

DECEMBER 14, 2021  
Planning Board, Zoning Amendments Public Hearing

1. Amend Article V- Establishment of District and District Regulations, D-6 Commercial Route 3 South to specify density for Class 1 Utilities. [Pages 25, 40](#)
2. Amend Article VII- Board of Adjustment, A. Special Exception – Generally to eliminate requirement for written approval from the Planning Board prior to an applicant seeking a Special Exception from the Zoning Board of Adjustment. [Page 55](#)
3. Amend Article VIII- Definitions to redefine Setbacks and remove the special exception requirement for vehicle parking in a setback. [Page 73](#)
4. Amend Article VIII- Definitions to remove the definitions of Net Floor Area, Off Lot, Off Premise, Off Street, Off Street Parking, and On Premise. [Page 70, 71](#)
5. Amend Article VII- Board of Adjustment, B. Special Exception – Specific, 1. Accessory Apartments a. to exchange the term of net floor area for square footage. [Page 56](#)
6. Include Short Term Rentals as an accessory use to single family dwellings by Special Exception as follows:
  - Amend Article VIII- Definitions to revise the definition of Dwelling Unit to not include language that could be interpreted as including short term rentals; AND include a new definition for Short Term Rentals to have them be accessory to single family dwellings only. [Page 61, 65](#)
  - Amend Article VII- Board of Adjustment, B. Special Exception – Specific to include accessory Short Term Rental as a special exception and establish specific criteria for that use. [Page 57, 58](#)
  - Amend Article V- Establishment of Districts and District Regulations D-1 Forestry and Conservation District, D-2 Forestry and Rural District, D-2(a) Meredith Neck District, D-3 Residential District, D-4 Shoreline District, D-6 Commercial Route 3 South District, D-7 Central Business District, and D-8 Commercial District-Meredith Center to include Accessory Short Term Rentals as a Special Exception. [Page 26, 28, 31, 33, 35, 39, 43](#)

# **ZONING ORDINANCE**

MEREDITH, NEW HAMPSHIRE

AMENDED MARCH 9, 2021

ADOPTED AUGUST 27, 1971

**PRICE:      \$15.00**

“When men enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and, without such an equivalent, the surrender is void.”

From the Constitution of New Hampshire (Art. 3-d)  
(Society, Its Organization and Purposes)

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# **ZONING ORDINANCE**

## **ARTICLE I - PREAMBLE**

In pursuance of authority conferred by Chapters 672-676 NH Revised Statutes Annotated, 1983, now therefore the following ordinance is hereby enacted by the voters of the Town of Meredith, New Hampshire, in official Town Meeting convened.

## **ARTICLE II - TITLE**

This ordinance shall be known and may be cited as the "ZONING ORDINANCE OF THE TOWN OF MEREDITH, NEW HAMPSHIRE".

## **ARTICLE III - GENERAL PROVISIONS**

The following provisions shall apply to all districts except where listed on Pages 25 through 45.

### **A. Obnoxious Use** (amended 10 March 87)

No land in any of the districts herein set forth shall be used in a manner that is disorderly, unsightly, noxious, offensive or detrimental to the public or the owners or occupants of adjacent property.

### **B. Excavation, Removal and Filling Land**

The primary use of land for the excavation, removal, filling or depositing of any type of each material, topsoil, gravel, rock, garbage, rubbish, other wastes or by-products may be permitted by exception in certain districts and under the supervision of the Selectmen and after due public hearings on such matters in accordance with the topographic plan submitted by the owner of the property concerned and after a permit has been approved by the Planning Board.

Applicants for any proposed new excavation must apply for a permit in accordance with the *Meredith Earth Excavation Regulations*, adopted January 8, 1981 (See p.81 for complete text.)

### **C. Erosion and Sedimentation Control**

In order to control the accelerated erosion and the resulting sedimentation caused by construction activities which can significantly degrade water quality in the Town, and to promote the safety, public health, convenience and general welfare of the Town and to prevent damage to abutters, the Erosion and Sedimentation Control Ordinance has been enacted.

A developer should become acquainted with the Erosion and Sedimentation Control Ordinance and is encouraged to discuss his construction activities with the Meredith Planning Board before earth disturbing activities commence. No development area where earth disturbing activities are to take place will be approved unless it is in compliance with the standards and criteria of the *Meredith Erosion and Sedimentation Ordinance*, adopted March 13, 1984.

#### **D. Condominiums**

Condominiums, condominium conversions and time-sharing units shall be considered as subdivisions and shall be required to meet the provisions of Zoning Ordinance unless granted a variance by the Zoning Board of Adjustment. (3/9/21)

#### **E. Temporary Structures**

1. Temporary Structures may be occupied on a residential building site during the period that construction of the Primary Structure is in progress. A Special Permit, but not a Certificate of Use and Occupancy, shall be required prior to the occupancy of a Temporary Structure. Prior to the issuance of the Certificate of Use and Occupancy for the Primary Structure, the residential use of any previously permitted Temporary Structure shall be discontinued.
2. Temporary/portable shelters regardless of cost or construction shall require a permit and shall be subject to setback and height requirements as per the Zoning Ordinance and will require a Certificate of Use. Such use shall be limited to 180 days. Permit fee will be the same as established for an accessory building. (13 Mar 01)

#### **F. Home Occupations**

Any home occupation shall be permitted as an accessory use in the zone where allowed and shall be subject to Site Plan Review and the following restrictions:

1. The home occupation is clearly an accessory use to the residential use of the property.
2. The home occupation is customarily incidental to the primary use of the property as a dwelling.
3. The total number of employees engaged in a home occupation shall not exceed four (4). The operator of the home occupation shall reside at the residence whether he/she is the owner of the property or not and shall be engaged in the home occupation. The operator of the home occupation shall be considered one (1) of the four (4) permitted employees. The remaining employees may be either related or unrelated to the owner/operator and may or may not reside at the residence.
4. The home occupation shall be carried on only within the principal or accessory structure and there shall be no obvious commercial interruption of the residential appearance of the area.
5. Not more than twenty-five percent (25%) of the combined floor area of the dwelling house and accessory buildings shall be devoted to such home occupation.

6. A home occupation shall be allowed one sign and shall not exceed six (6) sq. ft. in total visible area and shall be flat in nature and shall require a sign permit from the proper authority.
7. No installation or use of any mechanical or electrical equipment that is not customarily incidental to the practice of the home occupation or not normally part of a domestic household shall be permitted, with the exception of medical and rental equipment. Also, machinery which is abusive to the residential atmosphere or that causes interference in radio and television reception shall not be permitted.
8. The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation except for the permitted sign.
9. Home occupations shall consist of those customarily traditional home occupations which are generally acceptable to be carried on in dwellings in a residential area. The use of modern information and communication technologies shall not preclude home occupation, provided that all other provisions of the ordinance are met.
10. In addition to the customarily traditional home occupation, the following are permitted uses, providing they qualify under the other criteria: physicians and dentists' offices, professional offices of attorneys, accountants and architects, studios, barber shops and beauty parlors, dressmaking, child care and boarding houses.
11. Only articles made on the premises or customarily incidental to the home occupation shall be sold on the premises.

**G. Signs** (For permit requirements, see Art. VI, Sect. D., Para. 1)

All signs erected in the Town of Meredith shall require a Sign Permit, which shall be renewed every five (5) years, with the exception of those listed under Section G-1 below and Article VI, Section D-1, of this Ordinance. A Sign Permit may be issued by the Board of Selectmen or their designated agent upon evidence that all applicable conditions of the Zoning Ordinance are met. (10 Mar 92)

If any proposed sign is located on a tract or parcel of land that is before the Planning Board pursuant to the Site Plan Review Regulation, then a Sign Permit will be issued only in accordance with the approved Site Plan. (10 Mar 92)

1. Signs offering property for sale, lease or rent and political signs are permitted.
2. Signs erected in wetlands shall not be larger than 4 sq. ft.

3. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be focused upon or from within the sign itself.
4. No sign structure shall be erected or replaced which advertises a business not located in the Town of Meredith.
5. Signs which are animated, flashing or with intermittent illumination, and Electronic Signs, are prohibited. (31 July 07).
6. Any sign which becomes in disrepair may be removed upon order of the Selectmen or their agent if not refurbished, repaired or removed after sixty (60) days written notice. Signs which advertise a use that has been discontinued for one (1) year or more shall be removed by the owner. If after 60 days written notice to the owner the sign has not been removed, then the Selectmen or their representative may remove the sign and any related costs shall be charged to the property owner. (10 Mar 87).
7. Several zones shall be established to determine the signage permitted: (10 Mar 87)
  - a. The Main Street area of the Central Business District including the portions of Lake, Dover, High, Water, Highland, St. James and Plymouth Street that are in the Central Business District shall be treated as follows:
    1. The maximum signage permitted for each business shall be 32 sq. ft for each building facade that faces a public right-of-way.
    2. The maximum permitted size for a free-standing sign shall be 16 sq. ft. which shall be included in the total permitted in 7.a.1 above.
  - b. The Central Business District North on Route #3 from Cataldo Road to the end of the Central Business District at the Center Harbor line and East on Route #25 to the Center Harbor line, where a business use is a permitted use, and the Meredith Center Commercial District shall be treated as follows: (10 Mar 87)
    1. Each property owner with road frontage of 150 feet or less shall be permitted a free standing sign with a maximum size of 64 sq. ft. (per side) and additional building signage to a maximum of 64 sq. ft.
    2. For lots with more than 150 feet of road frontage, one square foot of signage may be added for every four feet of road frontage over 150 feet up to a maximum total of 240 sq. ft. of signage. No sign shall exceed 120 sq. ft. per side.

- c. The balance of the Central Business District, Route #3 South, the Business and Industry District and Route #104 West to New Hampton Town Line, where a business use is a permitted use, shall be treated as follows: (10 Mar 87)

Each property owner may have "on premise" signs with total sign surfaces not to exceed 3 sq. ft. per linear foot of road frontage, but not exceed 120 sq. ft. per side. A total of 240 sq. ft. of signage is allowed.

#### 8. General Provisions:

- a. On premise signs shall mean any signs located on property whether attached to buildings or erected on ground or on poles. When "cut out" letters are used, the size of the sign shall be the total area within the regular geometric shape which the letter suggests.
  - b. Tenants or condominium unit owners of a Commercial or Business & Industry property shall be treated as one property owner but in any case each business located on such a property shall be entitled to signage with a maximum of 32 sq. ft.
  - c. If, upon Site Plan Review, unique physical conditions prove them necessary, the Planning Board may give conditional approval for up to three (3) signs, subject to the granting of a Special Exception by the Zoning Board of Adjustment. For example, a business may be located on a corner or a shopping center may require a sign that is visible from each entrance/exit.
  - d. "Off Premise" signs are allowed only as defined below:
    - 1. Signs directing traffic to a local business or group of residences.
    - 2. Such local business may establish two (2) signs, the aggregate surface of which shall not exceed 120 sq. ft., however, no single side shall exceed 100 sq. ft.
    - 3. "Off Premise" signs shall not be internally illuminated.
  - e. Height - The top of a free-standing sign shall be no greater than 20 feet from the road grade at the edge of the public road.
- 9. In any district, one sign not exceeding six (6) sq. ft. is permitted which announces the name, address and business of the home occupation carried on at the premises on which the sign is located.
  - 10. Signs located on Scenic Roads shall be in accordance with RSA 253:17-18.
  - 11. Temporary Signs are allowed in all districts, however, a permit is required and such signage shall not exceed 50% of the maximum allowable signage for the district. Temporary signage for non-profit organizations, charities and service

organizations shall be exempt from the temporary sign provisions, provided that said signage is not commercial in nature. Temporary signage may be permitted on the same parcel for a period of sixty (60) days in one year. Temporary signage shall not interfere with the sight vision from driveway intersections or along streets. A fee may be required as determined by the Board of Selectmen. Uses subject to the Special Permit provisions of the ordinance shall be exempt from this requirement. (1995)

12. Sign check list - Site plans for signs be drawn to scale and contain the following:

- a. Three (3) copies of plan shall be submitted on standard white or graph paper, 8 ½ x 11 or larger.
- b. Boundaries of the parcel of land involved, linear footage on road(s) and names of road(s).
- c. Locations and dimensions of buildings on property and accesses to buildings.
- d. Location of sign(s).
- e. On separate but similar paper show sketch of sign, including height and width, also distance from ground at base of sign to top of sign.
- f. Specify type of lighting to be used. Also show placement of lights and areas which will be illuminated.
- g. Names of property owner, address, telephone number, tax map number, Zoning District and date of application.

**H. Access ways**

Access ways shall be adequate and safe for intended use.

**I. Group Homes**

Occupation of a residence by any group other than a family as defined herein shall be deemed a group home and shall not be permitted unless operating with State of New Hampshire authorization.

**J. Waterfront Right-of-Way**

1. The purpose of this provision is to provide guidelines for the development of backland with access to lakes and ponds so as to prevent overcrowding, protection of the shoreline and water quality, and to control the granting of easements by waterfront lot owners for the purpose of access to water frontage.
2. Rights to gain access to a water body through or by means of any waterfront land in the Town of Meredith shall not be created or attached to any real estate, except in accordance with the standards set forth below and subject to

Planning Board approval. Any owner granting rights for waterfront use and access shall comply with the following standards:

There shall be a minimum frontage of one hundred (100') feet with sufficient depth to provide for beach area, parking and toilet facilities when required.

3. Swimming Only - Development shall have one hundred (100') feet for first dwelling unit and an additional fifty (50') feet of shore frontage for each additional dwelling unit. (11 Mar 08)
  - a. There shall be provided eight hundred (800) sq. ft. of beach area per dwelling unit planned.
  - b. Parking area in addition to the beach area shall be provided on the basis of three hundred fifty (350) sq. ft. for each dwelling unit planned located more than ¼ mile from the waterfront area.
  - c. Toilet facilities shall be provided on the basis of one facility each for males and females for each twenty-five (25) dwelling units or fraction thereof. (9 Mar 88)

#### **K. Junk Yards**

1. It is recognized that the maintenance of junk yards, as defined in this ordinance, is a useful and necessary business and ought to be encouraged when not in conflict with the express purposes of state law (RSA 236:11 through RSA 236:129) and of this ordinance. The effect of control of junk yards applies, in the terms of this ordinance, in all portions of the Town of Meredith except those junk yards located within 1,000 feet from the nearest edge or the right-of-way or visible from the main traveled way of Route #104, U.S. Route #3 South of the traffic lights, Route #25 East of the traffic lights and Interstate 93. The control of junk yards along those listed highways is vested in state agencies in accordance with RSA 236:90 through RSA 236:110.
2. Application for the license and the certificate of approved location shall be made in writing to the Board of Selectmen.
3. The application to the Board of Selectmen must be accompanied by a certificate from the Zoning Board of Adjustment that the proposed location is not within an established district restricted against such uses or otherwise contrary to the prohibitions of this ordinance. The application must contain a description of the land to be included with the junk yard, by reference to so called permanent boundary markers.

#### **L. Privy and/or Outhouse**

Privies and/or outhouses shall not be allowed.

**M. Parking and Storage of Unlicensed Vehicles (8 March 94)**

In any district, no more than two (2) motor vehicles which require license plates, but which are without current license plates, shall be parked or stored except in authorized automobile sales areas, enclosed buildings or approved junk yards. Any vehicles in excess of the two (2) allowed by ordinance shall bear current license plates and inspection stickers. No more than two (2) specialty vehicles which do not require license plates, such as homemade or factory constructed competition machines, shall be parked or stored. This does not pertain to farm vehicles or other vehicles which are in constant use and do not require a license plate for such use.

**N. Single-Family Detached Dwelling**

Five hundred (500) sq. ft. minimum required on the ground for a single-family dwelling. (NOTE: Single-family detached dwelling under 500 sq. ft. is a Special Exception in certain districts.)

**O. Seasonal Conversions**

Whenever any existing seasonal dwelling is proposed for conversion to a year-round dwelling unit, the Town shall require that the inspection of an existing sewage system be done by a registered professional sanitary engineer. The inspection may, at the discretion of the Health Officer, include the filing of a detailed diagram showing type, extent and location of the system on the property as well as adequacy of the system for its intended and proposed use.

**P. Certificate of Use and Occupancy (10 Mar 92)**

1. In order that there be a determination that all construction, enlargement, alterations and/or moving of structures and/or all uses of land and structures in accordance with state and local codes, regulations, ordinances and approvals, a Certificate of Use and Occupancy shall be required. Such certificate shall be issued by the Code Enforcement Officer upon his determination of compliance with all applicable codes, local ordinances, approvals, etc.
2. A licensed New Hampshire land surveyor shall verify that all state and federal conditions of a Shorland and/or Wetland Permit are satisfied prior to issuance of a Certificate of Occupancy. (3/9/21)
3. A Certificate of Use and Occupancy shall be deemed to authorize and is required for initial or changed occupancy and use and/or alteration of the structure or land to which it applies, subject to the following:
  - a. Residential construction shall be subject to an initial Certificate of Use and Occupancy only, provided that such continued residential structures and the use thereof and the use of such land remain in full compliance with the terms of the initial Certificate of Use and Occupancy.

- b. All changes in commercial or industrial use or occupancy shall require a new Certificate of Use and Occupancy. Any such change of use and occupancy may also require compliance with Site Plan Review Regulations.
4. No structure shall be occupied except in accordance with a valid Certificate of Use and Occupancy.
5. Any damage to town property shall be repaired to town specifications prior to issuance.

