓ Janith Bergeron <i>Janith Bergeron</i>	7 Moose Run Barrington NH	603-6944
✓ Deb Clough <i>Deb Clough</i>	160 Deer Ridge Dr. Barrington, NH	-
✓ Jean Barbin <i>Jean Barbin</i>	53 Leanna Dr Barrington NH	603-2650
✓ Paul Maurtelle <i>Paul Maurtelle</i>	83 Washneton St. BARRINGTON NH	603-9075
✓ Justice Pulpure <i>Justice Pulpure</i>	47 Pine St Rd Barrington NH	603-833-5951
✓ <i>James Calef</i> JAMES CALEF	536 Scruton Pond Rd	603-664-7460
✓ <i>George A. Calef</i> GEORGE CALEF	35 MALLEGO RD.	603-664-2813
✓ <i>Rayne M. Calef</i> RAYNE CALEF	536 Scruton Pond Rd PO BOX 93	603-664-7460
✓ <i>Austin Pummer</i> AUSTIN PUMMER	Barrington, NH	03825 603-664-5129
✓ <i>Arvid M. Calef</i> ARVID M. CALEF	35 Mallego Rd Barrington NH	03825 603-2813

ARTICLE 18.....DEFINITIONS (03/08/2011)

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning. Some of the definitions included in this Article indicate that they are primarily intended to explain the meaning of a term related to a specific Article (e.g. "for the purposes of Floodplain Management Regulations") within this Ordinance. However, these terms may also be applied to the entire Ordinance if no other separate or alternative definition is provided.

Abandonment The discontinuance of a use or structure for a continuous period of at least one (1) year in any Residential Zoning district, or at least two (2) years in any Nonresidential Zoning District.

Abut or Abutting Adjoining or directly across the street or a stream.

Abutter As defined by New Hampshire State statute an abutter is any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form or ownership as defined in RSA 205-A: 1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing that adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Accessibility Ramp An adaptive feature of a residential or other structure that provides access via an inclined plane. Accessibility ramps are one of a variety of methods used to provide reasonable accommodation allowing a person or persons with a recognized physical disability to reside in or regularly use a structure.

Accessory Dwelling Unit A dwelling unit located above the first floor of the same building containing a commercial use(s) on the ground floor.

Accessory Building A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and that is located on the same lot as that occupied by the principal building.

Accessory Use A structure or use that is subordinate in purpose to the principal use; contributes to the comfort, convenience, or necessity of the principal use; and, is located on the same lot as the principal use.

Active and Substantial Development or Building Shall mean the expenditure of at least twenty-five percent (25%) of the infrastructure costs required for a development proposal, as indicated by a subdivision or site plan approved by the Planning Board, within twenty-four (24) months of said approval, where the approved plans have been properly recorded at the Registry of Deeds. Infrastructure shall mean in this instance, the construction of roads, storm drains, water and sewer facilities, or parking lots. Compliance with this definition shall also necessitate that a bond or other security to cover the costs of said infrastructure requirements has been posted with the town prior to the beginning of construction, if required as a condition for subdivision or site plan approval.

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Active Open Space Any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user.

Affordable Housing Housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income. (Income: As defined as "Annual Income" by 24 CFR Part 5, Subpart F, and as amended from time to time.)

Agricultural Use A parcel that is used for the production and storage of farm crops such as vegetables, fruit trees, grain, as well as open air farmers markets, and which applies best management practices to said activities. It shall also include animal and poultry husbandry but not the slaughtering or processing of animals or animal byproducts.

Alley A minor right-of-way not intended to provide the primary means of access to the abutting lots, which is used for vehicular service access to the back or sides of properties otherwise abutting on a public street.

Alteration Any change or rearrangement in structural parts or exit facilities; or an enlargement, whether by extending on a side or by increasing in height.

Antenna Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Application for Development Approval Any application for approval of a building permit, certificate of occupancy, rezoning, conditional use permit, variance, special exception, subdivision plat, site plan, or any other permit or decision required by this Ordinance.

Aquifer A geologic formation composed of significant amounts of potentially recoverable water.

Area of Special Flood Hazard (for purposes of Floodplain Management Regulations) The land in the floodplain within the Town of Barrington subject to a one percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zone A.

Art Gallery A public or private facility that is operated as a repository or a collection of works of individual art pieces not mass produced consisting of one (1) or more of the following: paintings, drawings, etchings or sculptures; may include the sale of related objects and services.

Attached Building A building having any portion of one (1) or more walls in common with adjoining buildings.

Assisted Living Facility *A facility with individual living units where medical and social support services are provided on the basis of an individualized plan of care and which provided other common support services (as defined in RSA 151:E2)*

Automated Banking Facility (ATM) An automated device, which is operated by the customer that, performs banking or financial transactions.

Awning A shelter of canvas, metal or similar material extending over a doorway or window to provide shelter from natural elements.

Back Lot Back lot, also known by the term Flag Lot, a parcel of land which does not meet minimum frontage requirements, is set back from the street where access is provided by means of a narrow, private right-of-way or driveway.

Bank A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. Walk-in and drive-through services to consumers are generally provided on site. In some zoning districts, drive-through services may be restricted or prohibited.

Base Flood (For purposes of Floodplain Management Regulations) The flood having a one percent possibility of being equaled or exceeded in any given year.

Basement That portion of a building that is partly or completely below grade.

Basement (For purposes of Floodplain Management Regulations) Any area of a building having its floor subgrade on all sides.

Bed and Breakfast A lodging business, generally located in a single-family home, that offers rooms and/or detached guest houses for rent on a temporary basis, which may also provide meals to said lodgers in a communal setting.

Best Management Practices (BMPs) The combination of conservation measures, structures, or management practices that reduces or avoids adverse impacts of development to the land, water, or air. When referring to forestry, Best Management Practices (BMPs) are defined in a publication entitled Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire prepared by the NH Department of Resources and Economic Development. Another source of technical information and standards used for performance guidance is Stormwater Management and Erosion and Sediment Control for Urban and Developing Areas in New Hampshire, NHDES and RCCD, 1992, as amended.

Body Piercing Studio An establishment that offers as a service to the public the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Bog A wetland area distinguished by peat deposit, poor drainage and/or highly acidic soil and/or water conditions.

Buffer An area of land separating distinct zoning districts or land uses that acts to soften or mitigate the effects of one land use on the other. The term greenbelt refers to a specific type of buffer area.

Building A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.

Building Area The aggregate of the maximum horizontal cross-section area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies and terraces, expressed as a percentage of total lot area.

Building Envelope The area of a newly created subdivided lot eligible for the placement of dwelling units or other structures.

Building Height Notwithstanding more stringent requirements of this chapter, the height of a building or structure shall be the vertical distance measured from the highest point of the building to the average elevation of the corners of the building at the finished grade. The highest point of the building shall be either the top of the parapet or coping of a flat-roofed building, or the ridge of a sloping roof. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as church spires and towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks serving the roof including any vertical or sloped screen walls may extend a maximum of twenty-eight (28) feet above the permitted height of the building.

Business Offices Business offices include all types of offices, other than professional offices as defined elsewhere in this ordinance, which are defined as a room, or group of rooms used for conducting the affairs of a business, service industry, or government entity.

Business Support Services Establishments engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office, professional, and service establishments. Typical uses include office equipment and supply firms, small business

machine or computer repair shops, convenience printing and copying establishments, or hotel equipment and supply firms.

Campground A campground or camping park means a parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency. (03/08/2011)

Camper A temporary dwelling for travel, recreation and vacation use including:

- 1) **Travel trailer:** A vehicle that is towed, identified by the manufacturer as a travel trailer, built on a chassis eight (8) feet or less wide and thirty (30) feet or less in length and designed to move on a highway;
- 2) **Pick-up coach:** A structure designed to be mounted on a truck chassis or cut-down car;
- 3) **Motor home:** A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle; or
- 4) **Camping trailer:** A canvas or other foldable structure built on a chassis with wheels and designed to move on the highway.

Capacity The maximum demand that can be accommodated by a Public Facility or service without exceeding the Adopted Level of Service.

Cellar A portion of a building, partly or entirely below grade, that has more than one-half of its height measured from finished floor to finished ceiling, below the average established finished grade of the ground adjoining the building. A cellar is not deemed a story. See also Basement.

