

Section 512 Motor Vehicle Refueling Facilities

This Section is intended to protect, preserve and promote public health, safety and welfare and to reduce environmental hazards to health, safety and welfare (including but not limited to traffic congestion and blight), insofar as they are affected by structures, equipment and premises used by and for retail outlets for refueling motorized vehicles. Pursuant to RSA 674:33.IV, this Section is further intended to define specific rules to govern decisions about granting permits for the establishment of such facilities as a Special Exception for land use in the Industrial-Business/Residential District. To achieve the above aims, this Section provides for control of the number and capacity of such facilities throughout the town.

512.1 Upon adoption of this ordinance any facility that offers on-highway motor vehicle fuel of any kind for sale to the public shall be permitted in the Town of North Hampton only as a Special Exception and only in the Industrial-Business/Residential District.

512.2 **Definitions.**

512.2.1 “Motor vehicle” includes but is not limited to cars, trucks, buses, motorcycles, motor scooters, recreational vehicles, and motor homes. It does not include aircraft, farm tractors, or construction equipment that is not licensed for travel on public roads.

512.2.2 “Fuel” includes, but is not limited to gasoline of all grades, diesel, ethanol, methanol, liquid propane gas, hydrogen, or any substance dispensed for use in a motor vehicle as a source of energy for such a vehicle.

512.3 The total refueling capacity of all such facilities in the Town of North Hampton, as measured by the total number of vehicles that may receive fuel simultaneously at all these facilities combined, shall be limited to the number at the time of the adoption of this ordinance -- that is, 36 vehicles.

512.4 The total number of tanks, underground or aboveground, that are installed for active use at all such facilities combined in the Town of North Hampton and their total capacity shall be limited to the total number and capacity, as recorded in the facility information records of the New Hampshire Department of Environmental Services, at the time of the adoption of this Section of the Zoning Ordinance – that is, 8 tanks in total with 93,000 gallons of combined total capacity.

512.5 If the total refueling capacity of all such facilities falls below 36 vehicles, a person may apply to the Zoning Board of Adjustment for a

permit to install additional refueling capacity at a facility located in the Industrial-Business/Residential Zone only provided that the total refueling capacity shall not exceed 36 vehicles as a result of approval of the application.

- 512.6 If the total number of installed, active tanks for such facilities falls below 8 or their total combined capacity falls below 93,000 gallons, a person may apply to the Zoning Board of Adjustment for a permit to install a tank or tanks to replace a tank or tanks that have been permanently closed, as determined by the facilities information records of the New Hampshire Department of Environmental Services, only in the Industrial-Business/Residential Zone and provided that the total number and combined capacity of all tanks installed for active use in the Town shall not exceed limits stated in Section 512.4 above as a result of approval of the application.
- 512.7 Applications for permits under this Section 512 shall be granted only for sites with conforming frontage on Lafayette Road and at least one other town road and approved driveway permits on both Lafayette Road and at least one other town road.
- 512.8 No more than two (2) such facilities shall be permitted at any one intersection, and no additional refueling facilities shall be permitted within 1,000 feet of any intersection site at which two (2) such facilities are in existence or operating.
- 512.9 Installation of any new refueling system or any component of such a system, as provided in section 512.5-6 above, shall use the best available technology, equipment, and methods to protect the environment. This section is intended to cover all elements of the refueling system, aboveground and underground, from orifices used for filling storage tanks to nozzles for dispensing fuel into vehicles, and it includes but is not limited to alarms and devices for detecting leakage, recovering spilled fuel, and extinguishing fires.
- 512.10 Any facility that has the capability to dispense fuel to motor vehicles, but that does not have an approved site plan for that use at the time of the adoption of this ordinance – e.g. an airport, school bus terminal, truck dispatching facility, heating oil distribution business, or construction firm – shall not sell motor-vehicle fuel to the public, unless the Zoning Board of Adjustment approves a permit for that use and the Planning Board approves a site plan for that use.