#### **Q. Special Permits**

A Special Permit, but not a Certificate of Use and Occupancy, is required for any temporary unapproved use or activity with a maximum duration of two weeks. Fees for Special Permits shall be set by the Selectmen and permits shall be issued by them or their agent. (11 Mar 03)

A Special Permit, but not a Certificate of Occupancy, is required and shall be permitted once for a temporary, unapproved use or activity permitted by right or special exception in the applicable Zoning District lasting longer than two weeks but no more than six months. (13 Mar 18)

Any aggrieved person may appeal the decision of the Agent on the issuance or non-issuance of a Special Permit to the Zoning Board of Adjustment at a Public Hearing, with proper notification as required in RSA 676:7. (3/9/21)

#### **R. Mobile Homes**

Mobile Homes shall not be used for purposes of a residence in any district except in a Mobile Home Park or Mobile Home Subdivision in those districts where allowed by this ordinance.

#### **S. Fences (11 Mar 03)**

1. Fences that are installed within the setback shall have a maximum allowable height of six (6) feet, however, this height may be altered by the granting of a Special Exception by the Zoning Board of Adjustment providing the application meets the requirements for Special Exception.

The height of screening fences and other fences that are subject to site plan review by the Planning Board may be of a sufficient height as to accomplish the purpose of the fence, as determined by the Planning Board, All other fences may not exceed the maximum allowable height of structures.

2. Erection of fences within town rights-of-way is prohibited.
3. Fences abutting a right-of-way shall be set back a sufficient distance, as determined by the Code Enforcement Officer, so as not to interfere with

snow removal operations, roadway maintenance, and site distances or otherwise create a threat to the public health, safety or welfare.

4. All fences must be constructed with finished or good side facing the abutting property.
5. All below ground swimming pools must have a suitable barrier fence that shall be at least four (4) feet.
6. All fences shall be exempt from property setback requirements and shall require a Building Permit.

**T. Structures Exempt from Property Line Setbacks (10 Mar 92)**

Structures which provide only a safe means of egress or access, such as handicap ramps, fire escapes, or stairs, may be exempt from property line setback requirements provided that the structure does not exceed the minimum requirements prescribed by the applicable code(s) adopted by the Town. All structures exempted pursuant to this section shall require a building permit.

**ARTICLE IV - NON-CONFORMING USES, STRUCTURES AND LOTS**

**A. General**

1. Any existing non-conforming use may continue as provided for in the New Hampshire Revised Statutes Annotated 674:19.
2. A non-conforming use may be changed to a different non-conforming use provided such different non-conforming use would not be more objectionable or detrimental to the area and no structural alterations to the building are made. A change from one non-conforming use to another shall require the granting of a Special Exception by the Zoning Board of Adjustment.
3. Re-establishment of a non-conforming use after a discontinuance of one (1) year is not permitted unless there is evidence that there is no intent to abandon the non-conforming use (13 Mar 14).
4. If a structure to which this regulation applies is razed or destroyed by accidental means, the pre-existing, non-conforming structure or use must be rebuilt or continued within one (1) year from date of said occurrence to retain pre-existing, non-conforming status.
5. A vacant, non-conforming lot of record may be built upon, provided the proposed building meets all the requirements of this Ordinance.
6. The following terms are defined:
  - a. Building Envelope- the area which a structure is permitted to be built within the lot line setbacks.

- b. Non-conforming footprint- the square foot area on the ground of a structure's foundation and roof overhangs, not to include appurtenant features such as stairs and decks.

B. The following construction activities for non-conforming structures are permitted by right with a building permit. (3/10/20)

- (1) Installation of a new foundation or the replacement of an existing foundation for a non-conforming structure provided that the sill height is not increased by more than 24 inches, the Non-conforming footprint is not expanded and the maximum height is not exceeded.
- (2) Replacement of a non-conforming structure provided that the footprint of the replacement structure is in the same location and is the same size and configuration as the Non-conforming footprint.
- (3) Removal and replacement of open decks attached to dwelling units provided that (a) the replacement deck is the same size or smaller and (b) the Building Inspector has inspected and confirmed the deck dimensions prior to its removal.
- (4) Expansion of an existing, non-conforming structure into the Building Envelope as established by the setbacks each zoning district.

C. The following construction activities for non-conforming structures are allowed by Special Exception.

- 1. Installation of a new foundation or the replacement of an existing foundation on a non-conforming structure where the sill height is increased by more than 24" and the maximum height is not exceeded.
- 2. Increase of square footage of a nonconforming structure outside the building envelope, provided that the nonconforming footprint is in the same location and has the same configuration.

## **ARTICLE V- ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

### **A. Zoning Map and Districts**

The Zoning Map officially entitled "Meredith Zoning Map" is hereby adopted as part of this Ordinance. The Town of Meredith Zoning Map shows a division of the Town into the following Districts:

1. Forestry and Conservation District
2. Forestry and Rural District
- 2a. Meredith Neck District
3. Residential District
4. Shoreline District
5. Business and Industry District
6. Commercial District - Route 3 South
7. Central Business District
8. Commercial District - Meredith Center
9. Water Resources Conservation Overlay District (11 Mar 97)
10. Lake Waukegan Watershed Overlay District (14 Mar 06)

### **B. Copies of Zoning Map**

Regardless of the existence of other printed copies of the Zoning Map, which from time to time may be made or published, the official Zoning Map which shall be located in the Selectmen's Office shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the Town.

### **C. District Boundaries (10 Mar 09)**

1. Where a zoning district boundary is indicated as a highway, street, railroad, utility line, or watercourse, it shall be construed to be the centerline thereof, unless otherwise indicated.
2. Where a zoning district boundary is indicated as approximately parallel to a highway, street, railroad, or watercourse, it shall be construed to be parallel to the centerline thereof and set back from the centerline the number of feet shown on the map.
3. The discontinuance of roads shall not affect the location of district boundaries.
4. Where a zoning district boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.
5. If a zoning district boundary line runs through any lot, the following shall apply:
  - a. the zoning components of each respective district shall apply to the portion of the lot in such district; however,

- b. at the option of the owner, the portion of the lot in the district having the smaller land area may be developed for single or two family dwellings in accordance with the zoning components applicable to the larger area to the extent such uses are permitted. If chosen, a special exception shall be required for the smaller portion in order to so apply the zoning components of the larger portion to the entire lot.
6. In case of uncertainty, the ZBA shall determine the exact location of the zoning district boundary, and record its findings in the minutes.

**D. District Objectives and Land Use Controls**

The following tables state the objectives of each district and the regulations of each district.

**Corner Lots** - In cases where a lot fronts on two streets, the front setback requirement prescribed for that zone shall apply to both sides facing on a street and the remaining sides shall conform to the prescribed side yard setback. In these cases, there shall be no rear setback established.

**Shorefront Lots\*** - In the Forestry and Conservation, Forestry and Rural and Residential Districts, the minimum setback from the shoreline shall be sixty-five (65') feet and a minimum setback from the highway shall be thirty (30') feet from the property line.

Shorefront lots shall have a minimum of 150' of shoreline frontage (see Article VIII for the definition of shoreline frontage). (10 Mar 92)

<b>Maximum Lot Coverage</b> (13 Mar 90)	- Forestry/Conservation	25%
	Forestry/Rural	25%
	Residential	30%
	Shoreline	30%
	Commercial/Route 3 South	65%
	Central Business	65% (except by S.E.)
	Commercial/Meredith Center	65%
	Business/Industry	75%

**Minimum Lot Size** - The minimum gross lot area prescribed by the each Zoning District. (See Table of Dimensional Regulations). Minimum lot sizes for lots with Class 3 utilities shall be subject to the Minimum Lot Sizes

based on Soils and Slopes set forth in the Subdivision Regulations. For multi-family residential uses where lots are not being created, the minimum lot size shall serve as the net density per unit requirement. Each lot shall be allowed no more than one single family detached dwelling or one two-family dwelling. (3/9/21)

- Setbacks**
- Setbacks are measured from a property lot line and shall not be occupied by structures. Setbacks are further defined in ARTICLE VIII, DEFINITIONS. Setbacks are prescribed for each zoning district and found in the Table of Dimensional Regulations. Unoccupied storage sheds having 120 square feet or less with a maximum of 10 feet in height are permitted half the side and rear setbacks otherwise applicable by the district on lots of 3 acre or less. (14 Mar 17)
- Boathouses**
- Boathouses located over the water and/or dug into the shoreline shall be exempt from the 65' shoreline setback; however, all boathouses shall be allowed only by Special Exception as provided for in Article VII. (10 Mar 92)
- Recreational Vehicles**
- Recreational vehicles may be occupied on a private lot for not longer than thirty (30) days in a calendar year as an accessory use to an existing dwelling unit having utilities including septic or sewerage disposal. Temporary use (6 months to 1 year) after a fire or catastrophe may be granted by written permission of the Board of Selectmen.
- Utility Classes**
- In the following tables, the classes shall refer to the type of utilities provided:  
  
Type of Utilities  
Class 1 – Municipal or Community Water and Municipal or Community Sewer  
Class 2 – Municipal Sewer and On-site Well  
Class 3 – On-site Well or Municipal Water and On-site Septic System
- Docks/Setback**
- In all districts, docks shall be 10' from any side property line. (3/10/20)

\* **NOTE:** Also see Shoreline District for further restrictions.

\*\*Special Exception.

TABLE OF DIMENSIONAL REGULATIONS <sup>1</sup>										
Zoning District	Utility Class	2 Minimum Lot Size/Net Density	3 Minimum Road Frontage	4 Minimum Shore Frontage	5 Minimum Lot Width (Average)	6 Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height	7 Maximum Lot Coverage
<b>Forestry &amp; Conservation</b>										
Waterfront	III	10ac.	50'	150'		65'	20'	30'	38'	25%
Non-Waterfront	III	10ac.	50'	N/A		40'	30'	40'	45'	25%
<b>Forestry/Rural</b>										
Waterfront	III	3 ac.		150'		65'	20'	30'	38'	
	II	65,000 s.f..								
	I	-----								
	-----		50'	-----	150'	-----	-----	-----	-----	25%
Non-Waterfront	III	3 ac.								
	II	65,000 s.f..		N/A		40'	30'	40'	45'	
	I	-----								
<b>Meredith Neck</b>										
Waterfront	I, II, III	3 ac.	50'	150'		65'	20'	30'	38'	
	-----			-----	150'	-----	-----	-----	-----	25%
Non-Waterfront	I, II, III			N/A		40'	30'	40'	45'	
<b>Residential</b>										
Waterfront	III	40,000 s.f..		150'			20'		38'	
	II	20,000 s.f..					10'			
	I	10,000 s.f..	50'	-----	-----	-----	-----	-----	-----	30%
Non-Waterfront	III	40,000 s.f..								
	II	20,000 s.f..		N/A		30'	20'	40'	45'	
	I	10,000 s.f..			75'	20'	10'	40'		
<b>Shoreline (see note 3)</b>										
Waterfront	III	40,000 s.f..	50'		150'	65'	20'	30'	38'	
	II	40,000 s.f..								
	I	40,000 s.f..								
Non-Waterfront	III	40,000 s.f..		N/A		30'	20'	40'	38'	30%
	II	30,000 s.f..								
	I	25,000 s.f..								

**TABLE OF DIMENS AL REGULATIONS**

Zoning District	Utility Class	Minimum Lot Size/Net Density	Minimum Road Frontage	Minimum Shore Frontage	Minimum Lot Width (average)	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height	Maximum Lot Coverage
<b>Lake Waukegan Waterfront</b>										
	III	4 a.c.	50'	150'	210'	65'	20'	30'	38'	
	II	4 a.c.			210'					
	I	2 a.c.			210'					
<b>Commercial Route 3 South</b>										
<b>Non-Waterfront</b>										
	III	40,000 s.f.	50'	N/A	150'	50'	10'	20'	45'	65%
	II	20,000 s.f.								
	I	-----								
<b>Central Business Waterfront</b>										
	III	40,000 s.f.			150'					
	II	20,000 s.f.			100'					
	I	10,000 s.f.			100'					
	-----	-----	50'	-----	-----	30'	10'	20'	45'	65% Special Exception)
<b>Non-Waterfront</b>										
	III	40,000 s.f.			150'					
	II	20,000 s.f.			100'					
	I	10,000 s.f.			100'					
	-----	-----	50'	-----	-----	30'	10'	20'	45'	65% Special Exception)
<b>Commercial/Meredith Center</b>										
<b>Non-Waterfront</b>										
	III	40,000 s.f.	50'	N/A	150'	30'	10'	20'	45'	65%
	II	20,000s.f.								
	I	-----								
<b>Business/Industry</b>										
<b>Non-Waterfront</b>										
	III		50'	N/A	150'	30'	25'	25'	45'	75%
	II	1 a.c.								
	I									

1. For Cluster Subdivision, Wetland, Septic, Signage and Parking requirements, see applicable zoning regulations under Article III and V.
2. For description of Utility Classifications, see Article V, Section D.
3. Minimum Lot Sizes are subject to soils and slopes performance standards as established in the Meredith Zoning Ordinance and/or Meredith Subdivision Regulations. Reference Article V, Soils and Slopes Table, Article VIII, "Minimum Lot Size".
4. For Minimum Road Frontage, reference "Lot Frontage", Article VIII.
5. For Minimum Shore Frontage, reference "Shorefront Lots", Article V and "Lot Measurements", Article VIII.
6. For Minimum Lot Width, reference "Lot Measurements", Article VIII.
7. For Maximum Lot Coverage, reference Article V for determination.
8. For Shoreline District, reference Article V, Section D-4, for "additional standards".

## D-1. FORESTRY AND CONSERVATION DISTRICT

**General Purpose.** The Forestry and Conservation District provides an area for low-density residential development and customary rural land uses such as forestry, agriculture, conservation and other non-intensive uses. This district is characterized by forests, rugged terrain (steep slopes, ledges, etc.), natural scenic beauty, important wildlife areas, large tracts in single ownership and poor road conditions. The area is also far from town facilities and services, making it both difficult and expensive for the town to provide them. Premature development of land in this area should therefore be discouraged. A minimum lot size of 10 acres is required in this District.

### A. Forestry and Conservation District, Permitted Uses and Special Exceptions (Any use not listed here is prohibited.)

#### Permitted Uses

1. Agriculture and Farming\* (3/12/02)
2. Single-Family Detached Dwelling  
(500 s.f. minimum on ground)
3. Home Occupations
4. Essential Services
5. Accessory Uses
6. Farm Stands (3/12/02)
7. Bed & Breakfast House\*\*
8. Outdoor Recreation Camp
9. Outdoor Recreational Facility

#### Special Exceptions

1. Temporary Sawmill
2. Essential Service Buildings
3. Clubhouses
4. Churches
5. Single Family Detached Dwelling  
(less than 500 s.f. on ground)
6. Ambulance Service
7. Accessory Apartments (1991)
8. Community Child Care Facility ('92)
9. Accessory Short Term rentals

\* Refer to Definition (Page 71).

\*\*A Special Exception from the Zoning Board of Adjustment shall be required if building expansion is involved.

### B. Forestry and Conservation, Conditions and Restrictions:

**Shorefront Lot:** On-site water, on-site septic system (Class 3 utilities)

#### **Minimum Standards:**

Total Area per Single Family Unit	10 acres
Width	150 feet
Min. Area per Dwelling Unit (net density)	10 acres
Front Setback	65 feet (from shoreline)
Side Setback	20 feet
Rear Setback	30 feet from property line or
Maximum Height	38 feet (14 Mar 00)

**All Other Development:** On-site water, on-site septic system (Class 3 utilities)

**Minimum Standards**

Total Area per Single-Family Unit	10 acres (also net density)
Width	150 feet
Front Setback	40 feet
Side Setback	30 feet
Rear Setback	40 feet (10 Mar 92)
Maximum Height	45 feet (12 Mar 91)

## D-2 FORESTRY AND RURAL DISTRICT

**General Purpose.** The area is limited to agriculture, forestry, rural residential and certain other non-intensive land uses. The purpose of this District is to prevent premature development of land, to retain certain areas for non-intensive uses, to prevent development where it would be a burden on the Town, and to retain areas for open space. A sliding density scale is provided should utilities be provided in the distant future, but the vast majority of development is anticipated to take place on three (3) acres or more.

**A. Forestry and Rural District, Permitted Uses and Special Exceptions** (Any use not listed here is prohibited)

<u>Permitted Uses</u>	<u>Special Exceptions</u>
1. Agriculture and Farming* (3/12/02)	1. Two-Family Dwelling
2. Single-Family Detached Dwelling (500 s.f. min. on ground)	2. Removal of Fill, Gravel, Stone or Loam
3. Clubhouses	3. Private Schools
4. Churches	4. Veterinary Offices and Facilities
5. Outdoor Recreational Facilities	5. Temporary Sawmill
6. Camping & Travel Trailer Parks	6. Mobile Home Parks
7. Home Occupations	7. Marinas
8. Essential Services	8. Essential Services Buildings
9. Accessory Uses	9. Single Family Detached Dwelling
10. Farm Stands (3/12/02)	10. Ambulance Service
11. Bed Breakfast & Rental Cottages**	11. Accessory Apartments (1991)
12. Outdoor Recreational Camp	12. Commercial Child Care Facility
13. Mobile Home Subdivision	13. Assisted Living Care
	14. Accessory Apartments (1991)
	15. <u>Accessory Short Term Rental</u>

\* Refer to Definition (Page 70).