Certificate of Occupancy A statement signed by the Administrative Officer, setting forth either that a building or structure complies with this Chapter or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

Child Day Care Agency Means any person, corporation, partnership, voluntary association or other organization, either established for profit or otherwise, which regularly receives for child day care one or more children, unrelated to the operator or staff of the agency. The total number of hours in which a child may remain in child day care shall not exceed 13 hours per day, except in emergencies. The types of child day care agencies are defined as follows:

(a) "Family day care home" means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to 6 children from one or more unrelated families. The 6 children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays.

(b) "Family group day care home" means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays.

(c) "Group child day care center" means a child day care agency in which child day care is provided for preschool children and up to 5 school-age children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.

(d) "Day care nursery" means a child day care agency in which child day care is provided for any part of a day, for 5 or more children under the age of 3 years.

(e) "Night care agency" means a center or family home in which child day care is provided during the evening and night hours. A child day care agency may be licensed for day care, night care, or both.

(f) "Preschool program" means a child day care agency providing care and a structured program for children 3 years of age and older who are not attending a full day school program. The total amount of hours a child may be enrolled in a preschool program shall not exceed 5 hours per day.

(g) "School-age program" means a child day care agency providing child day care for up to 5 hours per school day, before or after, or before and after, regular school hours, and all day during school holidays and vacations, and which is not licensed under RSA 149, for 6 or more children who are 4 years and 8 months of age or older. The number of children shall include all children present during the period of the program, including those children related to the caregiver.

(h) "Dual licensure" means the issuance of 2 licenses by the department of health and human services to operate both a child day care agency and a family foster care agency, as provided by RSA 170-E:8, II. (03/08/2011)

Cluster Subdivision See "Conservation Subdivision."

Collector Street A street that collects traffic from local roads and channels it into the arterial system, and provides land access and traffic circulation within residential neighborhoods, commercial and industrial area.

Co-location Locating additional antennas on an existing communications tower or other site where one or more antennas are already present.

Commercial Recreation Facility A privately owned and/or operated land use, provided for gain or profit, either indoors or outdoors, where the main purpose is to provide the public with recreation. Examples of such facilities include skating rinks, water slides, gymnasiums, sports fields, miniature golf, driving ranges, swimming pools, race tracks, and stadiums. (03/08/2011)

Commercial Wireless Telecommunication Services Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Common Open Space Active or passive open space specifically reserved for common use and enjoyment by a Homeowner's Association, and restricted only for such recreational and conservation uses as tot lot, park, playground, playfield, swimming, golf course and conservation area.

Common Ownership Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Communications Tower Any ground or roof mounted pole, spire, structure, or combination thereof higher than fifty (50) feet free standing or twenty (20) feet from the tower's point of contact with a roof or water tank, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Communications Tower, Multi-User A tower to which is attached the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.

Communications Tower, Single-User A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Ordinance.

Community Water Supply System Means a community water system as defined in RSA 485:1-a, I, as amended, namely "a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents."

Conference Center A facility that provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; may be developed separately or in combination with another permitted use.

Congregate Care Facility *means a residential facility for elderly persons containing individual, one (1) and two (2) bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities such as housekeeping, transportation and organized social and recreational activities, and may include limited medical services on site. This facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as "housing for older persons" under state law*

Conservation Easement As prescribed in New Hampshire RSA 79-B:2 a Conservation Easement means a permanent restriction of open space land by deed granted in perpetuity, and further, as defined by RSA 477:45, I, to a federal, state, county, local or other government body, or to a charitable, educational, or other nonprofit corporation established for the purposes of natural resource conservation and as further defined in RSA 79-B:2, X." RSA 477:45 provides: "I. A conservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a land or water area, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right, limitation, or obligation is appropriate to retaining or maintaining such land or water area, including improvements thereon, predominantly in its natural, scenic, or open condition, or in agricultural, farming, open space or forest use, or in any other use or condition consistent with the protection of environmental quality. II. A preservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a structure or site historically significant for its architecture, archaeology or associations, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the structure or site or in any order of taking, which right, limitation or obligation is appropriate to the preservation or restoration of such structure or site. III. "Agricultural preservation restriction means the restraint placed on the development rights of agricultural land whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land which is appropriate to retaining land or water areas predominantly in their agricultural use, to prohibit or limit construction or placement of buildings except those used for agricultural purposes or for dwellings used for family living by the land owner, his immediate family or employees; excavation, dredging or removal of loam, sod, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's future agricultural potential; or other acts or uses detrimental to such retention of the land for agricultural use."

Conservation Subdivision A subdivision wherein single-family dwellings are laid out on lots of reduced dimensions, or in clustered groupings, in order to preserve open space on the parcel, as provided for under the terms of this Ordinance.

Contiguous The term contiguous shall be construed to mean areas that form or represent a single unit of similar features or features that are touching at a common property line or other type of boundary.

Convenience Store with Gas Pumps Any retail establishment whose principal activity is offering for sale such items, by way of illustration and not limitation, prepackaged food products, household items, newspapers and magazines, and freshly prepared foods, such as salads or sandwiches, for off-site consumption, which also offers the sale of fuels from pumps.

Corner Lot A lot at the point of intersection of, and abutting on, two (2) or more intersecting streets, the interior angle of intersection of the street lot lines or, in case of a curved street, extended lot lines, being not more than one hundred thirty-five (135) degrees. Each street frontage shall be considered a front yard.

Day Care Nursery See Child Day Care Agency

Density The number of dwelling units within a designated land area. For purposes of this Ordinance, "density" means gross density unless otherwise provided.

Density, Gross The number of dwelling units divided by the total land area, stated as dwelling units per gross acre.

Density, Maximum The maximum number of permitted density units (e.g. dwelling units or building square footage) where indicated in this Ordinance, stated as Net or Gross Density unless otherwise indicated.

Density, Net The maximum number of permitted dwelling units permitted in a Conservation Subdivision based on the net developable area of a tract of land as determined by the methodology set forth in this Ordinance.

Designated Agent The person designated by the Selectmen to carry out its inspection and enforcement role with respect to this Zoning Ordinance.

Detached Building A building having open space on all sides, and that is not an attached building.

Development (for purposes of Floodplain Management Regulations) means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

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 operations. "Development" includes the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the Subdivision of land. The following activities or uses shall be considered "development," as defined herein.

- 1) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
- 2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
- 3) Alteration of a shore or bank of a river, stream, lake, or pond;
- 4) Commencement of grading, drilling, or excavation on a parcel of land, except to obtain soil samples;
- 5) Demolition of a structure; and
- 6) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

Development, New (for purposes of Impact Fee Regulations) An activity that results in

any of the following.

- 1) The creation of a new dwelling unit or units;
- 2) The conversion of a legally existing use, or additions thereto, that would result in a net increase in the number of dwelling units;
- 3) Construction of a new use that creates a net increase in the demand on public capital facilities that are the subject of impact fee assessment methodologies adopted by the Planning Board; and/or
- 4) The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of impact fee assessment methodologies adopted by the Planning Board.

New development shall not include the replacement of an existing mobile home, or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on the capital facilities of the Town of Barrington.

Dimensional Nonconformity A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the zoning district in which the property is located.

Disturbed Area An area where the natural vegetation has been removed exposing the underlying soil, or vegetation has been covered.

Driveway A private, vehicular access connecting a house, carport, parking area, garage, or other buildings to the street.

Duplex See Dwelling, Two-family.

Dwelling (or Dwelling Unit) One (1) or more rooms providing complete living facilities for one (1) family, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating. A recreational vehicle, as defined in this Article, shall not be construed as a dwelling unit.

Dwelling, Single-Family A building or structure containing one dwelling unit.

Dwelling, Two-Family (duplex) A detached structure designed for and occupied exclusively as the residence of not more than two (2) families, each living as an independent housekeeping unit.

Elderly Assisted Care Home means a residential facility permanently housing up to (15) elderly residents with common dining facilities and Accessory Uses typically needed for elderly persons. The Planning Board may increase the number of residents through the granting of a conditional use permit.

Excavation Operation Means the use of any land area for the taking of earth materials including sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing, or any other mining activity.

Fall Zone

- 1) For a Lattice Tower the fall zone is the area on the ground from the base of a ground mounted lattice tower that forms a circle with a diameter equal to one half of the height of the facility, including any antennas or other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.
- 2) For a Guyed Tower the fall zone is the minimum distance from a guyed tower to any property line, public road, dwelling, business, or recreational use shall be at a minimum, the height of the tower and antennas plus ten (10) feet.

Family Day Care Home See Child Day Care Agency

Family Group Day Care Home See Child Day Care Agency

Farm See "Agriculture Use"

Feepayer (for purposes of Impact Fee Regulations) The applicant for the issuance of a permit that would create new development as defined in this Article.

Fence This word shall be given its common meaning, except that it shall not apply to temporary snow fences or to wire agricultural fences.

Flood Insurance Rate Map (FIRM) (for purposes of Floodplain Management Regulations) The official maps incorporated as part of this Ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Barrington.

Flood Insurance Study (FIS) (for purposes of Floodplain Management Regulations) An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

Flood or Flooding (for purposes of Floodplain Management Regulations) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Proofing Any combination of structural and non structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

land area, as illustrated on the town's FIRM maps, susceptible to being inundated by water from any source (see definition of "Flooding")

Floodplain or Flood Prone Area (for purposes of Floodplain Management Regulations) Any land area, as illustrated on the town's FIRM maps, susceptible to being inundated by water from any source (see definition of "Flooding")

Floodway See "Regulatory Floodway".

Floor Area Ratio (FAR) The ratio of gross building area to the lot area on which the building(s) are located. The ratio is calculated by dividing the gross area of said buildings by said lot area.

Fluvial Erosion The wearing away of riverbeds and banks by action of the water, which can be accelerated to rates harmful to life, property, and infrastructure during high flow conditions.

Fluvial Erosion Hazard Fluvial erosion hazard (FEH) refers to major stream-bed and stream-bank erosion associated with the often catastrophic physical adjustment of stream channel dimension and location that can occur during flooding.

Fraternal or Social Organization A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship (not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public), which meets periodically and is limited to members.

Frontage The length of a lot line abutting a Class V highway or other road upon which buildings may be built lawfully.

Functionally Dependent Use (for purposes of Floodplain Management Regulations) A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long term storage or related manufacturing facilities.

Garage A building or structure or a portion thereof, the principal use of which is or may be to store, house, keep, repair or service a motor vehicle or vehicles containing a flammable fluid or other propellant in its fuel storage tank. This does not include a new car salesroom.

Garage, Private A garage for housing motor vehicles only, with a capacity of not more than four (4) vehicles.

Garage, Public Any garage not included in the definition of a private garage.

Gasoline Service Station A retail establishment engaged in the sale of automotive fuel, motor oil, and/or services, that provide for the routine maintenance of automobiles. Such services may include washing, polishing, greasing, emissions testing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing.

Glare Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grade Plane A reference plane representing the average of finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and a point six feet from the building, or between the building and the lot line, whichever point is closer.

Gross Floor Area (for purposes of Impact Fee Regulations) The sum of the areas of all floors of main and accessory buildings on the lot as measured to the outside surfaces of the exterior walls. The gross floor area shall include basements, lobbies, and stair openings, elevator shafts and storage. The gross floor area shall exclude open wells (atriums), mechanical rooms, crawl spaces and attics without floors, attics used only for mechanical services, porches, balconies and open-sided roofed-over areas.

Gross Floor Area The sum of the gross horizontal area or the several floors of a building and its accessory buildings on the same lot, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or for commercial and/or industrial use, or malls within a shopping center utilized purely for pedestrian circulation and/or decorative purposes between individual shops of the center.

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

Group Child Day Care Center See Child Day Care Agency

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

Habitable Attic The habitable space between the rafters of a pitched roof and the next floor below provided that the spring point of the rafters is no higher than thirty inches (30") from the subfloor.

Habitable Space Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and other similar areas are not considered habitable space.

Health Club A building or portion of a building designed and equipped for the conduct of exercise and related activities utilizing weight control or muscle building equipment or other apparatus for the purpose of physical fitness, along with customary ancillary activities and facilities.

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

Highest Roof Plane The roof plane having the highest ridge and having highest average height (exclusive of cupolas) or the flat roof that is higher than any pitched roof.

Historic Structure (for purposes of Floodplain Management Regulations) Any structure that meets any of the following criteria.

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- 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 qualify 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.
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Home Business A business conducted from an owner-occupied single-family dwelling unit that may include the use of accessory structures on the property, as specified under the provisions of this Ordinance.

Home Occupation Any use that is conducted entirely within a dwelling that is clearly incidental and secondary to the use as a dwelling, which does not change the character of said dwelling or its neighboring environment.

Home Produce Agricultural products, preserves, art works, or any other goods or products produced or substantially produced or altered entirely as a home occupation on the premises or as the result of agricultural activities on the premises, other than forestry, accessory to the principal residential use.

Homeowner Association A corporation, trust, or unincorporated association, the members of which consist of the owners of the development units or lots within a development, which owns and manages all private interior ways and the land not occupied by residential, commercial or industrial structures and lots, including facilities and structures thereon, in perpetuity. An association that individual owners share common interest in common open space and/or facilities. The association is in charge of preserving, managing and maintaining the common open space and/or facilities and will enforce certain covenants and restrictions.

Hospital An institution providing organized inpatient diagnostic and nursing care for persons suffering from acute or chronic illness, injury or deformity requiring obstetrical or other care, including both inpatient and outpatient emergency services as may be required.

Hotel One or more buildings providing temporary lodging accommodations offered to the public on a daily rate for compensation. The building or buildings have an interior hall and lobby with access to each room from such interior hall or lobby, supervised by a person in charge at all hours. Accessory uses may include a restaurant, conference center facility, meeting rooms, health club and other customary uses.

Hydric A Soils Hydric A soils are those soils identified as Type A hydric soils or very poorly drained soils in the "High Intensity Soil Maps For New Hampshire," as amended, as published by the Society of Soil Scientists of Northern New England.

Hydric B Soils Hydric B soils are those soils identified as Type B hydric soils or poorly drained soils in the "High Intensity Soil Maps For New Hampshire," as amended, as published by the Society of Soil Scientists of Northern New England.

Impervious or Impervious Surface A material or surface that does not readily permit the infiltration of water. It shall include, but not be limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas. It shall also mean, where appropriate, a surface through which regulated substances cannot pass when spilled.

Indirect Light Light that has been reflected or has scattered off of other surfaces.

In-House Dwelling Unit A separate dwelling unit contained within an owner-occupied single-family residence on a conforming lot and having no more than one (1) bedroom nor a floor area greater than 650 square feet.

Interior Lot A lot in which the side lot lines do not abut a street.

Junk Any worn out, cast off or discarded articles or material ready for destruction or collected or stored for salvage or conversion to some use. Any article or material that is unaltered or unchanged and, without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

Junk Yard As defined in NH RSA 236:112, as amended.

Jurisdictional Wetlands (3/9/2010) Those that are regulated by the US Army Corps of Engineers (Corps) under Section 404 – must exhibit all three characteristics: hydrology, hydrophytes, and hydric soils (ACOE 1987).

kennel means any building(s) or land operated as a business for the boarding, breeding, training, or selling of five (5) or more dogs, cats or other household pets.

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

Level of Service Level of Service indicates the capacity per unit of demand for each public facility. It is an indicator of the extent or degree of service provided by a facility based upon and related to the operational characteristics of the facility.

Level of Service, Adopted The level of service established as an adequate public facility's standard for subdivision and site plan approval and the capital improvements program.

Light Manufacturing By way of illustration and not limitation the manufacture of finished products or parts, including processing, fabrication, machining of metal blanks or other materials, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained within the building and where no process involved will exceed levels or conditions as set forth in the Performance Standards of the Barrington Zoning Ordinance or other applicable codes for noise, vibration, air pollution, noxious emissions or fire hazard.

Light Trespass The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Loading Space An off-street space used exclusively for loading and unloading of goods and materials from one (1) vehicle.

Lot An area or parcel of land, or any part thereof, that can be legally developed under the terms of this Ordinance.

Lot Depth The mean horizontal distance between a front lot line and a rear lot line.

Lot Frontage The horizontal distance measured along a front lot line between the points of intersection of the side lot lines with the front lot line.

Lot Line The lines enclosing or bounding a lot.

Lot of Record A lot that is part of a subdivision plan approved by the Barrington Planning Board, recorded in the Strafford County Registry of Deeds and exempt from subsequent zoning changes pursuant to RSA 674:39, as amended, and/or a separate and distinct parcel of land described in a deed recorded in the Strafford County Registry of Deeds prior to September 12, 1972 (the date of the initial Barrington Zoning Ordinance.)

Lot Width The horizontal distance between the side lot lines as measured at the minimum front yard depth required by this Ordinance, and parallel to the street line.

Lot Line, Front The property line dividing a lot from a street right-of-way from which vehicular access is provided to the lot.

Lot Line, Rear The lot line opposite from the front lot line.

Lot Line, Side Any lot line that is not a front or rear lot line.