\*\*Special Exception from the Zoning Board of Adjustment shall be required if building expansion is involved.

NOTE: Mobile home placed on permanent foundation removed by amendment (13 Mar 79).

## **B. Forestry and Rural, Conditions and Restrictions**

**Shorefront Lot:** On-site water, on-site septic system (Class 3 Utilities)

### **Minimum Standards:**

Total Area per Single-Family Unit	3 acres
Width	150 feet
Minimum Area per Dwelling (net density)	3 acres
Front Setback	65 feet from shoreline
Side Setback	20 feet
Rear Setback	30 feet
Maximum Height (Waterfront Only)	38 feet (14 Mar 00)

**All Other Development:** On-site Water, On-site Septic System  
(Class 3 Utilities)

### **Minimum Standards:**

Total Area per Single-Family Unit	3 acres
Width	150 feet
Minimum Area per Dwelling (net density)	3 acres
Front Setback	40 feet
Side Setback	30 feet
Rear Setback	40 feet (10 Mar 92)
Maximum Height	45 feet (12 Mar 91)

**All Other Development:** With Town Sewer (Class 2 Utilities)

### **Minimum Standards:**

Total Area per Single-Family Unit	65,000 sq. ft.
Width	150 feet
Minimum Area per Dwelling (net density)	65,000 sq. ft.
Front Setback	40 feet
Side Setback	30 feet
Rear Setback	40 feet (10 Mar 92)
Maximum Height	45 feet (12 Mar 91)

\* Refer to Definition (Page 70).

\*\*Special Exception from the Zoning Board of Adjustment shall be required if building expansion is involved.

NOTE: Mobile home placed on permanent foundation removed by amendment (13 Mar 79).

## **B. Forestry and Rural, Conditions and Restrictions**

**Shorefront Lot:** On-site water, on-site septic system (Class 3 Utilities)

### **Minimum Standards:**

Total Area per Single-Family Unit	3 acres
Width	150 feet
Minimum Area per Dwelling (net density)	3 acres
Front Setback	65 feet from shoreline
Side Setback	20 feet
Rear Setback	30 feet
Maximum Height (Waterfront Only)	38 feet (14 Mar 00)

**All Other Development:** On-site Water, On-site Septic System  
(Class 3 Utilities)

### **Minimum Standards:**

Total Area per Single-Family Unit	3 acres
Width	150 feet
Minimum Area per Dwelling (net density)	3 acres
Front Setback	40 feet
Side Setback	30 feet
Rear Setback	40 feet (10 Mar 92)
Maximum Height	45 feet (12 Mar 91)

**All Other Development:** With Town Sewer (Class 2 Utilities)

### **Minimum Standards:**

Total Area per Single-Family Unit	65,000 sq. ft.
Width	150 feet
Minimum Area per Dwelling (net density)	65,000 sq. ft.
Front Setback	40 feet
Side Setback	30 feet
Rear Setback	40 feet (10 Mar 92)
Maximum Height	45 feet (12 Mar 91)

## D-2(a) MEREDITH NECK DISTRICT (9 Mar 93)

**General Purpose-** Meredith Neck is a unique and historic residential and recreational district in the Town of Meredith. It is a valuable asset for the Town of Meredith so long as its character is preserved and intensive uses are precluded. It has unique traffic access problems that intensive development would increase.

The area is limited to agriculture, forestry, rural residential and certain other non-intensive land uses. The purpose of this District is to take extra measures to prevent premature development of land, to retain certain areas for non-intensive uses, to prevent development where it would be a burden on the Town and to retain areas for open space. Future development will take place on three (3) acres or more.

### A. Meredith Neck District, Permitted Uses and Special Exceptions.

(Any use not listed here is prohibited.)

<u>Permitted Uses</u>	<u>Special Exceptions</u>
1. Agriculture and Farming* (3/12/02)	1. Two-Family Dwelling
2. Farm Stand (3/12/02)	2. Public Uses and Buildings
3. Single-family Detached Dwellings (500 sq. ft. minimum on ground)	3. Essential Service Buildings
4. Home Occupations	4. Clubhouse
5. Essential Services	5. Church
6. Bed & Breakfast House	6. Single-Family Detached Dwelling (Less than 500 sq. ft. on ground)
7. Accessory Use	7. Accessory Apartments
8. Non-Commercial Recreational Facility	8. <u>Accessory Short Term Rental</u>
9. Mobile Home Subdivision	

\*Refer to Definition (Page 70).

### B. Meredith Neck District, Conditions and Restrictions

**Shorefront Lot:** Class I, II and III Utilities - 3 acres

#### **Minimum Standards:**

Total Area per Single-Family Unit	3 acres
Width	150 feet
Minimum Area per Dwelling (net density)	3 acres
Front Setback	65 feet
Side Setback	20 feet
Rear Setback	30 feet
Maximum Height	38 feet (14 Mar 00)

**All Other Development: Class I, II and III Utilities - 3 acres\***

**Minimum Standards:**

Total Area per Single-Family Unit	3 acres
Width	150 feet
Minimum Area per Dwelling (net density)	3 acres
Front Setback	40 feet
Side Setback	30 feet
Rear Setback	40 feet (10 Mar 92)
Maximum Height	45 feet (12 Mar 91)

|

### D-3 RESIDENTIAL DISTRICT

**General Purpose-** This area provides housing for a substantial number of seasonal and year-round residents who prefer to live in single-family detached housing near existing center. These areas consist primarily of those already serviced by existing water and sewer or where they could be extended at relatively low cost.

#### A. Residential District, Permitted Uses and Special Exceptions

(Any use not listed here is prohibited)

##### Permitted Uses

1. Single-Family Detached Dwelling  
(500 sq. ft. minimum on ground)
2. Public and Private Schools
3. Home Occupations
4. Essential Services
5. Accessory Uses
6. Bed & Breakfast\*
7. Rental Cottages
8. Two-Family Dwelling
9. Mobile Home Subdivision (1976)

NOTE: Mobile home placed on permanent foundation removed by amendment (13 Mar 79)

##### Special Exceptions

1. Multi-Family Dwelling
2. Nursing & Convalescent Home
3. Non-Profit Recreation Area
4. Hospitals and Clinics
5. Churches
6. Funeral Homes
7. Mobile Home Parks
8. Public Buildings
9. Theaters and Playhouses
10. Private Ambulance Service
11. Grocery Store Under 5,000 sq. ft.
12. Single-Family Detached Dwelling  
(less than 500 sq. ft. on ground)
13. Stables and Riding Academies
14. Group Homes (12 Mar 91)
15. Accessory Apartments (1991)
16. Commercial Child Care Facility  
(10 Mar 92)
17. Personal and Professional Offices\*\*
18. Accessory Short Term Rental

\* A Special Exception from the Zoning Board of Adjustment shall be required if building expansion is involved.

\*\*This would not apply to home occupations or uses not subject to site plan approval.

#### B. Residential District - Conditions and Restrictions

**Waterfront:** With On-Site Water, On-Site Septic System (Class 3 Utilities)

Total Area per Single-Family Unit	As per soils and slopes
Width	150 feet
Minimum Area per Dwelling (net density)	As per soils and slopes
Front Setback	65 feet
Side Setback	20 feet
Rear Setback	30 feet
Maximum Height (Waterfront Only)	38 feet (14 Mar 00)

**Non-Waterfront:** With On-Site Water, On-Site Septic System (Class 3 Utilities)

Total Area per Single Family Unit	As per soils and slopes
Width	150 feet
Minimum Area per dwelling (net density)	As per soils and slopes
Front Setback	30 feet
Side Setback	20 feet
Rear Setback	40 feet (10 Mar 92)
Maximum Height	45 feet (12 Mar 91)

**Waterfront:** With Town Sewer (Class 2 Utilities)

Total Area per Single-Family Unit	20,000 sq. ft. (net density)
Width	150 feet
Front Setback	65 feet from shoreline
Side Setback	10 feet
Rear Setback	30 feet
Maximum Height (Waterfront Only)	38 feet (14 Mar 00)

**Non-Waterfront:** With Town Sewer (Class 2 Utilities)\*

Total Area per Single-Family Unit	20,000 sq. ft. (net density)
Width	100 feet
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	40 feet (10 Mar 92)
Maximum Height	45 feet (12 Mar 91)

**Waterfront:** With Town Water AND Town Sewer (Class 1 Utilities)

Total Area per Single-Family Unit	10,000 sq. ft. (net density)
Width	150 feet
Front Setback	65 feet
Side Setback	10 feet
Rear Setback	30 feet
Maximum Height (Waterfront Only)	38 feet (14 Mar 00)

**Non-Waterfront:** With Town Water AND Town Sewer (Class 1 Utilities)

Total Area per Single-Family Unit	10,000 sq. ft. (net density)
Width	75 feet
Front Setback	20 feet
Side Setback	10 feet
Rear Setback	40 feet (10 Mar 92)
Maximum Height	45 feet (12 Mar 91)

## D-4. SHORELINE DISTRICT

**General Purpose**-This District provides housing and recreation for a substantial number of seasonal and year-round residents who prefer to live in single-family detached housing with access to lake waters. The purpose of this District is to preserve the water quality and adjacent shorelines and maintain privacy and tranquility of residents. Particular emphasis is placed on the preservation of the water quality of Lake Waukegan which is the public water supply for the Town of Meredith.

This District shall include shoreline frontage on Lakes Winnepesaukee, Winnisquam, Wicwas, Waukegan and Pemigewasset and all the islands in the Town of Meredith. Unless otherwise indicated on the zoning map, the District boundary line shall extend from the shoreline approximately 300 feet in depth to the lot boundary line or the centerline of a street, road or right-of-way. (Replaces Island District.)

### A. Shoreline District, Permitted Uses and Special Exceptions

(Any use not listed here is prohibited.)

<u>Permitted Uses</u>	<u>Special Exceptions</u>
1. Single-Family Detached Dwelling (min. (minimum on ground 500 sq. ft.)	1. Single-Family Detached Dwelling on ground LESS than 500 sq. ft.)
2. Bed & Breakfast* & Rental Cottages	2. Two-Family Dwelling
3. Churches	3. Organized Camps for Recreation and Teaching
4. Home Occupations	4. Grocery Store Under 3,500 sq. ft.
5. Accessory Uses	5. Essential Service Buildings
6. Public Uses (town ramps & docks)	6. Marinas
7. Essential Services	7. Any Use Permitted in Regard to Forestry and Agriculture
8. Any Use permitted in Regard to Wildlife and Conservation	8. Campgrounds (in areas where this district abuts a Forestry & Rural District)
	9. Private Ambulance Service
	10. Group Homes (12 Mar 91)
	11. Accessory Apartments (1991)
	12. Commercial Child Care Facility (1992)
	13. Personal & Professional Offices (1996)
	<u>14. Accessory Short Term Rental</u>

\*A Special Exception from the Zoning Board of Adjustment shall be required if building expansion is involved.

## **B. Shoreline District - Conditions and Restrictions**

### **Waterfront Lots:** (Class 1, 2, 3 Utilities)

#### **Minimum Standards: \*\***

Minimum Area per Family (net density)	40,000 sq. ft.
Width	150 feet
Front Setback	65 feet from shoreline
Side Setback	20 feet
Rear Setback	30 feet from property line
Maximum Height (Waterfront Only)	38 feet (14 Mar 00)

### **Non-Waterfront Lots:**

#### **Minimum Standards: \*\***

Minimum Area per Family (net density)	
Class 1 Utilities	25,000 sq. ft.
Class 2 Utilities (Town Sewer)	30,000 sq. ft.
Class 3 Utilities	40,000 sq. ft.
Width	150 feet
Front Setback	30 feet
Side Setback	20 feet
Rear Setback	40 feet (10 Mar 92)
Maximum Height	38 feet (12 Mar 91)

## **LAKE WAUKEWAN**

### **Waterfront Lots:**

#### **Minimum Standards: \*\***

Minimum Area per Family (net density)	
Class 1 Utilities	2 acres
Class 2* or 3* Utilities	4 acres
Width - Class 1	150 feet
Class 2 or 3	210 feet
Front Setback	65 feet from shoreline
Side Setback	20 feet
Rear Setback	30 feet
Maximum Height (Waterfront Only)	38 feet (14 Mar 00)

## **D-5 BUSINESS AND INDUSTRY DISTRICT (13 Mar 14)**

**General Purpose-** The general purpose of the Business and Industry District is to provide an area for environmentally compatible, business and light industry activities separate from residential and retail uses. Located primarily along the southern portion of Route 104, the District is a transition zone of activity from the Forestry/Rural District to the Route 3 Commercial District. The goal is to accommodate relatively dense areas of development within an overall framework of natural settings, while visually buffering activity from Route 104 (see buffering requirement below). Campus type developments are encouraged if appropriately buffered and screened from Route 104. The bulk of the district is located within the Lake Waukewan Watershed (Lake Waukewan is Meredith's public drinking water supply) so the activity and site design should be sensitive to the water quality impacts on the Lake. This District is an ideal location for small to medium size businesses. Quite different from the Route 3 Commercial and Village Districts, this District is not intended for uses that depend on high visibility from the roadway. As a gateway corridor to the center of Meredith it is important that the natural buffer along Route 104 be preserved, or that a landscaped buffer be provided, sufficient to retain the district's scenic and aesthetic qualities.

### **A. Business & Light Industry District - Permitted Uses and Special Exceptions** (Any use not listed here is prohibited.) (14 Mar 17)

#### **Permitted Uses**

1. Light Manufacturing
2. Commercial Printing
3. Warehouses
4. Research or Laboratory Facility
5. Storage (Indoor only)
6. Building Material and Supply Facility
7. Clinics, Medical and Dental Offices
8. Essential Services
9. Offices
10. Firewood Processing
11. Accessory Uses
12. Building Trades
13. Recreational Facility
14. Cultural Uses

#### **Special Exceptions**

1. Equipment Rental, Repair or Service Facility
2. Vehicle Service and Repair
3. Private Ambulance Service
4. Commercial Child Care
5. Essential Service Buildings
6. Private School
7. Commercial Schools
8. Restaurant

## **B. Business and Light Industry, District Conditions and Restrictions**

### **Minimum Standards:** with Class 1, 2 & 3 Utilities

Minimum Area required	1 acre
Width	150 feet
Min. Area per Dwelling (net density)	1 acre
Front Setback	30 feet
Side Setback	25 feet
Rear Setback	25 feet
Maximum Height	45 feet (12 Mar 91)

Non-residential uses must receive Site Plan and Architectural Design approval from the Planning Board.

**Buffer Requirement** – A natural or landscaped buffer zone of 50 feet from the right-of-way line of Route 104, subject to Site Plan Review, shall be required in addition to the regularly required building setback for the purposes of visual screening. Additional buffer width may be required by the Planning Board depending on the nature of the proposal, in order to preserve scenic and aesthetic qualities.

## D-6 COMMERCIAL DISTRICT - ROUTE 3 SOUTH

**General Purpose-** The purpose of this District is to provide an area for vehicular oriented businesses. This area is located along Route 3 South, which is a major tourist route and year-round transportation corridor in the Lakes Region. Because it is a highly visible tourist route with a spectacular view of Lake Winnepesaukee, it is important that all proposed uses have attractive landscaping and signs, and other aesthetic qualities. Where applicable, the height and locations of structures may have to be adjusted to ensure that the scenic views in this area are protected. Driveways and other points of access should be located in the safest possible location. Most of these concerns should be addressed through the Site Plan Review process.

### A. Commercial District - Route 3 South - Permitted Uses and Special Exceptions (Any use not listed here is prohibited.)

<u>Permitted Uses</u>	<u>Special Exceptions</u>
1. Single-Family Detached Dwelling (500 sq. ft. min. on the ground)	1. Multi-Family Dwellings
2. Two-Family Dwelling	2. Nursing/Convalescent Homes
3. Home Occupations	3. Non-Profit Recreational Areas
4. Bed and Breakfast Houses*	4. Commercial Recreational Facilities
5. Rental Cottages	5. Hotels/Resort Hotels/Motels
6. Eating & Drinking Establishments excluding fast food type businesses	6. Hospitals and Clinics
7. Retail Businesses and Banks	7. Research and Testing Labs
8. Offices	8. Churches
9. Personal Service Businesses	9. Public Buildings
10. Agriculture and Farming** (3/12/02)	10. Theaters and Playhouses
11. Wholesale Business with NO Outside Storage	11. Funeral Homes
12. Farm Stands (3/12/02)	12. Essential Service Buildings
13. Auto, Boat, Equipment – Sales, Service and Repair, but not including gas stations	13. Wholesale Business with Outside Storage
14. Public Facilities	14. Personal & Professional Offices***
15. Essential Services	15. Grocery Store under 5,000 sq. ft.
16. Accessory Uses	16. Single-Family Detached Dwelling (less than 500 sq. ft. on ground)
17. Cultural Uses (13 Mar 96)	17. Private Ambulance Service
	18. Group Homes (12 Mar 91)
	19. Accessory Apartments (1991)
	20. Commercial Child Care Facility (10 Mar 92)
	21. Accessory Short Term Rental

A Special Exception from the Zoning Board of Adjustment shall be required if building expansion is involved.

\*\* Refer to Definition (Page 71).

\*\*\*This would not apply to home occupations or uses not subject to site plan review.