Lowest Floor (for purposes of Floodplain Management Regulations) 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 Housing Any structure, transportable in one or more sections, which, in the 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 that 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. Structures meeting this definition shall be constructed in accordance with the standards specified by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (generally referred to as the HUD Code). Manufactured housing as defined in this section shall not be construed to include pre-site built housing as defined in this Article. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

Manufactured Home Park or Subdivision (for purposes of Floodplain Management Regulations) A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Rate Housing Any unit within a development, whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

Mean Annual High Water Mark The line from visible markings and changes in soils and vegetation from the prolonged presence of water which distinguishes between predominantly aquatic and terrestrial land.

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

Medical or Dental Clinic A building or portion of a building in which the primary use is the provision of health care services to patients or clients. Such services may include the following: medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, mental health professional, physical and/or occupational therapy, related medical services, or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the

premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.

The sale of merchandise is allowed only as an accessory use.

Membership Club A social, sports or fraternal association or organization used exclusively by members and their guests and not conducted as a gainful business.

Mixed Use Development A single tract of land containing more than one primary building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. Under the terms of this Ordinance, a mixed use development may be implemented as a Planned Unit Development (PUD), or a conventional site plan, subject to all provisions and regulations of the respective zoning district in which the development is proposed.

Modular Housing (see Pre-Site Built Housing)

Motel One or more attached or detached buildings providing residential room accommodations intended primarily for sleeping that are rented out to the public on a daily rate, where each room has a separate entrance leading directly outside the building.

Multi-family Housing For the purpose of workforce housing developments, it is a structure or building containing 5 or more dwelling units, each designed for occupancy by an individual household. (Compare Multifamily Structure(Housing))

Multifamily Structure (Housing) A structure containing three or more dwelling units, or apartments, each of which shall contain separate living, sleeping, cooking, and bathroom facilities. Dwelling units in a multifamily structure may be located entirely above the ground floor level. A typical example of a multifamily structure is an apartment building that has dwelling units stacked above one another that have shared egress (i.e. joint hallways or staircases) from multiple apartments. A Multifamily Structure is distinguished from an Single Family Attached (SFA) Dwelling structure by the fact that each dwelling in a SFA must have a ground floor level and a common wall with an adjoining unit.

Museum A public or private facility, including an aquarium, established for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest designed to be used by members of the public for viewing, with or without an admission charge. Such activity may include, as an accessory use, the sale of memorabilia, crafts work and artwork, and the holding of meetings and social events.

New Construction (for purposes of Floodplain Management Regulations) For the purposes of determining insurance rates, structures for which the start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Night Care Agency See Child Day Care Agency

Nonconforming Structure Any building, structure, or paved surface that contains a Dimensional Nonconformity.

Nonconforming Use The use of property for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also

refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

Nursing home Facility ~~A facility for the aged or chronically ill, providing bed care and inpatient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. An institution or facility, or a distinct part of an institution or facility, whether proprietary or non-proprietary, which is engaged in providing 24-hour care for residents needing skilled nursing care, medical monitoring, and related services; rehabilitation services for rehabilitation of injured chronically disabled or sick; medication administration or instruction and supervision; or on a regular basis, health related care and services (above the level of room and board) which can be made available to them only through institutional facilities which provide 24-hour care. (RSA 151-E:2V~~

Office Use or Office Building A place where the business of a commercial, industrial, service or professional organization is transacted, but not including retail sales, manufacturing, clinics, personal services, places of amusement or places of assembly.

One Hundred (100) Year Flood See "base flood".

Open Space, Active See Active Open Space

Open Space, Passive See Passive Open Space

Outdoor Lighting The night time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

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

Packaging and Delivery Services The packaging and delivery of parcels as a retail service use. It shall not include the bulk storage of parcels on-site but may include the sale of ancillary goods typically used in the packaging and shipping of parcels.

Parapet or Parapet Wall The portion of a building wall elevated above the roof level.

Parcel A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

Park or Playground An Open Space improved with playground equipment or other active open space improvements. These may be surrounded by street frontages and building frontages, but this is not necessarily required.

Parking Lot Any area, not within a building or other structure, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking to include a motor vehicle display lot and/or a commercial parking lot.

Parking Space An off-street space for exclusive use as a parking stall for one (1) motor vehicle.

Passive Open Space Areas which, due to the presence of a particular natural or environmental setting, which may include conservation lands, can provide for both active and passive types of resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man.

Personal Services Establishment An establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barber shop, beauty shop, dry cleaner, tailor, or other similar services.

Porch A roofed structure projecting from the front, side or rear wall of a building, either enclosed or open, not used as habitable living space.

Pre-School Program See Child Day Care Agency

Pre-Site Built Housing This type of housing that is built in a factory, but is constructed in accordance with the standards set forth in the town's building code applicable to site built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Such housing shall not be construed to mean manufactured housing. Pre-site built dwelling units shall be considered to be a single-family dwelling under the provisions of this Ordinance.

Principal Building Or Principal Structure A building or structure or, where the context so indicates, a group of buildings or structures, in which the Principal Use of a lot or parcel is conducted. This shall include any buildings that are attached to the principal structure by a covered structure.

Principal Dwelling A dwelling unit that constitutes the Principal Building or Principal Structure on a lot or parcel.

Principal Use The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this article.

Professional Offices The office of a member of a recognized profession maintained for the conduct of that profession. A profession is defined as an occupation requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field, any occupation requiring licensing by the state and maintenance of professional standards applicable to the field.

Public Right-of-Way The portion of a public street dedicated to and accepted by the city as measured from property line to property line.

Public Utility Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this Ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

Public Utility Structure Any structure including a line, pipe, building, building, station, or facility used to deliver or provide a public utility to the general public.

Recharge Water that infiltrates into an aquifer, usually from overlying soils.

Recreation The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, by way of illustration and not limitation, boating, fishing, camping, or use of recreational vehicle as such as defined herein, or may be passive as in enjoyment of scenic vistas.

Recreational Vehicle Any building, structure, or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pickup truck coaches (campers), motor homes, boats, travel trailers, and camping trailers not meeting the specifications for manufactured housing. A recreational vehicle is not designed or permitted for use as a permanent dwelling. For the purposes of this Ordinance a recreational vehicle shall not be considered to be a dwelling unit. For the purpose of the Floodplain Management Regulations recreational vehicles shall also be construed to have the following characteristics:

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

Regulated Substance (for purposes of Groundwater Protection District) Petroleum, petroleum products, and substances listed under 40CFR 302, 7/1/90 edition, excluding the following substances: ammonia, sodium hypochlorite, sodium hydroxide, acetic acid, sulfuric acid, potassium, sodium potassium permanganate, and propane and other liquefied fuels that exist as gases at normal atmospheric temperature and pressure.

Regulatory Floodway (for purposes of Floodplain Management Regulations) 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.

Repair Services Repair and servicing of appliances, computers, electronic equipment, tools and other small machinery common to homes and businesses.

Research and Development A business that engages in research and development of innovative ideas and technology. Examples include research and development of computer software, bio-technology, information systems, communication systems, transportation, multi-media and video technology. Development and construction of prototypes may be associated with this use.

Restaurant An establishment where food and/or beverages are prepared, served, and consumed, and whose principal method of operation includes one or both of the following characteristics: (1) customers are normally provided with an individual menu and served their food and beverages by a restaurant employee at the same table or counter where the items are consumed; or (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Restaurant, Drive-through An establishment whose primary business is serving food to the public for consumption on or off the premises, and that provides all or part of these services by means of a drive-through window. A drive-through window is defined as an opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

Retail Uses (sales and services) A business or activity having as its primary function the supply of merchandise or wares to the end consumer; or establishments engaged in the rental of goods at retail, or in providing a service(s) to individuals and households. This category excludes animal sales or service; building and garden materials, supplies, sales or rental; and motor vehicle and related equipment sales, leasing, rental, or repair.

Roof Line The top edge of the roof or the top of the parapet, where the junction of the roof and the perimeter wall of the structure forms the top line of the building silhouette.

Runoff Precipitation, snow melt, or irrigation that flows over the land, eventually making its way to a surface water such as a stream, river, or pond.

Screening A visual barrier that blocks out a use on one (1) property from abutting properties. Screening shall consist of a landscaped area containing plant materials, walls and/or fences.

Secondary Containment A structure such as a double walled tank, a berm, or dike with an impervious surface that is adequate to hold at least 110% of the volume of the regulated-substances that will be stored there.