## B. Commercial District - Route 3 South - Conditions & Restrictions

**Minimum Standards:** Sites with On-Site Water, On-Site Septic Systems (Class 3 Utilities)\*

Minimum Area/Net Density Required	As per Soils and Slopes
Width	150 feet
Front Setback	50 feet
Side Setback	10 feet
Rear Setback	20 feet
Maximum Height	45 feet (12 Mar 91)

**Minimum Standards:** Sites with Municipal Sewer (Class 2 Utilities) (9 Mar 04)

Minimum Area Required/Net Density	20,000 sq. ft.
Width	150 feet
Front Setback	50 feet
Side Setback	10 feet
Rear Setback	20 feet
Maximum Height	45 feet

**Minimum Standards: Municipal Water and Sewer (Class 1 Utilities) (9 Mar 22)**

<u>Minimum Area Required/Net Density</u>	<u>10,000 sq. ft.</u>
<u>Width</u>	<u>150 feet</u>
<u>Front Setback</u>	<u>50 feet</u>
<u>Side Setback</u>	<u>10 feet</u>
<u>Rear Setback</u>	<u>20 feet</u>
<u>Maximum Height</u>	<u>45 feet</u>

## D-7 CENTRAL BUSINESS DISTRICT

**General Purpose-** The purpose of the Central Business District is to provide a concentrated area for business and other uses in the downtown area of Meredith. A variety of business, institutional, public, semi-public, cultural, residential and other related uses are encouraged in an effort to provide a mix of activities in town villages. New buildings, building renovations and signs should be consistent with this village character.

The use of upper-story space for commercial, residential or other purposes is also encouraged. Parking requirements may be reduced to encourage full occupancy and use of buildings in this district. The Central Business District is essentially a pedestrian oriented area, although it also includes a compact area for some automobile oriented businesses such as gas stations, banks and fast food restaurants.

### A. Central Business District - Permitted Uses and Special Exceptions (Any use not listed here is prohibited.)

<u>Permitted Uses</u>	<u>Special Exceptions</u>
1. Retail Businesses & Banks	1. Hotels/Resort Hotel/Motels
2. Eating & Drinking Establishments	2. Supply Yards
3. Offices	3. Commercial Recreation Facilities
4. Personal & Professional Offices	4. Drive-in Restaurant or Refreshment Stand
5. Automobile Service Stations	5. Essential Services Buildings
6. Auto Sales, Service & Repair	6. Multi-Family Dwelling
7. Wholesale Business with NO Outside Storage	7. Private Ambulance Service
8. Clinics	8. Funeral Homes
9. Commercial Schools	9. Nursing & Convalescent Homes
10. Single-Family Detached Dwelling (500 s.f. min. required on ground)	10. Churches
11. Two-Family Dwelling	11. Public Buildings
12. Home Occupation	12. Theaters
13. Bed & Breakfast Houses*	13. Single-Family Detached Dwelling (less than 500 sq. ft. on ground)
14. Public Facilities	14. Accessory Apartments (1991)

- 15. Essential Services
- 16. Accessory Uses
- 17. Cultural Uses (13 Mar 96)

- 15. Group Homes (12 Mar 1991)
- 16. Commercial Child Care Facility ('92)
- 17. Accessory Short Term Rental

\*A Special Exception from the Zoning Board of Adjustment shall be required if building expansion is involved.

## B. Central Business District- Conditions and Restrictions

### **Minimum Standards:** Sites with On-Site Water, On-Site Septic Systems (Class 3 Utilities)\*

Minimum Area Required	As per Soils and Slopes
Width	150 feet
Minimum Area per Dwelling Unit	As per Soils and Slopes
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	20 feet
Maximum Height	45 feet (12 Mar 91)

### **Minimum Standards:** Sites with Town Sewer (Class 2 Utilities)

Minimum Area Required/Net Density	20,000 sq. ft.
Width	100 feet
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	20 feet
Maximum Height	45 feet (12 Mar 91)

### **Minimum Standards:** Sites with Town Water AND Town Sewer (Class 1 Utilities)

Minimum Area Required/Net density	10,000 sq. ft.
Width	100 feet
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	20 feet
Maximum Height	45 feet (12 Mar 91)

## **Village Housing Provision – Conditions and Restriction (12 Mar 13)**

In addition to density otherwise provided for above, applicants may seek approval from the Planning Board for an additional dwelling unit as provided for below.

Pursuant to RSA 674:21, II and only in conjunction with an application for Site Plan Approval, the Planning Board may grant a Conditional Use Permit to increase the dwelling unit density by one as provided by the conditions below.

1. This provision shall apply to properties in the Central Business District.

2. Properties must have Class I utilities in place and not by way of a utility extension.
3. One additional dwelling unit is permitted above that is allowed by right or which is grandfathered or which would be the first residential unit.
4. Adequate on-site parking should be demonstrated.
5. Planning Board site plan approval is required. Applicants must demonstrate compliance with all other applicable rules, ordinances and regulations.
6. This provision may only be exercised once per lot.
7. This does not apply to subdivisions or minimum area requirements for lot sizing.

## **D-8 COMMERCIAL DISTRICT - MEREDITH CENTER**

**General Purpose-** The purpose of this district is to provide a small area for business uses which are primarily intended to meet the convenience needs of residents of this area. Due to the historic character of this village, great care should be taken to ensure that any proposed uses maintain or improve this historic character.

### **A. Commercial District - Meredith Center - Permitted Uses and Special Exceptions** (Any use not listed here is prohibited.)

<u>Permitted Uses</u>	<u>Special Exceptions</u>
1. Retail Businesses and Banks	1. Commercial Recreation
2. Eating & Drinking Establishments	2. Multi-Family Dwellings
3. Offices	3. Churches
4. Personal & Professional Offices	4. Funeral Homes
5. Automobile Service Stations	5. Grocery Store under 5,000 s.f.
6. Public Facilities	6. Essential Services Buildings
7. Essential Services	7. Single-Family Detached Dwelling (less than 500 sq. ft. on ground)
8. Accessory Uses	8. Private Ambulance Service
9. Single-Family Detached Dwellings (500 sq. ft. minimum required on Ground)	9. Accessory Apartments (1991)
10. Two-Family Dwelling	10. Commercial Child Care Facility (10 Mar 92)
11. Home Occupations	<u>11. Accessory Short Term Rental</u>
12. Public & Private Schools	
13. Bed & Breakfast House	

### **B. Commercial District - Meredith Center - Conditions and Restrictions**

Site with On-Site Water, On-Site Septic Systems (Class 3)

#### **Minimum Standards:**

Minimum Area Required	As per Soils and Slopes
Width	150 feet
Minimum Area per Dwelling Unit	As per Soils and Slopes
Front Setback	30 feet

Side Setback	10 feet
Rear Setback	20 feet
Maximum Height	45 feet (12 Mar 91)

## **D-9 WATER RESOURCES CONSERVATION OVERLAY DISTRICT**

(Adopted by Town Meeting March 11, 1997, amended March 12, 2013)

### **A. TITLE**

This portion of the Meredith Zoning Ordinance shall be known as the "Water Resources Conservation Overlay District" of the Town of Meredith, New Hampshire.

### **B. AUTHORITY**

By the enabling authority granted in NH RSA 674:16 and 674:21, and as enacted by the Meredith Town Meeting on March 11, 1997 pursuant to RSA 675:3, the Water Resources Conservation Overlay District is hereby established.

### **C. PURPOSE AND INTENT**

1. To promote the health, safety and general welfare of the community; and
2. To prevent the degradation of surface water and ground water quality; and
3. To preserve the ability of wetlands and areas adjacent to wetlands and streams to provide treatment for water quality purposes, to filter pollutants, trap sediments, or retain and absorb chemicals and nutrients; and
4. To prevent the destruction of, or significant changes to natural wetlands which provide flood storage; and
5. To prevent the destruction of habitats for rare, unique, threatened or endangered species of flora and fauna; and
6. To prevent the development of structures and land uses in wetlands and areas adjacent to wetlands and streams which will contribute to the degradation of surface and/or ground water quality by means including but not limited to wastewater, toxic substances, excessive nutrient release, accelerated runoff, erosion and sedimentation; and
7. To preserve and enhance the aesthetic and recreational values associated with wetlands; and
8. To protect fish and wildlife habitat, maintain ecological balances, and enhance the ecological values such as those cited in RSA 483A-1B.

### **D. APPLICABILITY**

1. All applications for a local building permit, septic permit, subdivision approval, or site plan approval shall be subject to the provisions of this ordinance.
2. Any applicant seeking said approval(s) will be responsible for providing the required information before the appropriate approval will be considered.
3. Standards and requirements established herein shall be superimposed over all other zoning districts, or portions thereof, within the Town of Meredith.
4. The provisions herein shall apply in addition to all other applicable ordinances and regulations.
5. The Town of Meredith through its administrative and operating departments shall be subject to the provisions of this ordinance.

## **E. DEFINITIONS**

1. **Wetland:** An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands in Meredith are further defined as follows:
  - a. **Designated Prime Wetlands:** include six major wetland systems documented in Natural Resources Inventory Phase II, Van de Poll, Ph.D., August 2009 , indicated on Town of Meredith Wetland Map, March 2, 2012, and as designated in accordance with NH RSA 482-A:15.
  - b. **Designated Wetlands:** include twenty seven other wetlands, generally two acres or greater in size and indicated on Town of Meredith Wetland Map, March 2, 2012.
  - c. **Non-designated Wetlands:** Includes all other wetlands which are not indicated on Town of Meredith Wetland Map, March 2, 2012.
  - d. **Non-designated Exempt Wetlands:** Includes wetlands which are not indicated on Town of Meredith Wetland Map, March 2, 2012, are individually less than 3,000 sq. ft. in size and are not contiguous to a Brook or Stream or Lake or Pond. These wetlands are exempt from the provisions of this ordinance provided that: (1) the limits and area of the wetland have been field determined and delineated by a Certified Wetland Scientist and said delineation is on file with the Meredith Code Enforcement Officer; (2) any alteration to the wetland is in accordance with all applicable state laws, administrative rules and regulations; and (3) the cumulative impact does not exceed 3,000 sq. ft. (Note: In the event a cumulative impact exceeds 3,000 sq. ft., Section G-2 shall apply.)
2. **Protective Buffer:** A protective upland area adjacent to a wetland, brook or stream.
3. **Brook or Stream:** Surface water having channeled flow and running on either a continuous or seasonally intermittent basis. Brooks or Streams in Meredith are further defined as follows:

- a. **Designated Brooks or Streams** are indicated on Town of Meredith Wetland Map, March 2, 2012 and include the following:

Bartlett Brook	Mead Brook
Blake Brook	Merrill Brook
Collins Brook	Mill Brook
Dolloff Brook	Page Brook
Hatch Brook	Reservoir Brook
Hawkins Brook	Stoney Brook
Hermit Brook	Unnamed Brook

- b. **Non-designated Brook or Stream:** A Brook or Stream meeting the definition of 3 above and not listed under 3-a.

4. **Water Storage or Impoundment:** Man made resource for a specific purpose or combination of purposes including storm water treatment, fire safety, irrigation and wildlife (not including those lakes and ponds listed below).

5. **Lakes and Ponds:**

Lake Winnepesaukee	Randlett Pond
Lake Waukewan	Mud Pond
Lake Wicwas	Swains Pond
Lake Pemigewasset	Pickerel Pond
Lake Winnisquam	Page Pond
	Forest Pond
	Spectacle Pond

6. **Certified Wetland Scientist:** An individual certified by the N. H. Joint Board of Natural Scientists pursuant to RSA 310-A: 84.

## F. PERMITTED USES

1. In those areas determined to be wetlands subject to local jurisdiction, permitted uses are those which: (a) do not include the erection or construction of a structure of any size; (b) do not alter the natural surface configuration by the addition of fill, dredging or grading; and (c) are compatible with the specified Purpose and Intent of the ordinance. Such uses may include the following:
  - a. Forestry, tree farming and logging operations which utilize Best Management Practices as described in Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, NH Dept. of Resources and Economic Development, 2001 (latest edition/as amended) and comply with all related state and local laws.
  - b. Agricultural activities and operations which utilize Best Management Practices as described in Manual of Best Management Practices for

Agriculture in New Hampshire, NH Dept. of Agriculture, June 2011 (latest edition/as amended) and comply with all related state and local laws.

- c. Outdoor recreation activities including but not limited to hunting, hiking, fishing, swimming, boating, biking and skiing.
  - d. Wildlife or fisheries management activities.
  - e. Educational activities and scientific research consistent with Section C (Purpose & Intent).
2. Permitted uses in wetland and stream Protective Buffers shall include those uses permitted in Section F-1, a-e above. Development within a Protective Buffer shall be allowed by Special Exception in accordance with Section G-4.

#### **G. USES ALLOWED BY SPECIAL EXCEPTION**

- 1. Within **Designated and Non-designated Wetlands**, the following shall be allowed by Special Exception:
  - a. The construction of a wetland crossing for purposes of access or utilities, such as a road, driveway, or sewer line.
  - b. The construction of a water storage or impoundment.
- 2. Within **Non-designated Wetlands**, the following shall be allowed by Special Exception:
  - a. The placement of fill for lot development purposes.
- 3. Within **Designated Brooks or Streams and Non-designated Brooks or Streams**, the following shall be allowed by Special Exception:
  - a. The construction of a stream crossing for purposes of access or utilities, such as a road, driveway, or sewer line.
  - b. The construction of a water storage or impoundment.
  - c. Stream alteration and/or relocation.
- 4. Within Protective Buffers established per Section I, the following shall be allowed by Special Exception:

- a. The undertaking of a use not otherwise permitted in the Buffer, provided the ZBA determines that each of the criteria in Section H-5 have been met.

## **H. REQUIREMENTS AND STANDARDS FOR SPECIAL EXCEPTIONS**

1. Notification shall be given to all abutters and the general public and a Public Hearing held in accordance with RSA 676:7.
2. Applications for Special Exception shall include written comments and/or recommendations from the Conservation Commission or an authorized subcommittee of the Conservation Commission. The Conservation Commission or an authorized subcommittee of the Conservation Commission shall provide written comments and/or recommendations within 30 days of the receipt of an applicant's written proposal. If in the event that the Conservation Commission or an authorized subcommittee of the Conservation Commission fails to provide written comments and/or recommendations within 30 days of the receipt of an application, then an application for Special Exception may be filed and scheduled for public hearing.
3. Applications for Special Exception impacting a Designated Prime Wetland, Designated Prime Wetland Buffer, a Designated Brook, or a Designated Brook Buffer shall be accompanied by a wetland assessment report. The report shall include an assessment of the functions and values of the wetland and/or stream, and an assessment of the anticipated impacts upon the wetland and/or stream resulting directly and indirectly from the proposed activities. The report shall address the criteria set forth in Section 5 below. Reports required pursuant to this section shall be prepared by a Certified Wetland Scientist.
4. The applicant shall demonstrate compliance with the conditions set forth in Section H-5.
5. In granting a Special Exception, the Zoning Board of Adjustment must determine that each of the following conditions have been met:
  - a. The proposal is consistent with Section C (Purpose and Intent); and
  - b. Alternative proposals have been considered, and that the submitted proposal represents the minimum amount of reasonable, unavoidable environmental impact to wetlands, streams and/or associated buffer areas; and
  - c. Environmental impacts to abutting or downstream properties and natural resources have been considered and minimized.

## **I. PROTECTIVE BUFFER REQUIREMENTS**

1. Protective Buffer setbacks are specified in Table 1.

2. In the event two buffer requirements are in conflict with each other, the more restrictive shall apply.
3. The protective buffer for Prime Wetlands shall be measured from the outermost limit of the wetland regardless of soil drainage class.
4. For all brooks and streams, setbacks shall be measured from the top of the defined stream channel.
5. Lakes and Ponds may be subject to the natural vegetative buffer provisions of RSA 483-B:9 (Shore land Water Quality Protection Act).

## **J. SUBSURFACE WASTEWATER DISPOSAL SYSTEMS**

1. Minimum leach bed setbacks shall be established as specified in Table 1.
2. The leach bed setback from lakes and ponds shall be as provided for in RSA 483-B: 9V(c) (Shore land Water Quality Protection Act, as amended).
3. In the event that two setbacks are in conflict with each other, the more restrictive shall apply.

<b>TABLE 1</b>		
<u>Water Resource</u>	<u>Protective Buffer Setbacks</u>	<u>Leachbed Setbacks</u>
1. Designated Prime Wetland	150'	125'
2. Designated Wetland	100'	100'
3. Non-designated Wetlands	50'	75'
4. Non-designated Exempt Wetland	N/A	N/A
5. Designated Brook or Stream	100'	100'
6. Non-designated Brook or Stream	75'	75'
7. Lakes or Ponds	N/A	75' - 125'
8. Water Storage or Impoundment	N/A	75'

## **K. VERIFICATION OF WETLAND BOUNDARIES**

1. Where maps or field investigation indicate that a wetland may be present on a proposed development site, the Town of Meredith may require the applicant provide a professional wetland determination and delineation. The method of

delineation shall be consistent with the current methodology adopted by the NH Department of Environmental Services.

2. Where the presence of a wetland has been identified, the boundaries of the wetland shall be clearly marked on the site with flagging along the wetland perimeter.
3. In the event the accuracy of wetland determination or delineation submitted by an applicant is questioned by the Town, the Town of Meredith may hire a Certified Wetland Scientist to re-examine the area and report the findings. The costs for such services shall be paid by the applicant.

#### **L. SAVINGS CLAUSE**

The invalidation of any provision of the Water Resources Overlay Protection District Ordinance shall not affect the validity of any other provision of the Meredith Zoning Ordinance

#### **D-10 LAKE WAUKEWAN WATERSHED OVERLAY DISTRICT (3/14/06)**

##### **A. TITLE**

The title of this portion of the Meredith Zoning Ordinance shall be known as the "Lake Waukewan Watershed Overlay District – WW" of the Town of Meredith, New Hampshire.

##### **B. AUTHORITY**

By the enabling authority granted in NH RSA 674:16 (Grant of Power) and as enacted by the Meredith Town Meeting on March 14, 2006 pursuant to RSA 675:3, the Lake Waukewan Watershed Overlay District is hereby established.

##### **C. PURPOSES AND INTENT**

1. To promote the health, safety and general welfare of the community and specifically of those consumers that depend on Lake Waukewan as the source of public drinking water in Meredith.
2. To prevent the degradation of water quality to Lake Waukewan and throughout the Lake Waukewan Watershed.
3. To protect the public drinking water supply for the Town of Meredith.
4. To protect sensitive natural resources that contribute to water quality conservation.
5. To guide the nature, intensity and location of development within the watershed to protect water quality.

#### **D. APPLICABILITY**

The provisions specified herein shall apply to those properties, or portions of properties located within the watershed of Lake Waukewan.

The limits of the Lake Waukewan Watershed are identified on the Map entitled Lake Waukewan Watershed Overlay District which is hereby adopted as part of this ordinance.

In instances where the limits of the watershed, as indicated on the map may be different than the boundary on the ground, the Zoning Administrator shall make the determination as to whether or not the ordinance is applicable.

No lot or portion thereof located within the Lake Waukewan Watershed shall be subject to the provisions of this overlay district if it is established to the reasonable satisfaction of the Planning Board that stormwater runoff from such lot or portion of such lot does not drain into Lake Waukewan.

In the event that the Lake Waukewan Watershed Overlay District boundary runs through any lot, for purposes of subdivision or development of such lot, these provisions shall apply only to that portion of the lot located within the Lake Waukewan Watershed.


#### **B. MINIMUM LOT SIZE/DENSITY**

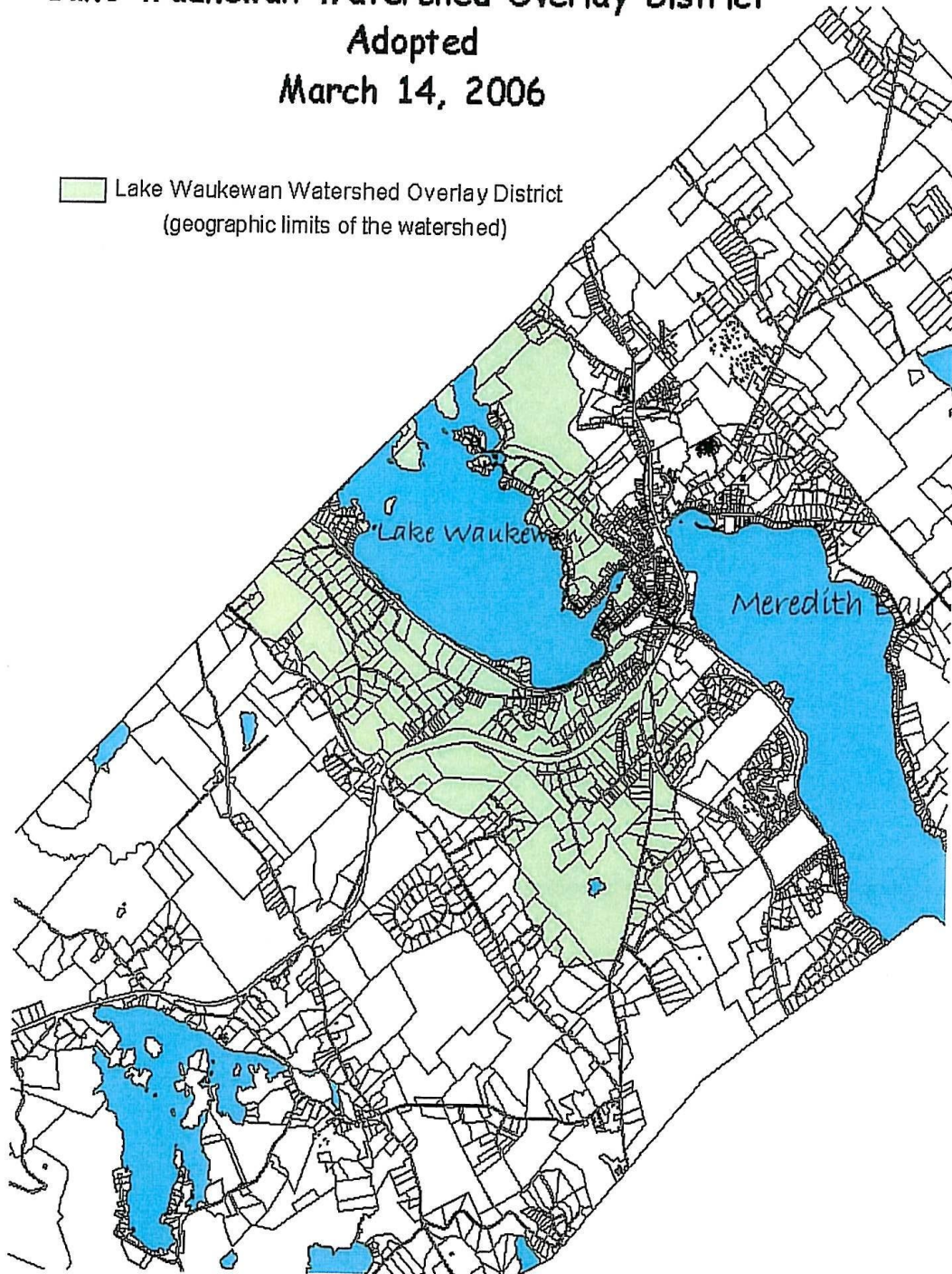
The minimum gross lot area required for subdivision purposes shall be the more restrictive of the following:

1. The required minimum lot size pursuant to the underlying Zoning District; or
2. Two (2) acres per lot.

In instances where lots are not created but dwelling units are created (duplexes, multi-family), the requirement specified above shall serve as the required density per dwelling unit.

**Lake Waukegan Watershed Overlay District**  
**Adopted**  
**March 14, 2006**

 Lake Waukegan Watershed Overlay District  
(geographic limits of the watershed)



## **ARTICLE VI – ADOPTION OF BUILDING CODES AND ENFORCEMENT**

### **A. Adoption by Reference (3/10/20)**

Pursuant to RSA 674:51, the Town of Meredith will enforce the State Building Code established in RSA 155-A, as amended. The following are additional provisions of the State Building Code and process for enforcement.

The building inspector is hereby authorized as the local enforcement agency to administer and enforce all of the provisions of this ordinance. The Zoning Board of Adjustment shall act as the Building Code of Board of Appeals.

Pursuant to RSA155-A, to the extent that there is a conflict between the State Building Code and the State Fire Code, the code creating the greater degree of life safety shall take precedence.

### **B. Building Permits**

Modifications to the State Building Code are hereby adopted:

1. A building permit shall be required for all construction in a flood prone area which includes all docks, boathouses and other shoreline structures, including those shown on the Flood Hazard Boundary Maps. (14 Mar 95)
2. A building permit shall be required for new structures or the alteration or replacement of the following: plumbing, heating, or electrical systems; structural or support bearing beams; or the removal or change of any required means of egress.
3. Each permit application shall contain sufficient information to show that the application is in conformance with the Town Zoning Ordinance and shall be accompanied by the appropriate fee (see Community Development Fee Schedule).
4. A copy of the building permit shall be posted prior to commencement of any construction and shall remain until construction covered by the permit is completed.
5. Any structure damaged by accidental means must be rebuilt, repaired or removed within one (1) year of the date of said occurrence.
6. All building permits shall expire one (1) year from the date of issuance and must be renewed in writing regardless of the status of the project (unless completed or abandoned). Renewal of the building permit with no additional fee is permitted for incomplete projects provide twenty-five

percent (25%) of the construction is completed per year. It is the permittee's responsibility to request an inspection at the completion of the project so that a Certificate of Use and Occupancy may be issued.

### **C. Violations**

Pursuant to RSA 676:15 and 676:17, the Board of Selectmen or Building Inspector shall, in their discretion, enforce the provisions of this Ordinance. Enforcement may include the seeking of an injunction and/or civil penalties in the Superior Court of by any other legal action.

### **D. Penalty**

Penalties for violations of this Article of the Zoning Ordinance are as follows:

1. \$100 for a first offense of commencing work before obtaining the required building, electrical or plumbing permits.
2. \$250 for a second offense of commencing work before obtaining the required building, electrical or plumbing permits.
3. Up to \$275 per day for each day of a subsequent offense of commencing work before obtaining the required building, electrical or plumbing permits.

## **ARTICLE VII - BOARD OF ADJUSTMENT**

### **Creation, Appointment and Jurisdiction**

The Board of Adjustment shall be appointed by the Selectmen and function in accordance with New Hampshire Revised Statutes Annotated 672 through 677 inclusive.

### **A. Special Exception - Generally**

Special Exception means a use which would not be appropriate generally or without restriction in a particular district and, accordingly, is allowable only upon such conditions as are established by the Ordinance and only after public hearings and determination by the Board of Adjustment.

For the purpose of this Ordinance, the following are established as conditions upon the grant of all Special Exceptions, subject to further conditions as may be defined elsewhere herein as to the uses concerned, namely:

- a. That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and adverse violation of the character or appearance of the neighborhood.

- b. That the use will not be injurious, noxious or offensive and thus detrimental to the neighborhood.
- c. That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life and property, unsanitary or unhealthful emissions or waste disposal or similar adverse causes or conditions.

~~d. As to all special exceptions subject to Site Plan Review by the Planning Board, pursuant to RSA 674:13 and the Meredith Site Plan Review Regulations, that conditional approval by the Planning Board of the applicant's site plan must be on file with the Board of Adjustment. (14 Mar 17)~~

In addition to the above conditions, the following requirements shall be met:

- a. Duplicate plans for the proposed development of a site for a Special Exception shall be submitted with an application for a permit and such plans shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, lighting and other pertinent information that may be necessary to determine that the proposed use meets the requirements and the spirit and intent of this Ordinance.
- b. A permit shall expire if the special exception is not utilized within a two-year period (13 Mar 14).
- c. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use and the location of the site with respect to the existing or future street giving access to it, shall be such that it will be in harmony with the orderly development of the District and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of the adjacent land and buildings or impair the value thereof.

In this regard, the Board may impose the following safeguards in addition to the applicable requirements of this ordinance, including but not limited to the following:

1. Front, side or rear setbacks greater than the minimum requirements of the Ordinance.
2. Screening of parking areas or other parts of the premises from adjoining premises or from the street by walls, fences, planting or other devices.
3. Modification of the exterior features or appearance of the building or structure.
4. Limitation of size, number of occupants, method or time of operation or extent of facilities.

5. Regulation of number, design and location of drives or other traffic features.
  6. Off-street parking or loading spaces beyond the minimum requirements of this Ordinance.
  7. Control of the number, location and size of lights and signs.
- d. Operations in connection with such a use shall not be more objectionable to nearby properties by reason of noise, fumes, odor or vibration, than would be the operation of any permitted uses in this District which are not subject to Special Exception procedures.

## **B. Special Exception - Specific**

1. **Accessory Apartments** - The criteria for granting a Special Exception for “accessory apartments” shall include the following:
  - a. The accessory apartment shall have a minimum of 300 square feet of ~~net~~ floor area and shall not exceed the lesser of (i) forty percent (40%) of the sum of the square footage ~~net floor area~~ of both the finished dwelling unit and the finished accessory apartment, or (ii) 1,200 square feet. In addition to the foregoing area limitations, in the case of an accessory apartment in an accessory structure, the accessory structure shall have one or more accessory uses, not including guest quarters, other than the accessory apartment, and the square footage ~~net floor area~~ of the accessory apartment shall not exceed the square footage ~~net floor area~~ of the other accessory use or uses of the accessory structure. (11 Mar 08)
  - b. The accessory apartment may be physically attached to or incorporated within a principal residential structure, or incorporated in an accessory structure to such principal residence. There shall not be more than one accessory apartment on any lot. The distance between an accessory structure containing an accessory apartment and the nearest point of the enclosed living space of the principal residential structure shall not exceed 100 feet. (11 Mar 08)
  - c. Accessory apartments shall include no more than two (2) bedrooms.
  - d. Accessory apartments may be created through the internal conversion of an existing housing unit or through the creation of a new principal dwelling unit / accessory apartment structure or thru the internal conversion or creation of a non-residential accessory structure such as a barn or garage. (11 Mar 08)
  - e. Either the principal dwelling unit or the accessory apartment shall be

occupied by the owner of the property

- f. The construction and occupancy of accessory apartments shall not be detrimental to the neighborhood in which the lot is located by virtue of overcrowding or traffic congestion.
- g. Means of egress for both the principal single-family residence and the accessory apartment shall meet all applicable codes.
- h. Off-street parking shall be provided as follows:
  - 1. 2 spaces - principal residence, 1 space - accessory apartment;
  - 2. Parking spaces must be surfaced in a manner consistent with the neighborhood; and
  - 3. Parking spaces required pursuant to this section shall not be constructed within the front setback required pursuant to the applicable zoning district.
- i. All applications under this section shall demonstrate adequate provision for sewage disposal, water, waste and drainage generated by the future occupancy of an accessory apartment.
- j. No exterior changes shall be made which in the judgment of the Board do not conform to the single-family character of the neighborhood.
- k. Any application filed under this section shall include the following:
  - 1. Scaled plot plan showing location of existing structure.
  - 2. Detailed floor plan.
  - 3. Parking layout and yard area.
  - 4. Sketch any proposed expansion or change to structure showing overall dimensions.
  - 5. Square footage of construction or alteration.
  - 6. Location and number of exits.
  - 7. Any additional information that will adequately describe the proposed work.

**2. Accessory Short Term Rentals – Short Term Rentals of a room or rooms within a single family dwelling or of an entire single family dwelling shall be considered ~~shall be considered~~ accessory to a detached, single family dwelling provided the occupancy of the single family dwelling is the primary use ~~the single family dwelling is the primary use~~. The short term rental shall meet the following criteria:**

**a. Short Term Rentals shall be permitted as an accessory use in the zone where single family dwellings are allowed.**

**b. Short Term Rentals may occur for periods of less than 30 days each but shall not exceed 100 days cumulative rental days annually.**

c. Adequate off-street parking shall be provided to accommodate the occupancy of the dwelling.

d. A state approved septic system shall be in place and consistent with the number of bedrooms.

e. A point of contact shall be provided that is accessible 24 hours a day.

f. Provisions for trash disposal shall be made.

g. Short term rentals shall be considered accessory to single family dwellings, not accessory apartments, as long as it remains secondary to the primary use of the dwelling.

**32. ———Duplex/Two-Family Dwellings** - The criteria for granting a Special Exception for “duplex/two-family dwellings” shall include the following additional criteria:

- a. Density requirements shall not be applicable provided the lot meets the minimum lot size required in the applicable zoning district.
- b. Two-family units shall be attached.
- c. Two-family units may be created either through conversion of an existing structure or through new construction.
- d. Off-street parking shall be provided in accordance with the Zoning Ordinance.
- e. Parking shall be surfaced in a manner generally consistent with the neighborhood.
- f. Parking spaces required pursuant to this section shall not be constructed within the applicable front setback.
- g. Proper provisions for sewage disposal (to meet State and local septic criteria), water supply and surface drainage.

**43. Boathouses** - The criteria for the granting of a Special Exception for “boathouses” shall include the following:

- a. Boathouses shall be not greater than 32 feet in height as measured from the mean high water mark.
- b. The maximum overall structure width (along the shore) shall be determined on the basis of lot shoreline frontage. (See Article VIII for definition of “Shoreline Frontage”.)

<u>Shoreline Frontage</u>	<u>Maximum Overall Width</u>
<75'	(Not Permitted)
75' - 149'	18'
150' - 299'	24'
300'	36'

Boathouse structures shall have a minimum of 75' of dedicated shoreline frontage. Said dedicated frontage shall not have been previously allocated to satisfy shoreline frontage requirements for other waterfront structures.

- c. Boathouses shall have pitched roofs with a minimum pitch of 5/12.
- d. Boathouses shall be designed for the docking of boats or similar craft and shall not be designed or used for any activities usually associated with land, i.e., sunbathing, picnicking, bunkhouse, dwelling unit, helipads, etc.
- e. Boathouses shall not encroach upon side yard or watershed protection area setbacks.
- f. Alteration of the natural shoreline shall not cause or increase non-conformity regarding setbacks between the altered shoreline and pre-existing structures and/or septic systems. Waterfront setbacks shall be measured from the inward limit of the altered shoreline area.
- g. There shall be no exterior lighting attached to or providing illumination of the boathouse structure which is offensive or otherwise disruptive to the neighborhood by virtue of light intensity or direction.
- h. If the construction of a boathouse necessitates physical alteration and/or dredging of the natural shoreline, an Erosion Control Plan shall be prepared by a Licensed Professional Engineer and approved by the Meredith Planning Board or their duly appointed representative prior to consideration of the Special Exception by the Zoning Board of Adjustment. The cost of the review of the Erosion/Sedimentation Control Plan shall be the responsibility of the applicant.
- i. Boathouse shall be sited so as to minimize environmental impacts.
- j. Only one boathouse per lot or parcel of land shall be permitted.
- k. Evidence of acceptable surety and site access to guarantee performance associated with site work stabilization shall be required prior to issuance of A Building Permit.
- l. The application for a Special Exception under this section shall be accompanied by:

- (1) A scaled plot plan depicting all property lines and easements.
- (2) All structures located to scale within 200' of the shoreline.
- (3) All septic systems located to scale within 200' of the shoreline.
- (4) Construction drawings showing elevations (all sides) and floor plan of the proposed structure (to scale).
- (5) Exterior lighting information, location, type, intensity, etc.
- (6) Approved Erosion Control Plan.