Sediment Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Senior Housing A facility for long-term residency exclusively by persons fifty-five (55) years of age or older, that provides either independent living or assisted living arrangements, and that shall include, without limitation, common dining and social and recreational features, and special

safety and convenience features designed for the needs of the elderly. The facility may also include the provision of services such as meal services, transportation, housekeeping, personal care, or health care. Such a facility shall not be construed to mean a nursing home, group home, or residential treatment center.

Service for Autos and Trucks Any building, structure or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles. Said service shall generally include the maintenance, repair or replacement of engines, wheels and brakes, mufflers, and tires. It may include body shops which involve the repair, replacement, or painting of body, fender, or interior components of motor vehicles.

Setback Unless specifically exempted in this Ordinance, a setback shall mean an area lying between the furthest projection of any building or structure and the property line of the lot on which the building or structure is located. Where a yard abuts a street, the setback is the area lying between the abutting street right-of-way line and the furthest projection of any building or structure.

Shoreline The mean high water line of the body of water at the water's edge.

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

Sign A permanent or temporary device, structure, light, letter, word, two- or three-dimensional, object or copy, model, banner, streamer, pennant, display, insignia, emblem, trade flag, presentation by figures, designs, pictures, logos or colors visible to the public from outside a building, from a traveled way or otherwise. The purpose of a sign is to convey a message to the public, to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products services or facilities available, either on the lot or on any other premises. Includes any permanently installed or prominently situated merchandise. For the purpose of removal, signs shall also include all sign structures and appurtenances.

Sign Area The space, on the largest single face of a sign, within and including a perimeter which forms the outside shape of a sign. Where signs are established back to back the larger face shall be calculated for purposes of determining allowable area. The space of a sign having no such perimeter or border shall be computed by enclosing the entire copy area within the outline of either a parallelogram, triangle, circle or any other easily recognized geometric shape and then computing the area. Where a sign is of a three-dimensional, round or irregular shape, the largest cross section shall be used in a flat projection for the purpose of computing sign area.

Sign, Abandoned The cessation of the use of a sign as indicated by the visible or otherwise apparent intention of an owner to discontinue the use of a sign and/or structural framework; or the removal of the characteristic equipment or furnishing of the sign, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming sign with a conforming sign.

Sign, Animated Any sign that includes action or motion, such as changing electronic sign or electronic message center. For purposes of this division, this term does not refer to flashing, changing or indexing.

Sign, Awning An "awning sign" is a sign painted on or attached flat or flush against the surface of the awning, but not extending above, below or beyond the awning or attached to the underside.

Sign, Banner A "Banner sign" is a temporary sign of lightweight material (paper, plastic or fabric) hung either with or without frames. A "Permanent Banner Sign" is a sign constructed of

lightweight material (paper, plastic or fabric) attached by means of rigid frames to a pole in a permanent or semi-permanent fashion.

Sign, Directional A sign that is necessary for on-site public safety and convenience. Examples include signs located next to a driveway and reading "in," "out," "entrance," "parking," or "exit."

Sign, Flashing A flashing sign contains an intermittent light source or includes the illusion of intermittent light by means of animation or an externally mounted intermittent light source.

Sign, Ground A sign established on a freestanding frame, mast or pole and not attached to any building. Where such signs are established back to back, the larger face shall be calculated for the purposes of determining allowable area.

Sign, Home Occupation A sign used to draw attention to a home occupation or for noncommercial speech associated with a home occupation.

Sign, Illuminated Any sign that emanates light either by means of exposed tubing, electrical bulbs, fluorescent lights, neon tubes or lamps on its surface, or by means of illumination transmitted through the sign faces. Any decorative lighting that is used expressly for the purpose of advertisement shall be construed as a sign.

Sign, Political A sign advertising a candidate or issue to be voted upon on a specific election day, and that is attached to the ground by a stake or stakes, but which excludes any other sign defined as a portable sign.

Sign, Real Estate A temporary non-electrical ground or wall sign that either: (1) advertises the on-site sale, rental or lease of a premises or a portion thereof (In such case signs must be removed within thirty (30) days after the sale, rental or lease); or (2) the off-site advertising of an open house.

Sign, Roof A sign established upon, against, or directly above a roof, or on the top of or above the parapet of a building.

Single-Family Attached Dwelling A building containing two or more attached dwelling units where each unit shares a common wall with at least one other dwelling unit. Each dwelling unit shall have a ground floor level but may be more than one story in height. These types of dwellings are commonly referred to as rowhouses or townhouses and are distinguished from multifamily housing under the terms of this Ordinance (see Multifamily Structure (Housing)).

Single-Family Detached Dwelling A dwelling designed for occupancy by a single family that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Slope The ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance by the horizontal distance and multiplying the ratio by one hundred.

Special Exception A use of a structure or lot, or any action upon a premises, that may be permitted upon application to the Zoning Board of Adjustment if in accordance with the provisions of this Ordinance.

Special Flood Hazard Area (for purposes of Floodplain Management Regulations) An area having flood, mudslide, and/or flood related erosion hazards, and shown on the FIRM as Zone A.

Start of Construction (for purposes of Floodplain Management Regulations) Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land

preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Story The portion of a building that is between one (1) floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is six (6) or more feet above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be a story if unfinished and without human occupancy.

Story, Half A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of the story.

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 courses to wells.

Stream Areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.

Street A road, thoroughfare or way that affords the means of access to adjacent lots and is devoted to vehicular travel, and measured from property line to property line. It includes any street, avenue, road, lane, viaduct, boulevard, alley, highway or other way, whether public or private.

Structure (for purposes of Floodplain Management Regulations) For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure (3/8/2010) Anything constructed, installed, placed or erected, whether above or below grade. Unless otherwise stated in this Ordinance, the following structures are exempt from the building permit requirements set forth in Section 15.4.1 and shall not be construed as structures for purposes of setback requirements, but shall be so construed for all other purposes. Sheds may require an Administrative Zoning Permit, see Article 9.4.5.

- (a) Signs,
- (b) Stonewalls,
- (c) Septic systems,
- (d) Driveways, sidewalks, parking lots,
- (e) Home propane and heating oil tanks,
- (f) One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 200 square feet,
- (g) Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge,
- (h) Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed 2 to 1,
- (i) Prefabricated swimming pools that are less than 24 inches deep, - seasonal
- (j) Swings and other playground equipment,
- (k) Window awnings supported by an exterior wall that does not project more than 54 inches from the exterior wall,
- (l) Heating or cooling equipment, and

Temporary

*Ask John
Differential in grade
No more than 4'*

(p) drainage structure wells cisterns

(m) Fences.

Structure, Accessory A detached structure, the use of which is customarily incidental and subordinate to that of the principal use, principal building or principal structure, and which is located on the same lot as that occupied by the principal use, principal building or principal structure.

Subdivision A “subdivision” means any activity defined in RSA 672:14.

Substantial Completion of Development For determining whether an approved subdivision or site plan is vested under the terms of RSA 674:39 the following conditions must be met. At least fifty percent (50%) of the total cost of all public and private improvements approved by the town must have been expended within four (4) years of the date of approval of said subdivision or site plan. In addition, a bond or surety for completion of all required public improvements, if required as a condition of approval, shall have been posted with the town.

Substantial Damage (for purposes of Floodplain Management Regulations) Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement (for purposes of Floodplain Management Regulations) Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the

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

Substantially Different Use A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

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

Tanning Salon Any business that uses artificial lighting systems to produce a tan on an individual’s body. This use specifically excludes spas, gymnasiums, and health clubs, where tanning is only one of a number of services offered to patrons.

Tattoo Parlor An establishment that offers as a service to the public, the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, by means of the use of needles or other instruments designed to contact or puncture the skin, using ink or other substances that result in the permanent coloration of the skin.

Tower Any structure that is used primarily to support one tower, lattice towers, guyed towers, and monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular towers, alternate tower structures and the like.

Townhouse A single dwelling unit whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner (condominiums).

Toxic or Hazardous Material Any substance or mixture with physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes acids and alkalis, and all substances defined as toxic or hazardous under applicable state or federal statutes, and also include such products as solvents and thinners in quantities greater than normal household use.

Unimproved Not developed with a principal-use structure.

Upland Soils Soils not present in any wetland area.

Use The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Use The purpose or activity for which land or structures are utilized, occupied or maintained.

Vernal Pool A confined basin depression without a permanent above ground outlet that, at least in most years, holds water and for a minimum of two continuous months during the spring and/or summer; contains fairy shrimp and/or supports the breeding of wood frogs and/or mole salamanders; and is free of adult fish populations. Observation of breeding activity by obligate species is required to determine that a water body is a vernal pool.