**4- 5. Group Homes** - Criteria for the granting of a Special Exception for "group homes" shall be in accordance with policies established by the State of New Hampshire.

**5- 6. Wireless Communication Towers** - See "Wireless Telecommunication Facilities Ordinance" for Special Exception review procedures. (See p. 120) for complete text.)

### **C. Variance**

The Board of Adjustment may authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions affecting land in question, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship that would deprive the owner of the reasonable use of his land or building. In granting such variance, the Board of Adjustment shall prescribe any condition it deems necessary or desirable. If the variance is not utilized within a two-year period, it shall expire. To grant such a variance, it must be demonstrated that (13 Mar 14):

- a. No diminution in value of surrounding properties would be suffered.
- b. Granting the permit will not be contrary to the public interest.
- c. Denial of the permit would result in unnecessary hardship to the owner seeking it.
- d. Granting the permit substantial justice would be done.
- e. The use must not be contrary to the spirit of the ordinance.

### **D. Appeals to the Board**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative office. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal

is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken from. (RSA 31-69)

**E. Application Fees** (no refunds) (10 Mar 87)

Appeals to the Board shall be accompanied by application fees as determined by the Board and shall be non-refundable.

## **ARTICLE VIII - DEFINITIONS**

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word **PERSON** includes a firm, association, partnership, trust company or corporation as well as an individual and shall apply to the owner, agent contractor or others acting on behalf of any of the above.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word **SHALL** is mandatory, the word **MAY** is permissive.

The word **USED** or **OCCUPIED** includes the words **INTENDED, DESIGNED OR ARRANGED TO BE USED OR OCCUPIED.**

The word **LOT** includes the words **PLOT** or **PARCEL.**

\*\*\*\*\*

**ACCESSWAYS** - Any right-of-way, easement or fee-owned portion of land used for the purposes of passing to and from a parcel of land, residence or commercial use, from any recognized public way. (1980)

**ACCESSORY APARTMENT** - An apartment meeting the Special Exception criteria for accessory apartments set forth in Article VII. (11 Mar 08)

**ACCESSORY SHORT TERM RENTAL-** An accessory use to a single family detached dwelling unit that is offered for a fee for less than 30 consecutive days at a time. The short term rental must be secondary to the principal residential use of the dwelling.

**ACCESSORY USES** - An accessory use is a subordinate use that is clearly incidental to and related to the principal structure, building or use of the land. Aircraft takeoffs and landings shall not be considered an accessory use to a residential use (see NH RSA 674:16 V for reference). (11 Mar 97)

**ACRE** - 43,560 sq. ft. (1979)

**AFFORDABLE HOUSING** - Affordable housing shall be priced not to exceed 2 ½ times the median family income for Belknap County, based on December 31<sup>st</sup> of the prior year, as determined by N.H. Department of Labor, Bureau of Statistics, or what is approved by Farmers' Home Administration for loans in Belknap County for single-family housing. (8 Mar 88)

**AGRICULTURAL STOCK FENCE** - A fence erected for the sole purpose of containing stock. (1978)

**AGRICULTURE AND FARMING** – means all operations of a farm, including:

- (1) The cultivation, conservation and tillage of the soil.
- (2) The use of and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, where permitted by municipal and/or state rules and regulations, and other lawful soil amendments.
- (3) The use of and application of agricultural chemicals.
- (4) The raising and incidental sale of livestock.
- (5) The breeding, boarding, raising, training, riding instruction and incidental sale of equines.
- (6) The commercial raising, harvesting and incidental sale of fresh water fish or other aquaculture products.
- (7) The raising, breeding and incidental sale of poultry, game birds or eggs.
- (8) The raising of bees.
- (9) The raising, breeding and incidental sale of domesticated strains of fur bearing animals.
- (10) The production of greenhouse crops.
- (11) The production, cultivation, growing, harvesting and incidental sale of any agricultural, floricultural, forestry or horticultural crops including but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, flowers, seeds, grasses, nursery stock, sod, trees and tree products, or any other plant that can be legally grown and harvested extensively for profit or subsistence. (3/12/02)

**AMBULANCE SERVICE** - An emergency service which treats illnesses and injuries that require an urgent medical response, providing out-of-hospital treatment and transport to definitive care. (2019)

**APARTMENT** - A room or suite of rooms in a multiple dwelling, or an accessory apartment, in either case designed for use as a residence by a single family. (11Mar 08)

**AQUIFER** - A soil deposit with the capacity to transmit and store a large amount of ground water, having the potential to meet public and private water needs. (1979)

**AUTO SERVICE STATION** - Any area of land including structures thereon that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning, servicing or repairing such motor vehicles.

**BED AND BREAKFAST HOUSE** - An owner-occupied home in which the owner rents guest rooms and serves breakfast to those guests as part of the room rent. (8 Mar 83)

**BROOK OR STREAM** - A body of water having channeled flow and running on either a continuous or seasonally intermittent basis.

**BUFFER AREA** - An area bordering any development that is reserved for natural vegetation, plantings, fencing or other similar screening devices for the purposes of creating a transition area wherein adjoining uses do not detract from one another. (8 Mar 88)

**BUILDING** - Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

**BUILDING HEIGHT** - The vertical distance measured from the average finished grade adjoining all exterior building walls to the highest roof ridge not including unoccupied structures, such as weathervanes, chimneys, copulas, church towers or other features not readily accessible. (2019)

**BUILDING MATERIALS AND SUPPLY FACILITY** - The warehousing and sales of materials, including lumber, and supplies commonly used by or in Building Trades. (2014)

**BUILDING TRADES** - Such trades as carpentry, painting, roofing, siding, insulation and dry wall installation, electrical, plumbing, excavation and site preparation, landscaping, septic installation, well drilling, masonry, paving and road construction, flooring, glazing, and other trades commonly involved in building and construction work, but not blasting contractors, steel works or gravel, sand or loam pits or facilities for cement manufacture or concrete distribution plants. (2014)

**CAMPGROUND** - A camping area owned and managed by an individual, partnership or corporation which provides the use of sites and facilities on a rental basis and where all management functions are the prerogative of the owner/manager. (1987)

**CAMPING AREA** - Any area or tract of land used to accommodate two or more camping amenities. (1981)

**CAMP RESORT** - A camping area operating on a condominium, membership or time-sharing basis. (1987)

**CHURCH** - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. (1984)

**CLINICS AND MEDICAL OR DENTAL OFFICES** - A place for medical, dental or similar examination or treatment of persons or animals as outpatients. (2014)

**CLUBHOUSE** - A structure, public or private, for the use of persons for meetings and gatherings in conjunction with club activities. (1981)

**COMMERCIAL CHILD CARE** - A facility where child care or pre-school education services are provided for seven (7) or more children and not being children of the provider, or where a homeowner is providing child care services for 4-6 children under the age of 10 and not being children of the owner. Either facility is subject to Site Plan Review. The care of 1-3 children and not being children of the owner is exempt from Site Plan Review. (2014)

**COMMERCIAL PRINTING** - Includes commercial printing, offset reproduction and photocopying, finishing or bindery facilities. (2014)

**COMMERCIAL SCHOOLS** - Includes schools for the training of adults in various occupations and skills including but not limited to beauty colleges, building trade schools and professional cooking schools. (2014)

**COMMERCIAL CHILD CARE FACILITY** - A facility where child care services are provided for seven (7) or more children and not being children of the provider. Such facility requires Site Plan approval.

**COMMUNITY WASTEWATER SYSTEM** - A non-municipal disposal system that services an average of at least (25) individuals daily, year-round or that has at least (15) service connections.

**COMMUNITY WATER SUPPLY** - A non-municipal water supply system that services an average of at least (25) individuals daily, year-round or that has at least (15) service connections.

**CONDOMINIUM** - The definition of condominium and associated terms shall be according to N.H. Revised Statutes Annotated, Chapter 356-B:3. (8 Mar 83)

**CONFORMING USE** - Any use that is in accordance with the Permitted Uses as specified elsewhere in this Ordinance. (See Article V, Para. D, Sections 1 thru 9). (1979)

**CONSERVATION AREA** - The planning management of a natural resource to prevent exploitation, destruction or neglect. (1979)

**COTTAGE RENTALS** - See Motels or Rental Cottages, Page 78. (10 Mar 87)

**CULTURAL USES** - A category of commercial or non-commercial uses including: (A) the display and/or sale of artistic work such as paintings, prints and/or sculpture (Gallery); (B) the presentation of performances having dramatic value such as plays or motion pictures (Theater); (C) the acquisition, preservation, study and exhibition of works of artistic, cultural or scientific value (Museum); and (D) the practice of a handicraft such as pottery, jewelry, woodcarving, etc. by a skilled craftsman or artisan (Arts and Crafts). Cultural uses shall be subject to site plan review by the Planning Board. (13 Mar 96)

**DESIGNATED BROOK OR STREAM** – includes fourteen streams identified by name in the Water Resources Conservation Overlay District and included in the Town of Meredith Wetland Map, March 2, 2012. (14 Mar 17)

**DESIGNATED PRIME WETLANDS** - Includes six major wetland systems documented in the Natural Resources Inventory Phase II, Van de Poll, Ph.D., August 2009, indicated on the Town of Meredith Wetland Map, March 2, 2012 and as designated in accordance with NH RSA 482-A:15 (14 Mar 17)

**DESIGNATED WETLANDS** – Includes twenty-seven other wetlands, generally two acres or greater in size and indicated on the Town of Meredith Wetland Map, March 2, 2012. (14 Mar 17)

**DRIVE-IN RESTAURANT** - An establishment designed or operated to serve a patron while seated in an automobile parking in an off-street parking space or at an outside table. (1984)

**DWELLING UNIT** - One room or rooms connected together, constituting a separate, independent, housekeeping unit established for owner occupancy, ~~rental or lease of 30 days or longer~~, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and sanitary facilities, but not including hotels, resort hotels and motels and accessory apartments. ~~OR NEW DEFINITION: a single unit providing complete and independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation excluding hotels and motels.~~ (912 Mar 2291)

**DWELLING, SINGLE-FAMILY DETACHED** - A single residential dwelling unit designed for and occupied by one family only, 500 sq. ft. minimum required on the ground. (1986)

**DWELLING, TWO FAMILY** - A single residential building containing two dwelling units designed for occupancy by not more than two families.

**DWELLING, MULTI-FAMILY** - A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**ELECTRONIC SIGN** – A sign, or portion of a sign, that displays an electronic image or video, or uses changing lights to form a message in text form. This definition includes signs using technologies such as, but not limited to, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, holograph displays, liquid crystal display signs and fiber optic signs. Reader Boards as defined are not considered part of this definition, nor are signs that are specifically intended for public safety or traffic control. (7/31/07)

**EQUIPMENT SALES, RENTAL, REPAIR OR SERVICE** - Facilities used for the sale and rental, repair and servicing of motorized, mechanical, electrical and electronic equipment, but excluding other motor vehicles, motorcycles and boats. (2014)

**ESSENTIAL SERVICES** - The erection ,construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission, or distribution system, including poles, wires, mains, drains, sewer, pipes, conduit cable, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other government agencies or for the public health, safety or general welfare.

**ESSENTIAL SERVICES BUILDINGS** - Buildings reasonably necessary for the furnishing of adequate essential services by public utilities or municipal or governmental agencies.

**EXCAVATION** - Digging of any type. (1979)

**EXISTING NON-CONFORMING USE** - Any use existing in a district where it is not allowed or which existed prior to the adoption of the Zoning Ordinance. (1978)

**FAMILY** - One or more persons occupying a single unit, provided that unless all members are legally related, no such dwelling unit shall contain more than five unrelated persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families. Foster children are allowed according to the N.H. State Regulations.

**FARM** – Means any land, buildings or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residences of owners, occupants or housing accommodations for employees located on such land. Structures shall include all farm outbuildings used in the care of livestock and in the production and storage of fruit, vegetables or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in agriculture and farming operations. (3/12/02)

**FARM STAND** – Means an on-farm, agricultural retail operation provided that: (A) at least 35% of the product sales in dollar volume is attributable to products from the farm or farms of the farm stand owner or farm stand operator; and (B) product sales not attributable to the farm or farms of the farm stand owner or farm stand operator shall be agriculturally related and may include, but not necessarily limited to, the sale of garden accessories, cheese, home crafts, cut flowers, dried flowers, value added products such as jams, jellies and baked goods from a farm stand kitchen. Proof of farm income may be required to determine conformity with these provisions. Farm stands shall be subject to Site Plan Review. (3/12/02)

**FENCE** - An enclosure or barrier, as around a field or yard. (1979)

**FILLING** - The placing or depositing of any type of material. (1979)

**FIREWOOD PROCESSING** - The cutting, drying, splitting and other processing of wood from logs transported from other locations for sale as firewood.

**FOSSIL FUEL** - A fuel extracted from the earth, such as coal. (1986)

**GREENHOUSE** - A structure, generally of glass or light transmitting material such as plexi glass, for the production, cultivation and growing of agricultural, floricultural or horticultural commodities for private use or commercial sale. (1981)

**GROCERY STORE** - Any retail establishment where the primary product is food stuffs which are regularly and customarily sold in a bona fide manner for consumption off the premises. (1981)

**GROUP HOME** - A facility wherein (a) the operator is not legally related to the individuals supervised and is licensed by the State and wherein (b) one or more individuals is provided with room, board, specialized and distinctive care and supervision in a family environment, or where five or more individuals reside and are provided with food, board, ordinary care and supervision in a family environment.

**HOME OCCUPATION** - The accessory use of a residential property, of a business or commercial nature, engaged in by the person or persons residing on that property. The use must be incidental and secondary to the principal residential use of the dwelling unit. See Article III - General Provisions, F. Home Occupations for specific Home Occupation criteria. (2019)

**HOME OCCUPATION CHILD CARE FACILITY** - A facility where the homeowner is providing child care services for 4-6 children under the age of 10 and not being children of the owner. Such facility is subject to Site Plan Review. The care of 1-3 children and not being children of the owner is exempt from Site Plan Review.

**HOSPITAL** - An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured, including as an integral part of the

institution, such related facilities as laboratories, out-patient department, training facilities, central service facilities and staff offices. (1984)

**HOTEL/RESORT HOTEL** - A building in which at least 50 percent of the gross habitable floor area is used for sleeping, designed primarily for the accommodation of travelers.

**IMPACT FEE** – A fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the town, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; town office facilities; public school facilities; the town's proportional share of capital facilities of a cooperative or regional school district of which the town is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space. (3/12/02)

**INTERIOR ILLUMINATED SIGN** - Designed to provide artificial lighting of the sign face through transparent or translucent material from a light source within the sign.

**JUNK** - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material. (1984)

**JUNK YARD** - Any business and any place of storage or deposit, where in connection with another business or not, which is maintained, operated, or used for storing, keeping, buying or selling junk, or which has stored or deposited not more than 2 unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part of any motor vehicle, the sum of which shall be equal in bulk to not more than 2 motor vehicles. The term "junk yard" shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of a vehicle or cut up the parts thereof. (1984)

**LIGHT MANUFACTURING** - Includes the production, assembly, fabrication, processing or packaging of various products, but does not include petrochemical or chemical operations or operations commonly considered to be basic or heavy industry, or outside storage or processing of chemicals or products that could adversely affect water quality.

**LODGING HOUSE** - A building in which the rooms are rented with or without meals to three (3) or more but not exceeding twenty (20) persons.

**LOT** - A lot is a parcel of land occupied or to be occupied by the main building or the accessory buildings or uses customarily incident to it. A lot shall be of sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or an improved private street and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- (4) A parcel of land described by metes and bounds, provided that in no case of division or combination of any residual lot or parcel be created which does not meet the requirements of this ordinance.

**LOT FRONTAGE** - No lot shall have a frontage of less than 50 feet.

**LOT MEASUREMENTS** - Depth of a lot shall be the average distance between the front and rear lot lines. Width of lot shall be the average distance between the lot lines.

**LOT OF RECORD** - A lot which is part of a subdivision approved by the Meredith Planning Board and recorded in the Belknap County Registry of Deeds, or lot or parcel described by metes and bounds, the description of which was so recorded prior to zoning. (1979)

**MACHINERY JUNK YARD** - Any yard or field used as a place of storage in which there is displayed to the public view junk machinery or scrap metal that occupies an area of 500 square feet. (1984)

**MAINTENANCE** - Repair or replacement of parts of structures to a likeness of its original construction. Maintenance shall not be considered improvement or alteration when parts of a structure are being repaired or replaced due to damage or wearout of the original part.