Veterinary Offices/Clinic A facility where a veterinarian treats sick or injured animals, gives preventative care, as well as where medical and surgical care is given, or short-term hospitalization is provided. Use of an on-site kennel shall be in enclosed facilities and shall be limited to short-term boarding which is incidental to the extended treatment of patients.

Violation (for purposes of Floodplain Management Regulations) The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article 13.4 and 13.7 (2) of this ordinance is presumed to be in violation until such time as the documentation is provided.

Water Surface Elevation (for purposes of Floodplain Management Regulations) 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.

Wastewater Treatment System Means any effluent disposal or treatment system that receives either sewage or other wastes, or both, including septic tank leach field systems, privies or dry pit toilets, and incinerator-type toilets such as gas-operated, electric, fossil-fueled or any combination thereof.

Wetland Areas Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. In accordance with New Hampshire Department of Environmental Services and United States Army Corps of Engineers requirements, jurisdictional wetlands are to be identified and delineated using the 1987 Corps of Engineers Wetlands Delineation Manual. Jurisdictional wetlands are to be delineated by a New Hampshire certified wetland scientist or a New Hampshire certified soil scientist.

Wetland Buffer A naturally vegetated upland area adjacent to wetland or surface water. In this definition, “naturally vegetated” includes the following: uncut or undisturbed forest, minimally disturbed or managed forest, and abandoned pasture or fields.

Wholesale Uses An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Such uses shall not typically include the processing, manufacturing, or assembling of raw materials or goods.

Workforce Housing Housing that meets the requirements set forth in the definitions of “Workforce housing for rental” and “Workforce housing for sale” herein. Housing developments that exclude minor children from more than 20 percent of the units or in which more than 50 percent of the dwelling units have fewer than two bedrooms shall not constitute workforce housing for the purposes of this Article.

Workforce housing development A residential development that is approved under the provisions of Article 17 of this Ordinance.

Workforce Housing for Rental Housing which is intended to be leased and is affordable to a household with an income of no more than 60 percent of the median income for a 3 person household for the metropolitan area or county in Strafford County as published annually by the United States Department of Housing and Urban Development.

Workforce Housing for Sale Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4 person household in Strafford County as published annually by the United States Department of Housing and Urban Development.

Yard A portion of a lot upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

Yard, Side A yard extending for the full length of a building between the nearest building wall and the side lot line.

ARTICLE 19.....APPENDIX

(Refer to Subsection 3.2 for an explanation of how to interpret information presented in Table 1: Table of Uses)

TABLE 1: TABLE OF USES (Sheet 1 of 4)						
	General Residential (GR)	Neighborhood Residential (NR)	Village (V)	Town Center (TC)	Regional Commercial (RC)	Highway Commercial District Overlay (HCO)
USE RESIDENTIAL						
Conservation Subdivisions	P(5)	P(5)	P(5)	(-)	(-)	P
Manufactured Housing	P	P	P	(-)	P(8)	P
Multifamily Housing	CP(6)	CP(6)	CP(6)	P(6,13)	P(8)	P
Senior Housing	CP(6)	CP(6)	P(6)	P(6,13)	P(8)	P
Single-Family Dwellings (Attached)	P(7)	P(7)	P	P(13)	P(8)	P
Single-Family Dwellings (Detached)	P	P	P	P(13)	P(8)	P
Two Family Dwellings	P	P	P	P(13)	P(8)	P
Accessory Dwelling Unit	P	P	P	P	P	P
USE AGRICULTURAL						
Agricultural Uses	P	P	P	(-)	P	P
Farms	P	P	P	(-)	P	P
Open Air Farmers Market	P	P	P	P	P	P
Keeping/Boarding of Horses	P	P	P	(-)	P	P
Orchards	P	P	P	(-)	P	P
USE COMMERCIAL						
Arts & Crafts Establishments	CP	CP	P	P	P	CP
Art Studios	CP	CP	P	P	P	CP
Sale of Automobile Parts & Supplies	CP	CP	CP	P	P	CP
Automated Banking Facility (ATM)	CP	CP	P	P	P	CP
Banks	(-)	(-)	P	P	P	CP
Bed & Breakfasts	CP	CP	P	P	P	CP
Billiard Parlors	(-)	(-)	(-)	P	P	CP
Bowling Alleys	(-)	(-)	(-)	P	P	CP
Business Support Services	CP	CP	P	P	P	CP
Business & Professional Offices	CP	CP	P	P	P	CP
<i>Business & Professional Park</i>	CP	CP	P	P	P	CP
Commercial Recreation Facilities	CP	CP	CP	P	P	CP
Conference Centers	CP	CP	P	P	P	CP
Child Day Care Agency (03/08/11)	CP	CP	P	P	P	CP
<i>Distillery/Brewery with Retail</i>	—	—	CP	P	P	CP
Drug Store	CP	CP	P	P	P	CP
Funeral Homes	(-)	(-)	P	P	P	CP
Gasoline Service Stations	CP	CP	P	P	P	CP
Convenience Stores w/Gas Pumps	CP	CP	P	P	P	CP

TABLE 1: TABLE OF USES (Sheet 2 of 4)

USE	General Residential(GR)	Neighborhood Residential (NR)	Village (V)	Town Center (TC)	Regional Commercial (RC)	Highway Commercial District Overlay (HCO)
Golf Courses	CP	CP	(-)	(-)	(-)	CP
Grocery Store	(-)	(-)	P	P	P	(-)
Hardware Stores	CP	CP	P	P	P	CP
Health Care Facilities	CP	CP	P	P	P(3)	CP
Health Clubs	CP	CP	P	P	P	CP
Home Business	CP(9)	CP(9)	CP(9)	CP(9)	CP(9)	CP(9)
Home Occupation	P(10)	P(10)	P(10)	P(10)	P(10)	P(10)
Hospitals	(-)	(-)	(-)	(-)	P	CP
Hotels	CP	CP	CP	P	P	CP
Inns	CP	CP	P	P	P	CP
<i>Kennel</i>	CP	CP	CP	CP CP	P	CP
Landscape Nurseries/Greenhouses	CP	CP	P	(-)	P	CP
Medical/Dental Clinics	(-)	(-)	P	P	P	CP
Mixed Use Developments	(-)	(-)	P(2)	P(2)	P(2)	CP
Motels	(-)	(-)	CP	P	P	CP
Movie Theaters	(-)	(-)	P	P	P	CP
Museums	CP	CP	P	P	P	CP
Nursing Homes	CP(3)	CP(3)	P(3)	P(3)	P(3)	CP(3)
Packaging & Delivery Services	CP	CP	P	P	P	CP
Personal Services Establishments	CP	CP	P	P	P	CP
Planned Unit Development (PUD)	(-)	(-)	CP(12)	P(12)	(-)	(-)
Publishing & Printing Establishments	CP	CP	P	P	P	CP
Repair Services	CP	CP	P	P	P	CP
Restaurants	CP	CP	P	P	P	CP
Restaurants, Drive-Through	(-)	(-)	P	P	P	CP
Retail Uses	CP	CP	P	P	P	CP
Service for Autos and Trucks	CP	CP	CP	CP	P	CP
Social or Fraternal Organizations	CP	CP	P	P	P	CP
Veterinary Offices/Clinic	CP	CP	P	P	P	CP
Wireless Communication Facilities	P(4)	P(4)	(-)	(-)	P(4)	CP(4)

TABLE 1: TABLE OF USES (Sheet 3 of 4)

USE	General Residential (GR)	Neighborhood Residential (NR)	Village (V)	Town Center (TC)	Regional Commercial (RC)	Highway Commercial District Overlay (HCO)
INDUSTRIAL						
Contractor's Storage & Equipment Yards	CP	CP	(-)	(-)	P	CP
<i>Distillery without Retail</i>	CP	CP	(-)	(-)	P	CP
Excavation Operations	CP(1)	CP(1)	CP(1)	(-)	P(1)	P(1)
Light Manufacturing Facilities	CP	CP	CP	(-)	P	CP
Machine Shops	CP	CP	(-)	(-)	P	CP
Research & Development Facilities	CP	CP	P	CP	P	CP
Sawmills	CP	CP	(-)	(-)	P	CP
Truck Terminals	(-)	(-)	(-)	(-)	P	CP
Wholesale Uses	CP	CP	P	(-)	P	CP
Warehouse Operations	CP	CP	P	(-)	P	CP
USE PUBLIC / INSTITUTIONAL						
Churches	CP	CP	P	P	P	CP
Educational Institutions	CP	CP	P	P	P	CP
Municipal Buildings & Uses	P	P	P	P	P	CP
Parks & Playgrounds	CP	CP	P	P	P	CP
USE ACCESSORY						
Private Garages	P	P	P	P	P	P
Accessory Uses	P	P	P	P	P	P
Farm/Produce Stand	P(11)	P(11)	P	P	P	P
In-House Dwelling Unit	P	P	P	P	P	P
Recreation	P(14)	P(14)	P(14)	P(14)	P(14)	P(14)
Swimming Pools	P	P	P	P	P	P

KEY / LEGEND	INTERPRETATION OF KEY / LEGEND
P	Permitted by Right
P(with Number)	Permitted with conditions specified in the footnote number given.
CP	Permitted if a Conditional Permit is issued by the Planning Board
CP(with Number)	Permitted if a Conditional Permit is issued by the Planning Board with conditions specified in the footnote number given.
(--)	Not permitted

Footnotes to Table 1 (Meaning of numbers given in parentheses in the table.) Page 4 of 4	
(1)	All excavation operations shall conform to the Performance Standards specified in Section 7.1 of this Ordinance, as well as the requirements specified in the town's Site Plan Review Regulations. The Planning Board may require an undisturbed and/or vegetated buffer of suitable size to be maintained between an excavation site and any adjoining properties if said properties would be adversely impacted by such an operation
(2)	Provided that such use complies with Section 3.3 of this Ordinance as well as all other applicable regulations.
(3)	Such facilities may have no more than fifteen (15) patient/client beds
(4)	Provided that such use complies with Article 10 of this Ordinance entitled Wireless Communication Facilities Overlay
(5)	Provided that such use complies with Article 6 of this Ordinance entitled Conservation Subdivision Regulations.
(6)	No structure may contain more than eight (8) dwelling units.
(7)	Permitted within Conservation Subdivisions as specified in Article 6.
(8)	No residential structures are permitted within five hundred (500) feet of the centerline of Route 125 and Route 4 for properties located in the RC District.
(9)	Provided that such use complies with Section 7.4 of this Ordinance entitled Home Businesses.
(10)	Provided that such use complies with Section 7.3 of this Ordinance entitled Home Occupations.
(11)	For the sale of agricultural products, or any other goods, which are produced substantially as a home occupation or from agricultural activities on the premises, other than forestry related activities, as an accessory use to a principal residential use; <i>one structure of 200 sq. ft. or less may be utilized without site review, after review by the Zoning Administrator for compliance with section 7.3 of this ordinance.</i>
(12)	Planned Unit Developments (PUD) must comply with the provisions of Article 16 of this Ordinance as well as other applicable regulations
(13)	These uses shall only be permitted as part of a PUD in accordance with Article 16 of this ordinance.
(14)	In the absence of a primary use, a Recreational Vehicle may be utilized as a primary use for up to 180 days per year. Sewage disposal and other applicable codes requirements shall apply.

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Editor's Note

The provisions of the Zoning Ordinance and Land Use Regulations are numerically indexed in hierarchical levels. Given at the left margin the numeric index is followed by a tab leader sized for each heading level. The Body text for each heading level is positioned under the heading text with the exception of paragraphs and subparagraphs having no emphasized lead words. The presentation of the material is exemplified below.

LEVEL TITLES	INDEX AT LEFT MARGIN	TAB LEADER	ILLUSTRATION OF ITEM PRESENTATION
Article	#	NONE	# - ARTICLE TITLE (There is no body text nested directly under the article title.):
Section	##	.5 inch Section Heading Body Text (Directly under Title – block style.)
Subsection	###	.75 inch Subsection Heading Body Text (Directly under title- block style.)
Paragraph- with lead word(s)	### (#)	1 inch Paragraph's Lead word(s) Body text (Directly under lead words – block style.)
Paragraph	### (#)	1 inch Paragraph's body text
Subparagraph - with lead word(s)	### (#)(a)	1.25 inch Subparagraph Lead Word(s), Body text (Directly under lead words– block style.)
Subparagraph	### (#)(a)	1.25 inch Subparagraph's body text

**** Numeric Index Conventions:**

- o The symbol # stands for a numeric identifier.
- o The small letter 'a' stands for any alphabetical identifier.
- o Numbers within parenthesis indicate paragraphs.
- o Small letters within parentheses indicate subparagraphs.

Order of Presentation

- o The Article Index and the Article Title are separated by a dash (–)
- o For all other indexing the numeric index is followed by a tab leader (.....) of appropriate length (see above) followed by the appropriate heading.
- o A subsection (###) will always be preceded by a section;
- o A subparagraph [### (#)(a)] will always be preceded by a paragraph.
- o An Article, Section or Subsection may be immediately succeeded by a paragraph.

When an element of a regulation or the Ordinance is being referenced, the Numeric Identification is used. If the intention is to reference an Article in its entirety the Article Number would be the reference, for example, Article 6. If the reference is more specific, for instance Article 6, Section.2 the reference would be given as Section 6.2. The extreme example would be Article 6, Section 2, Subsection 3, Paragraph (2), Subparagraph (b) which would be referenced as Subparagraph 6.2.3 (2)(b).

Editing terms:

Non-substantive: An amendment considered and intended not to impact the content, purpose or intent of a provision of the Ordinance or of a Regulation. Examples being to correct grammatical or typographical errors, change the informational presentation from linear text format to a tabular format, divide a complex provision into two or more simple provision using the same wording and ascribing an new index reference to the now separated provisions.

Where we use and understand the word "index" to mean the same as a "provision designation" as used elsewhere.

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ZO 1.5

Edit Note: This "clause" appears as "Savings" in SD and as "Seperability" in SR. We should adopt a single header and wording for the clause in ZO, SD and SR. I suggest we use the heading and text of the Ordinance as presently given:

Severability: In the event that any of the terms or provisions of this Ordinance are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Ordinance, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.

ZO 1.7

Edit Note: Delete current text presentation and substitute a table presentation.

History:
 A Zoning Ordinance was adopted September 12, 1972, and subsequently amended March 8, 1977, March 11, 1980, December 8, 1981, March 9, 1982, March 9, 1983, March 13, 1984, March 12, 1986, March 10, 1987, July 28, 1988, March 15, 1989, March 14, 1990, March 12, 1991, and March 11, 1997.

The Zoning Ordinance adopted September 12, 1972 and as amended through March 11, 1997 was repealed with the adoption of the Zoning Ordinance, March 8, 2005.

The Zoning Ordinance of March 8, 2005, the current Ordinance, has been amended March 11, 2008, March 9, 2010, and March 8, 2011.

Adopted:	September 12, 1972		
Dates of Amendment	March 8, 1977	March 11, 1980	December 8, 1981
	March 9, 1982	March 9, 1983	March 13, 1984
	March 12, 1986	March 10, 1987	July 28, 1988
	March 15, 1989	March 14, 1990	March 12, 1991
	March 11, 1997		
The Zoning Ordinance adopted September 12, 1972 and as amended through March 11, 1997 was repealed and replaced with the Zoning Ordinance of March 8, 2005.			
Dates of Amendment	March 11, 2008	March 9, 2010	March 9, 2011
	March 13, 2012	March 12, 2013	March 11, 2014
	March 10, 2015		

Comment [JB1]: Where is this? Not in my book.

Comment [JB2]: Where is this? Not in my book.

ZO 1.8

Edit Note: Insert "Current" before the word Vision" in sentence 1 and Delete "on March 11, 2004" in that sentence. Insert "Current" before the word "Capital" in the last sentence and delete "in June 2007" in the same sentence. By using the general wording "current" Master Plan and CIP we remove the need to edit the wording whenever a new or revised MP or CIP is adopted. This matters since we will be revising the MP in phases over the coming years and because we hope to have a more active CIP in the coming period

Consistency with the Master Plan and Capital Improvement Plan
 This Ordinance is intended to implement, to the fullest extent possible, the current Vision, Strategic Objectives, and Implementation Strategy of the Strategic Master Plan Update, Barrington, New Hampshire, which was adopted by the Barrington Planning Board on March 11, 2004, along with all of the supplemental planning studies that were adopted by reference. This document is hereafter referred to as the "Master Plan." This Ordinance is also intended to support the implementation of the current Capital Improvement Plan (CIP), adopted by the Planning Board, in June 2007, as amended