**MARINA (Commercial)** - A place for docking or storage of pleasure boats and providing service to pleasure boats, including servicing and repair, sale of fuel and marine supplies. (1981)

**MARINA (Residential)** - A place to provide secure mooring or docking for pleasure boats, but offering no other services such as boat storage, fuel, repairs, maintenance. (1981)

**MAXIMUM LOT COVERAGE** - The percent of the total lot area which may be covered by all pervious or impervious surfaces which prohibits the growth of vegetation (including but not limited to structures, sidewalks, parking areas, roads and driveways), whether paved or gravel. (13 Mar 18)

**MANUFACTURED HOME/MOBILE HOME** - Any structure transportable in one or more sections, which in the traveling mode is at least 8 feet in width and 40 feet in length,

with at least 320 square feet to be used as a dwelling and constructed on a permanent chassis to be used with or without a permanent foundation when connected to required utilities (see RSA 674:31). (14 Mar 17)

**MOBILE HOME SUBDIVISION** - An approved subdivision of six (6) or more lots which the developer has designed to be for mobile homes or modular homes only which are situated on permanent foundations.

**MODULAR HOME** - Any structure designed for primarily for residential occupancy that is wholly or in substantial part fabricated off-site in conformance with minimum building codes for the installation or assembly on a building site with a permanent foundation. Also referred to presite built housing. (see RSA 674:31-a) (14 Mar 17)

**MOTEL OR RENTAL COTTAGES** - A building or group of buildings which: (a) contains living or sleeping accommodations used primarily for transient occupancy and (b) has individual entrances from outside the building to serve each such living or sleeping unit. (1984)

**MOTOR VEHICLE** - Any self-propelled vehicle, not operated exclusively upon stationary tracks, originally intended for use on public highways. (1984)

**NET CONTIGUOUS FUNCTIONAL AREA** - That portion of a lot required to sustain a proposed use and associated services based upon topographic and soil conditions as set forth in the Meredith Subdivision Regulations.

~~**NET FLOOR AREA** - Actual occupied area, exclusive of space for wall thickness, structural features, fixed features, hallways, stairs, closets, storage areas, etc.~~

**NON-CONFORMING LOT** - Any isolated lot of record, bounded by land of others than the owner, not meeting the requirement of the ordinance which existed by itself prior to the adoption of this ordinance.

**NON-CONFORMING STRUCTURE** - Any structure which is not in compliance with the requirements of the current Zoning Ordinance. (1989)

**NON-CONFORMING USE** - Any use in a District where it is not specifically allowed by the Zoning Ordinance. (1979)

**NON-DESIGNATED WETLANDS** - Includes all other wetlands which have not been inventoried or evaluated by the Town of Meredith.

**NURSING/CONVALESCENT HOME/ASSISTED LIVING** - An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism or narcotics addiction. (2019)

**OBNOXIOUS USE** - Any use that may be disorderly, unsightly, noxious, offensive or detrimental to the public or the owners or occupants of adjacent property. (1987)

~~**OFF LOT** - Off the lot in question, but not another lot in the same subdivision unless said other lot is reserved exclusively for the utility located thereon. (1979)~~

~~**OFF PREMISE** - Any location other than on premise, as defined. (1979)~~

~~**OFF STREET** - Wholly within the boundaries of a specific lot. (1979)~~

~~**OFF-STREET PARKING** - In the Central Business District designated parking within the side and rear setbacks of a property shall be subject to the granting of a Special Exception by the Zoning Board of Adjustment. (1986)~~

**OFFICES** - Occupancy primarily for the provision of professional, executive, management, or administrative services. Typical uses include real estate offices, brokerage firms, legal offices, or architectural firms, but not including Clinics, Medical or Dental Offices or Veterinary Offices.

~~**ON PREMISE** - Any location other than on premise, as defined. (1979)~~

**ON-SITE** - On an individual lot or on the common area of a condominium or subdivision development. (1986)

**OUTDOOR RECREATION** - Low-intensity in nature and not primarily structure oriented, such as golf courses, riding stables, but not go-cart tracks or amusement parks. (2019)

**OUTDOOR RECREATIONAL CAMP** - A facility for the accommodation of numerous individuals by the week, month or for the season, or on a seasonal daily basis, providing outdoor and indoor recreational, athletic, instructional or religious activities and which may provide lodging and food service facilities for campers and staff, but not including campgrounds. (2019)

**OUTDOOR RECREATIONAL FACILITY** - Facilities for, low intensity outdoor recreation not primarily requiring structures or motorized equipment, such as golf courses, riding academies, and facilities for hiking or cross-country skiing. (2019)

**PERMANENT FOUNDATION** - A solid poured concrete or cement block base with footings below the frost line; a poured concrete slab.

**PERMIT** - A written order granting leave to do something or an authoritative or official certificate of permission; a license.

**PERMITTED USE** - A use that is allowable in the District as a matter of right under the terms of the ordinance. Uses that are not expressly stated as permitted uses, accessory uses or special exceptions are prohibited. (1979)

**PRIVATE SCHOOL** - Privately owned schools, for profit or non-profit, for the education of children in any of grades pre-kindergarten through twelve (12).

**PROTECTIVE BUFFER** - A protective upland area adjacent to a wetland, brook or stream, more specifically defined as the area within a specified distance from the edge of the wetland, brook or stream.

**READER BOARDS** – A sign designed to accommodate changeable copy including, but not limited to individual letters and numbers that can be removed and replaced by hand. Electronic signs are not considered as part of this definition. (7/31/07)

**RESEARCH LABORATORY** - A building or part of a building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes. (1981)

**RECREATIONAL FACILITIES** - Includes indoor recreation such as health clubs, swimming pools, fitness centers, instructional fitness or dance classes and indoor sports but does not include amusements or race tracks or facilities for motorized vehicles.

**RECREATIONAL VEHICLES** - The following shall be considered recreational vehicles;

- (1) **Travel Trailer** - A vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation use and not to exceed 400 square feet in size.
- (2) **Pick-up Coach or Camper** - A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation use.
- (3) **Motor Home** - A portable temporary dwelling to be used for travel, recreation and vacation use, constructed as an integral part of a self-propelled vehicle.
- (4) **Tent Trailer** - A folding structure mounted on wheels and designed for travel, recreation and vacation use.

**RECHARGE AREA** - An area where the water is able to be restored to ground, replenishing ground water supplies. (1979)

**RESEARCH FACILITY AND LABORATORY** - A building or part of a building devoted to research, development, testing and analysis. No manufacturing is conducted on the premises except for experimental or testing purposes.

**REMOVAL** - The moving or shifting from one place or position to another place or position. (1979)

**RIDING ACADEMY** - An establishment providing for the housing of more than four horses for the purpose of instructing horseback riding or rental of horses for the purpose of riding for pleasure. (1981)

**RURAL CONVENIENCE STORE** - A rural retail store designed to serve a specific locale of the community that carries a wide variety of goods, at least 50% of the retail sales area must be reserved for items normally found in a convenience store, such as milk, bread, other beverages and food stuffs. The balance of the retail area is reserved but not limited to hardware and clothing.

**SATURATED SOIL CONDITION** - Those soil types having a high water table at or near ground surface at least five (5) months of the year. (1979)

**SETBACK** - The minimum distance from a property line and the nearest part of a building or structure.~~the property lines established by the requirements of this Ordinance for each zoning district. It is a line which runs parallel to the property lines. The areas between the property line and the minimum setback line shall remain unoccupied ground fully open to the sky. For uses subject to Site Plan Review, off-street parking within designated setbacks shall be allowed by Special Exception only. Off-Street Parking may be permitted within the front yard setback, but only within the area designated as a driveway. The width of the driveway shall not exceed thirty (30') feet. (1979)~~

**SHOREFRONT LOT** - A lot where one boundary line abuts a body of water.

**SHORELINE** - Shall be the shoreline which exists when the surface of water is at the mean high water level. (1986)

**SHORELINE FRONTAGE** - The average distance of the actual shoreline footage and a straight line drawn between property lines, both of which are measured at the mean high water line.

**SIGN** - Any structure, device or representation which is designed or used to advertise or call attention to a thing, person, business, activity or place and is visible from any highway or other right-of-way. It does not include the flag, pennant, colors or insignia of any nation, state or town which is not a part of the sign.

**SPECIAL EXCEPTION** - A use which may be permitted under the Ordinance that contains certain stated conditions applied by the Zoning Board of Adjustment after review and consideration. (1979)

**STABLE** - (Public) - same as Riding Academy (1981)

**STORAGE (INDOOR)** - Commercial or private storage facility for the safe keeping of items, goods or materials.

**STRUCTURE** - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

**STUDIO** - The working room of a painter, sculptor, photographer or musician. (1982)

**TEMPORARY SIGNS** - Signage that is portable by design such as one that is readily moved from place to place by hand or is mounted on wheels on a trailer and is not self-propelled. Said signage may or may not have changeable letters.

**TEMPORARY STRUCTURE** - A structure used in conjunction with construction work and permitted only during the period that the construction work is in progress. (1979)

**TRAVEL TRAILER PARK** - Same as Camping Area. (1981)

**UTILITIES** - A service such as water, sewer, electricity, telephone, gas. (1979)

**VARIANCE** - A departure from the strict letter of the zoning ordinance as it applies to a particular piece of property permitting a property to be developed in a manner that conflicts with the specific terms of the Zoning Ordinance, but for which approval was granted by the Zoning Board of Adjustment after public hearing and review. (1979)

**VEHICLE SERVICE AND REPAIR FACILITIES** - Facilities for the repairing, cleaning, lubrication, washing, polishing or otherwise servicing motor vehicles, recreational vehicles and boats.

**WAREHOUSE** - A structure or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others and whether it is a public or private warehouse. (13 Mar 84)

**WATER BODIES** - Shall include all rivers, streams, creeks, rivulets, lakes, dammed waters, ponds and springs whether intermittent or not. (1983)

**WATER STORAGE OR IMPOUNDMENT** - Man made resource for a specific purpose or combination of purposes including storm water management, fire safety, irrigation and wildlife. (11 Mar 97)

**WETLAND** - An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to swamps, marshes, bogs and similar areas. (11 Mar 97)

**ARTICLE IX - AMENDMENTS** - This ordinance may be amended in accordance with the procedure provided by Chapter 674, N.H. Revised Statutes Annotated, 1983.

**ARTICLE X - PENALTY** (9 Mar 93) - Any violation of the provisions of this ordinance shall be subject to the provisions of RSA 676:17, RSA 676:17- and RSA 676:17-b.

**ARTICLE XI - SAVING CLAUSE** - The invalidity of any provisions of this ordinance shall not affect the validity of any other provision.

**ARTICLE XII - WHEN EFFECTIVE** - This ordinance shall take effect upon its passage.

**ARTICLE XIII - EARTH EXCAVATION REGULATIONS**

## **Section I. Authority**

In accordance with the provisions of the New Hampshire Revised Statutes Annotated, Chapter 155-E, the Meredith Planning Board adopts the following regulations governing the excavation of earth and the reclamation of excavation sites in the Town of Meredith, New Hampshire.

## **Section II. Definitions**

- 2.1 **Abutter** – Any person who owns land within 200 feet of the boundaries of the land under consideration. A way, as defined in RSA 259:1, XXXV, shall not be considered to be a barrier, but shall be included in the distance requirement for purposes of determining whether a person is an abutter.
- 2.2 **Applicant** – The owner of the excavation site or person designated by the owner in writing at the time of application.
- 2.3 **Application** – A complete submission of information and plans as required by statute RSA 155-E, local regulations and in the excavation permit application.
- 2.4 **Aquifer** – A water bearing stratum of permeable rock, sand or gravel. These areas appear on statewide mapping prepared by the United States Geological Survey entitled, "Availability of Ground Water".
- 2.5 **Excavation** – Means a land area which is used or has been used for the commercial taking of earth, including all slopes.
- 2.6 **Excavation Pit Agreement** – An agreement between the excavation site owner and the contractor describing the terms and procedure for material excavation.
- 2.7 **Stationary Manufacturing and Processing Plants** – Structures that are permanently placed and that are integral to the grading, crushing and stockpiling of excavated material.

## **Section III. Application Procedure**

### **3.1 General Procedure**

Whenever any earth excavation for commercial purposes is proposed, before any land clearing is begun or the removal of any sand, gravel, soil or construction aggregate and before any permit for earth excavation is granted, the landowner or person designated by the owner shall provide

The Planning Board with an application for a permit. The applicant shall use an application form supplied by the Planning Board. A copy of the application must also be sent to the local Conservation Commission, if one is established, by the applicant.

Excluded from the permit requirements are the following activities:

- a) Excavation for construction or alteration of a building or alteration of a building or structure, or the lawful construction or alteration of a parking lot or driveway.
- b) Excavation for agricultural or silvicultural activities, landscaping or minor topographical adjustments.
- c) Excavation from contiguous land in common ownership with a stationary manufacturing and processing plant in operation as of the effective date of RSA Chapter 155-E which use earth obtained from such areas.
- d) Excavation for the lawful construction or maintenance of Class I, II, III, IV or V Highways by unit of government, provided that a copy of the pit excavation agreement signed by the pit owner and the governmental unit shall be filed with the Planning Board prior to starting of the excavation. Such excavation shall not be exempt from the provisions of RSA 155-E: 4 and 155-E: 10.

### **3.2 Application for Amendment**

Whenever any alterations in the excavation project are anticipated (such as size, location, rate of removal or changes in restoration plan), the landowner or person designated by the owner shall submit to the Planning Board an application for amendment of his excavation permit. The application for amendment is subject to the same approval procedures as the original excavation permit.

### **3.3 Application Requirement**

The application permit shall be signed and dated by the applicant. The completed submission shall contain the following information:

- a) The name and address of the owner of the land to be excavated, the name and address of the person who will actually do the excavation and the name and address of all abutters of the land on which the excavation is proposed.
- b) An excavation plan showing the excavation site and the scheme for removal of excavated material.
- c) A restoration plan describing the process of site regrading and revegetation following completion of the excavation project.
- d) Related permit approvals or other documents which may be required pertinent to the excavation proposal.

### **3.4 Fee Schedule**

Before the Planning Board issues a permit for excavation, the landowner or person designated by the owner must post a bond and pay a permit fee and an excavation fee.

- a) Permit Fee – An excavation permit application shall be accompanied by a permit fee of twenty-five (\$25.00) dollars plus an additional four (\$4.00) dollars for each property abutter, to defray the cost of posting the hearing and notifying the abutters.
- b) Excavation Fee – An excavation fee of fifty (\$50.00) dollars for up to three acres with an additional fee of ten (\$10.00) dollars for each additional acre over three shall be paid for an annual site inspection of the excavation project. The total excavation fee shall be based upon the duration of the project permit. Such fee shall be paid prior to issuance of the permit.

### 3.5 **Bonding**

A performance bond shall be required prior to the issuance of an excavation permit. The bond must be sufficient to guarantee restoration of the total excavation site, the amount to be negotiated at the time of issuing the permit, based on current per acre cost of site restoration. All bonds shall be an amount of 100 percent of the estimated cost and shall be cash or Irrevocable Letter of Credit.

### 3.6 **Hearing**

Prior to the approval of an application for an excavation permit or an application for an amended excavation permit, a public hearing shall be held as required by the provisions of RSA 155-E:7.

A notice of said hearing shall be sent to all abutters at least five (5) days before the hearing date. The hearing notice shall also be posted in at least three (3) public places and published in a newspaper of general circulation at least fourteen (14) full days before the hearing date.

The public hearing shall be held within thirty (30) days of receipt of a completed application submission including all required related materials. The Planning Board shall approve or disapprove the application within twenty (20) days of the hearing, giving reasons for disapproval.

## **Section IV. General Submission Requirements**

As part of the application for an excavation permit, the owner or applicant shall submit the following:

#### 4.1 **Excavation Plan**

An excavation plan at a scale and contour interval which provides a thorough understanding of the project, indicating the specific location and extent of the proposed excavation project. The excavation plan prepared by a Registered Land Surveyor shall contain the following information:

- a) The number of acres to be involved in the project, including existing topographic and site boundaries.
- b) The distance between excavation areas and closest property line.
- c) Existing visual barriers to be retained between the excavation areas and public roadways or abutting property owners.
- d) Known limits of any aquifer areas, as identified by the United States Geological Survey. Also indicate any surface water body or streams adjacent to the proposed excavation.
- e) The elevation of the highest annual groundwater table within or next to the proposed excavation.
- f) Indicate access roads leading to and from the excavation site. Access roads shall intersect existing roads at locations that will not endanger the safety of highway users and local residents. Such locations shall be approved by the State Commissioner of Public Works and Highways or by the local Road Agent when a local road is involved.

#### 4.2 **Restoration Plan**

A restoration plan of the excavation site shall be prepared and submitted by all new excavation site owners except as noted in RSA 155-E:2 and as outlined in Section II-2, 1,a-d of these regulations.

Within twelve (12) months after the expiration date, as indicated on the excavation permit or the completion of the excavation, whichever occurs first, the excavation site shall be restored to blend into the landscape of surrounding natural features and in compliance with RSA 155-E:5. The restoration plan shall be drawn at the same scale and shall use the same base survey information as that utilized in the preparation of the excavation plan. The restoration plan shall contain the following information:

- a) Restored topography and drainage, eliminating any standing water created during the excavation project or from standing water occurring in the future.
- b) The phasing of site restoration indicating areas and dates that restoration will be completed.

- c) Cross section or sections showing existing excavated and restored topography configuration.
- d) Indicate soil fertilization, seeding and mulching specifications and plant material to be used in restoration, their size and quantities.

## **Section V. Site Requirements**

### **5.1 Topsoil**

Prior to excavation of material, all topsoil shall be stripped and stored on-site for site restoration upon completion of the excavation project. This should be done in a phased manner to minimize possible erosion.