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ZO 2.1	<p>Edit Note: Move the sentence "The designations for the zoning districts are as follows:" from its current placement and append it to the first paragraph. Delete "the provision of" a series of Insert an Index reference for each Zone as indicated</p> <p>Establishment of Zoning Districts For the purposes of this Ordinance, the Town of Barrington is divided into five (5) base zoning districts. Each zoning district is identified on the Official Zoning Map. All of the area within the municipal boundaries is located in one of these five base districts. The designations for the zoning districts are as follows:</p> <p>The designations for the zoning districts are as follows: ZO 2.1(1) General Residential (GR) ZO 2.1(2) Neighborhood Residential (NR) ZO 2.1(3) Village (V) ZO 2.1(4) Regional Commercial (RC) ZO 2.1(5) Town Center (TC) (added March 2008)</p> <p>In addition to these base districts, this Ordinance also establishes the provisions of a series of overlay zoning districts that function in concert with the base districts. These overlay zoning districts are intended to regulate the use of specific environmental features or other characteristics or uses. Where an overlay zoning district coincides with all, or any part, of a base zoning district, the regulations for the base zoning district and the overlay zoning district shall be applied to the coincident area.</p> <p>ZO 2.1(6) Wetlands Protection District Overlay (WDO) ZO 2.1(7) Shoreland Protection District Overlay (SDO) ZO 2.1(8) Floodplain Management District Overlay (FDO) ZO 2.1(9) Groundwater Protection District Overlay (GDO) ZO 2.1(9)(a) Stratified Drift Aquifer Overlay (SDAO) ZO 2.1(9)(b) Swains Lake – Water Management Zone Overlay (SL-WMZO) ZO 2.1(10) Wireless Communications Facilities Overlay (WCO) ZO 2.1(11) Highway Commercial District Overlay (HCO)</p>
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ZO 3.1	<p>Edit Note: Parse this provision into its separate elements. Retain as ZO 3.1 the first Sentence. Delete the remainder and insert the deleted wording as ZO 3.1(1). General Provisions: Except as herein provided, no building or land shall be used or occupied except for the purposes permitted in the district as described in this Article. A permit for the construction, installation, development, alteration, enlargement, moving, demolition, or use of a building or structure shall not be issued by the Building Inspector, or other town official, unless it complies with the provisions of this Article and/or has been granted a variance or special exception by the Zoning Board of Adjustment.</p>
New Index ZO 3.1(1)	<p>A permit for the construction, installation, development, alteration, enlargement, moving, demolition, or use of a building or structure shall not be issued by the Building Inspector, or other town official, unless it complies with the provisions of this Article and/or has been granted a variance or special exception by the Zoning Board of Adjustment.</p>

ZO 3.1.8(3)	<p>Edit Note: Strike such and insert "a" after "Where." Signs as Abandoned Property - Where such a sign is removed, it shall be deemed to be abandoned and may be disposed of by the town as abandoned property</p>
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ZO 3.2	<p>Edit note: Delete "in accordance" ...etc</p> <p>Use Regulations: The following Paragraphs (1) through (3) refer to Table 1, the Table of Uses, which is located in the Appendix of this Ordinance. Only uses listed in this Table shall be permitted in any zoning district. in accordance with the following provisions:</p>
ZO 3.2.1 ZO 3.2(1)	<p>Edit note: Change Index from 3.2.1 to 3.2(1). Substitute bolded text below for existing text</p> <p>A use listed in the Table of Uses is permitted by a matter of right in the district, which is denoted by the letter "P", subject to all other applicable local, state and federal regulations. If the letter "P" is accompanied by a number in parenthesis it indicates that the use is permitted only when in compliance with the conditions imposed as specified in the appropriate footnote, and subject to all other applicable local, state and federal regulations.</p> <p>A use permitted as a matter of right is denoted by the letter "P" in ZO Table 1 – Table of Uses. A use permitted by right is subject to all other applicable local, State and Federal regulations.</p>
ZO 3.2.2 ZO 3.2(2)	<p>Edit note: Change index from 3.2.2 to 3.2(2), Capitalize State & Federal, Strike the second sentence ("If" through "footnote") to reduce duplication of instructions – See inserted ZO 3.2(4)</p> <p>Uses Permitted by Conditional Approval of Planning Board: A use listed in the Table of Uses and denoted by the letters "CP" may be permitted if the Planning Board determines that the requested use can be established in compliance with the provisions of Section 3.4 as well as all other applicable provisions of this Ordinance, and subject to all other applicable local, State and Federal regulations. If the letters "CP" are accompanied by a number in parenthesis it indicates that the use is permitted only when in compliance with the conditions imposed as specified in the appropriate footnote.</p>
ZO 3.2.3 ZO 3.2(3)	<p>Edit note: Change index from 3.2.3 to 3.2(3). (There is a question as to whether the word "specifically" is to limiting and thereby inviting a never ending list of specific uses. Otherwise no text change. Also the same question arises in the wording of ZO 3.2 wherein we state "that only the uses listed in the ZO Table 1 are permitted."</p> <p>Prohibited Uses: Prohibited uses shall be denoted by a dash (-) in the Table of Uses. Unless a use is specifically permitted in a zoning district as indicated in the Table of Uses, it shall be prohibited.</p>
New Index ZO 3.2(4)	<p>Edit note: This replaces the duplicated wording used in previously existing subsections ZO 3.2.1 & 3.2.1.</p> <p>Uses with Specified Conditions: A use Permitted by Right ("P") or by Conditional Approval ("CP") may have specified conditions associated with that use. The existence of specified conditions is indicated by one or more numbers accompanying the letter "P" or letters "CP". The number(s) reflect the footnote reference(s) specifying the condition(s).</p>

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	Edit Notes: ZO 9.5.1(1 & 2) remain as given.
ZO 9.5.1	Exceptions for Construction in Wetland Buffers
ZO 9.5.1(1)	On all lots created after March 11, 1997 and before March 13, 2001, no structure shall be built or located closer than thirty-five (35) feet to a wetland area
ZO 9.5.1(2)	An existing building within a buffer area may be repaired and/or replaced provided that the new or repaired structure, including any impermeable surfaces, shall not extend further into the buffer area than the footprint of the original foundation.
ZO 9.5.1(3).	Edit Note: Paragraph (3) - Delete wording beginning after "Environmental Services..." through "wetland crossings.." "retaining may be permitted." In Paragraph 4 insert "are permitted." Wetland crossings that would fall under the purview of the New Hampshire Department of Environmental Services Administrative Rule 303.04, as amended, that expedites certain types of wetland crossings may be permitted.
ZO 9.5.1(4)	Wells / Well Lines are permitted.
ZO 9.5.1(5)	Edit Note: Substitute "on" for "or", delete "unimproved", delete wording at end of sentence. This Ordinance provision is given as ZO 9.5.1(6). This ordinance shall not prohibit the construction of principal and accessory structures within the buffer zone or on unimproved lots that were approved for subdivision by the Planning Board or which otherwise legally existed on or before March 13, 2001.
New Index ZO 9.5.1(6)	Edit Note: Insert new provision. This ordinance shall not prohibit the construction of principal and accessory structures on lots which otherwise legally existed on or before March 13, 2001
ZO 15.4.1	Edit Note: Insert "that is regulated by the building code" in the first sentence after "No building or structure..." Building Permit Required: No building or structure that is regulated by the building code shall be constructed, reconstructed, altered, or relocated; nor shall the use of any building or structure be substantially changed; nor shall any excavation be commenced under the provisions of this Ordinance without a duly authorized building permit issued by the Building Inspector. Said permit shall be issued only if it is determined that the proposed construction is in compliance with all applicable town and state codes and regulations which have been adopted for the purpose of regulating such activities.

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[Definitions] Structure (ZO) (3/8/2010)	<p>Edit Note: Insert element at end of list: “and (n) such structures as are authoritatively deemed required for the Safety of the community and its citizens.”</p> <p>Structure ZO: Anything constructed, installed, placed or erected, whether above or below grade. Unless otherwise stated in this Ordinance, the following structures are exempt from the building permit requirements set forth in Section 15.4.1 and shall not be construed as structures for purposes of setback requirements, but shall be so construed for all other purposes.</p> <p>(a) Signs; (b) Stonewalls; (c) Septic systems; (d) Driveways, sidewalks, parking lots; (e) Home propane and heating oil tanks; (f) One story detached accessory structures used as tool and storage sheds, playhouses; and similar uses, providing the floor area does not exceed 200 square feet, sheds may require an Administrative Zoning Permit; (g) Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge; (h) Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed 2 to 1; (i) Prefabricated swimming pools that are less than 24 inches deep; (j) Swings and other playground equipment; (k) Window awnings supported by an exterior wall that does not project more than 54 inches from the exterior wall; (l) Heating or cooling equipment, and (m) Fences; and (n) such structures as are authoritatively deemed to be required for the Safety of the community and its citizens.</p>
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