### **5.2 Visual Barriers**

A vegetative or topographical visual barrier or buffer shall be maintained between surrounding roads. This should be done in a phased manner to minimize possible erosion.

## **Section VI. Administration**

### **6.1 Enforcement**

The Planning Board or its duly authorized agent is responsible for the enforcement of these regulations as provided by RSA 155-E: 10. The excavation permit may be suspended or revoked of any person who has violated any provision of his permit, these regulations or of Chapter 155-E or made a material misstatement in the permit application upon which his permit was granted. Such suspension or revocation shall be subject to a motion for rehearing hereon and appeal in accordance with RSA 155-E: 9.

### **6.2 Appeals**

Any person aggrieved by the official decision of the Board may appeal for a rehearing on such decision as provided by RSA 155-E: 9.

### **6.3 Other Regulations**

Where these regulations are in conflict with other local ordinances and/or regulations, the more stringent shall apply.

### **6.4 Adoption**

These regulations shall become effective after a public hearing, adoption and certification by the Planning Board and placed on file with the Board of Selectmen, the Town Clerk and the Belknap County Registry of Deeds.

## **EXCAVATION PERMIT**

A completed application and all additionally required information with pertinent

Application fees must be submitted to the Planning Board at least three (3) weeks before the public hearing is scheduled. A copy of the application must also be submitted to the local Conservation Commission if one is established.

1. The undersigned hereby submits to the Meredith Planning Board an excavation permit application dated \_\_\_\_\_, description and location of proposed excavation:  
\_\_\_\_\_  
\_\_\_\_\_
2. Name(s) of property owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_
3. Name of applicant(s): \_\_\_\_\_  
Address: \_\_\_\_\_
4. The names and addresses of all abutters located within two hundred (200') feet of any boundary of the property being considered for excavation:  
\_\_\_\_\_  
\_\_\_\_\_
5. Time table of excavation project with approximate termination date: \_\_\_\_\_  
\_\_\_\_\_
6. An Excavation and Restoration Plan is attached for approval, which provides the following information:
  - a) **Excavation Plan**
    - Property lines
    - Existing topography
    - Limits of excavation
    - Excavation depths
    - Total area of excavation in acres
    - Access roads(s) and intersection within town or state highways
    - Vegetation buffer
    - Abutter's names and addresses
    - Distance from excavation limits to abutter's property lines
    - Groundwater elevations
    - Drainage
  - b) **Restoration Plan**
    - Restored topography
    - Specifications of soil fertilization, seeding & mulching
    - Plant material – quantities and sizes
    - Phasing of restoration plan (areas and dates)

To the best of my knowledge, the information accompanying this request for earth excavation approval is true and correct. I understand that any approval based on incorrect information or data may be withdrawn for review and a rehearing.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

**MEREDITH PLANNING BOARD**

NOTICE OF PUBLIC HEARING

The Meredith Planning Board has received an application for commercial Excavation of earth on land which abuts property owned by you. As provided by State Law, RSA 155: E-7 and the Town of Meredith Earth Excavation Regulations, the Planning Board will hold a public hearing to review the excavation and restoration plans. The hearing will provide you with an opportunity to review the plans, ask questions and make comments.

The hearing will be held on \_\_\_\_\_ at the Meredith Community Center, Meredith Rotary Club Meeting Room, Room B, 1 Circle Drive, Meredith, New Hampshire.

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DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

TOTAL ACREAGE: \_\_\_\_\_

MEREDITH PLANNING BOARD

\_\_\_\_\_  
Clerk

## **ARTICLE XIV - EROSION & SEDIMENTATION CONTROL ORDINANCE**

Adopted: March 13, 1984

### **Section I. Purpose**

The purpose of this Ordinance is to control runoff, erosion and resulting sedimentation due to construction activities or earth disturbing activities by establishing standards and criteria. The purpose of these controls will be to protect the water quality of the Town in order to promote the safety, public health, convenience and general welfare of the Town and to prevent damage to abutters.

## **Section II. Authority and Administration**

### **A. Authority**

1. This Ordinance shall be known as the "Erosion and Sedimentation Control Ordinance" of the Town of Meredith, New Hampshire. Adopted and effective by vote at Town Meeting on March 13, 1984.

### **B. Administration**

1. The approving agency of the Town of Meredith shall administer this Ordinance. Advisory technical assistance in the administration of this Ordinance will be provided by the County Conservation District.
2. The provisions of this Ordinance shall apply to all construction activities in developing areas as herein defined, lying wholly or in part within the Town Of Meredith.

## **Section III. Definitions**

### **Approving Agency**

The Planning Board of the Town of Meredith or their duly appointed representative.

### **Development Area**

Any contiguous area owned by one person or operated as one development unit included within the scope (Section 4) of these regulations, upon which earth disturbing activities are planned or underway.

### **Disturbed Area**

The area subject to earth disturbing activity.

### **Ditch**

An open channel either dug or natural for the purpose of drainage with intermittent flow. (See stream, drainage way and grassed waterway).

### **Diversion**

A channel with or without a supporting ridge on the lower side constructed across a slope.

**Drainage way**

An area of concentrated water flow other than river, stream, and ditch or grassed waterway.

**Earth-Disturbing Activity**

Any grading, excavation, filling, stripping or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution. Normal tillage for agricultural purposes is not included.

**Embankment or Fill**

A man-made deposit of soil, rock or other materials.

**Erosion (Soil Erosion)**

(1) the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep, (2) detachment and movement of soil or rock fragments by water, wind, ice or gravity.

- a. **Accelerated Erosion** – Erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
- b. **Natural Erosion (Geological Erosion)** – Wearing away of the earth's surface by water, ice, or other natural agents under natural environmental conditions of climate, vegetation, etc., undisturbed by man.
- c. **Normal Erosion** – The gradual erosion of land used by man which does not greatly exceed natural erosion.

**Excavation or Cut**

Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface.

**Existing Grade**

The vertical location of the existing ground surface prior to cutting or filling.

**Finished Grade**

The final grade or elevation of the ground surface conforming to the proposed design.

**Grading**

Any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its cut or filled condition.

**Grassed Waterways**

A broad and shallow natural course or constructed channel covered with erosion resistant grasses or similar herbaceous cover or stone centered and used to conduct surface water.

**Mulching**

The application of plant or other suitable material on the soil surface to conserve moisture, hold soil in place and aid in establishing plant cover.

**Person**

Any individual, corporation, partnership, joint venture, agency, unincorporated association, Municipal Corporation, county, or state agency within N.H., the Federal government or any combination thereof.

**Plan (Sediment Control Plan)**

A designed plan or a written description acceptable to the approving agent, of methods of controlling sediment pollution from accelerated erosion on a development area and/or from erosion caused by accelerated runoff from a development area or other earth disturbing work.

**Pollution**

The man-made or man-induced alteration of the chemical, physical and biological integrity of air and water.

**Prime Wetlands**

Those areas so designated by the Meredith Conservation Commission according to RSA 483-A: 7 and accepted by Town Meeting. If no prime wetlands are so designated and accepted when prime wetlands are those areas that could be so designated under the New Hampshire Code of Administrative Rules, Chapter Wt. 700.

**Public Waters**

All natural lakes and great ponds ten (10) acres or more in size.

**Roadway**

Any area designed for vehicular traffic including driveways.

**Runoff**

The portion of rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to streams.

- (a) **Accelerated Runoff** – Increased runoff due to less permeable surface area primarily caused by construction activities.

**Sediment**

Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air water, gravity or ice, and has come to rest on the earth's surface either above or below sea level.

**Sediment Basin**

A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel or silt or other material.

**Slope**

Degree of deviation of surface from the horizontal, usually expressed in percent or degree.

**Sloughing**

A slip or downward movement of an extended layer of soil frequently resulting from the undermining action of water (waves) or the earth disturbing activity of man.

**Soil**

All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.

**Stream**

A body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow is continuous or seasonally intermittent.

**Stripping**

Any activity which removes or significantly disturbs the vegetative cover including clearing and grubbing operations.

**Subsoil**

That part of the soil below the surface soil or plow layer.

**Surface Soil**

The uppermost part (5 to 8 inches) of the soil commonly stirred by tillage implements or its equivalent in uncultivated soils.

**Temporary Protection**

Stabilization of erosive or sediment producing areas for a short period of time (usually less than one year).

**Vegetative Protection**

Stabilization of erosive or sediment producing areas by establishment of suitable vegetative cover.

**Section IV. General Requirements**

No person owning or responsible for a development area shall cause or allow earth disturbing activities except in compliance with the Standards and Criteria of Section V-D. And the applicable items below:

- A. When a proposed development area involves less than 100,000 s.f. or the disturbed area is less than 25,000 s.f., all earth disturbing activities shall be subjected to surveillance and site investigation by the approving agency to determine Compliance with the standards and regulations.
- B. When a proposed development area involves more than 100,000 s.f. or the

disturbed area is 25,000 s.f. or more, the responsible person shall develop and obtain approval of a sediment control plan prior to any earth disturbing activity. Such a plan shall include specific requirements established by the approving agency and be filed with the approving agency. If the disturbed area is greater than

100,000 s.f., the plans submitted to the Town shall be consistent with those submitted to the WSPCC under RSA 149:8-a.

- C. An activity which entails construction of 500 feet or more of either a paved or unpaved roadway shall require an approved sediment control plan.
- D. Earth disturbing activities associated with new construction or lot conversion in anticipation of future construction, located wholly or in part within 250' from any lake or pond shall occur in accordance with an approved erosion/sediment control plan. Said approval shall be in effect prior to the commencement of such earth disturbing activities. (13 Mar 96)
- E. The duly appointed administrative representative of the Planning Board shall determine the type of plan required. The following shall further define what constitutes minimal plan requirements.

**Type 1.** A written description of existing site characteristics, proposed development activities (including earth disturbing activities) and proposed best management practices to control erosion and sedimentation; or

**Type 2.** A plot plan or similar sketch showing the location of existing site characteristics, proposed development activities (including proposed limits of clearing and proposed limits of disturbing activities) and the location of proposed best management practices to control erosion sedimentation; or

**Type 3.** A designed plan, prepared by a licensed N.H. professional engineer in accordance with the provisions of Section IV, Section F (Plan Content). (13 Mar 96)

- F. The type of plan, plan content and management practices required shall be appropriate to the existing site conditions and anticipated impacts associated with proposed development. *Storm water Management and Erosion and Sedimentation Control Handbook for Urban and Developing Areas in New Hampshire* (latest edition), (NHDES, 1992, shall be used as a guide for determining the appropriate management practices. (13 Mar 96)

G. Landowner Certification

- 1. All plans shall include a certification statement signed by the property owner and the contractor which acknowledges responsibility to develop the property in accordance with the approved plan or as may otherwise be directed by the

duly appointed representative in the event that unanticipated circumstances warrant protection measures beyond the scope of the approved plan.

2. Plans associated with proposed development within 250' of a lake or pond shall include an additional statement which acknowledges awareness of the N.H. Shore land Protection Act (Ref. RSA 483-B) and its potential applicability to the waterfront development project. (It is not the intention of the certification requirement that the Town enforce the provisions of the Shore land Protection Act.) (13 Mar 96)

## **Section V. Application Procedure**

### **A. Initial**

The developer is encouraged to consult with the Planning Board concerning the general development plans or detailed plans of the tract to be developed and the area surrounding it before he submits a preliminary plan for review. He should also become acquainted with the zoning ordinance standards and requirements, this ordinance and other ordinances which regulate the development of land in the Town.

### **B. Compliance**

No development areas, as specified in Section IV, shall be approved unless it includes needed soil erosion and sediment control measures meeting town and County Conservation District standards. The developer shall bear the final responsibility for the installation and construction of all required erosion control measures according to the provisions of this ordinance.

### **C. Goals and Objectives**

To insure that the standards of Section V-D are maintained, all applications will be reviewed for achieving the following goals:

- \* Sediment in the runoff water shall be trapped and retained on the development area.
- \* Accelerated runoff shall be minimized and shall not cause off-site damage or exceed the capacity of diversion drainage ways, grassed waterways, ditches or streams.

### **D. Standards and Criteria**

Practical combinations of the following principles will provide effective sediment control when properly planned.

1. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
2. Whenever possible, natural vegetation shall be retained and protected.
3. The smallest practical area of land shall be disturbed at any one time during development and for the shortest practical period of time.

4. Critical areas disturbed during construction shall be protected where possible with temporary vegetation and/or mulching.
5. Provisions shall be made to effectively accommodate the increased runoff caused by changes to soil and surface conditions during and after development.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development. Temporary protection practices shall be used when permanent protection must be delayed.
7. Off-site surface water shall be either diverted around or conducted safely through the project area.
8. Design of proper sediment pollution controls will follow the criteria adopted by the Belknap County Conservation District.
9. To control sediment pollution caused by accelerated erosion in diversions, drainage ways and grassed waterways, and in ditches and streams to be altered by the development, use one of the following procedures:
  - a. Managing water runoff so that the velocity of the flow does not exceed the permissible velocities listed in the current U.S. Soil Conservation Service Engineering Field Manual.
  - b. Using sediment basins sized in accordance with the current U.S. Soil Conservation Engineering Field Manual.
  - c. Using storm sewers in accordance with current Soil Conservation Service practices.
  - d. Using other methods including but not limited to a combination of a, b and c provided they are acceptable to the approving agency.
10. To control sediment pollution caused by sloughing or sliding of earth material into lakes, ponds, streams or prime wetland, earth material shall not be placed in such proximity or caused to be left in such position by dumping, grading, piling or other construction that it may readily slide or slough into such waters.

Practices and techniques for effective erosion control and water management can be determined from:

- \* The handbook, "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire", developed by the U.S. Soil Conservation Service, Durham, N.H., available from the Conservation District Field Offices or Resource, Conservation and Development Office.
- \* The U.S. Soil Conservation Service's "Field Office Technical Guide" and the Engineering Field Manual for Conservation Practices".

Meeting the standards and criteria does not relieve any person from liability for sediment or runoff damage to another person's property.

E. Maintenance

Individuals or developers carrying out soil erosion and sediment control measures under this article, and all subsequent owners of property on which such measures have been installed, shall adequately maintain all permanent erosion control measures, devices and plantings in effective working condition.

F. Plan Content

In compliance with Section IV, a plan of a proposed development area, with maps drawn to an appropriate scale, shall contain the following information to set forth how the standards and criteria established by Section V-D will be met:

1. Location of the area and its relation to its general surroundings including but not limited to:
  - a. Off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff;
  - b. Off-site areas affecting potential accelerated runoff and erosion control.
2. Existing topography of the development area and adjacent land within approximately one hundred (100') feet of the boundaries. A topographic map shall be prepared with a contour interval of five (5') feet clearly portraying the conformation and drainage pattern of the area.
3. The location of existing buildings, structures, utilities, water bodies, drainage utilities, vegetative cover, paved areas (streets, roads, driveways, sidewalks, etc.) and other significant natural or man-made features on the development area and adjacent land within approximately one hundred (100') feet of the boundaries.
4. A description of the predominant soil types as identified by the National Soil Survey and their limitations for the proposed use.
5. Proposed use of the development area including present development and ultimate utilization with detail on soil cover both vegetative and impervious.
6. All proposed earth disturbance including:
  - a. Areas of excavation, grading and filling.
  - b. A cross-section of the existing and planned finished grade, stated in feet horizontal and feet vertical, of cut and fill slopes.
  - c. Kinds of utilities and proposed areas of installation.
  - d. Proposed paved and covered areas in square feet to scale on the plan map.

- e. Makeup of proposed surface (upper six inches) on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: Original surface soil, subsoil, sandy, heavy clay, stony, etc.
  - f. Proposed kind of cover on areas not covered by buildings, structures or pavement. Description shall be in such terms as: lawn, turf grass, shrubbery, trees, forest cover, rip-rap, mulch, etc.
- 7. Provisions for temporary and permanent erosion control.
  - 8. Provisions for the management of storm water, including the control of accelerated runoff, to a stable receiving outlet.
  - 9. Provisions for maintenance of control facilities including easements to insure short as well as long-term erosion and sediment pollution control and storm water management.
  - 10. Proposed construction sequence and time schedule for all earth disturbing activities and installation of provisions for erosion and sediment pollution control and storm water management.
  - 11. Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow must be given for all surface water conveyance measures and pipe outfalls.
  - 12. Seeding mixture sand rates, lime and fertilization application rates and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  - 13. Title, scale, direction, legend and date of all plan maps.
  - 14. Name and address of the person(s) preparing the plan, the owner and the person responsible for the development area.
  - 15. Certification that all earth disturbance, construction and development will be done pursuant to the plan.

The approving agency may either waive specific requirements for plan detail or require additional information if needed to show that the work will conform to the basic requirements of this regulation.

#### G. Plan Review, Approval and Alteration

The approving agency shall within ninety (90) days of receipt of a plan indicate its approval or disapproval to the person who filed the plan. Indication of disapproval shall include the plan deficiencies and the procedure for filing a revised plan. Failure of the approving agency to act on an original or revised plan within ninety (90) days of receipt shall authorize the developer to proceed in accordance with the

plan as filed. Pending preparation and approval of a revised plan, earth disturbing activities shall be suspended or allowed to proceed in accordance with conditions outlined by the approving agency. All applications involving construction activities shall be submitted by the contractor or organization accomplishing the construction, except the application for a subdivision, in which case the developer rather than the contractor shall submit the application. This approval is independent of approval under appropriate state regulations.

Plans submitted for approval shall be accompanied by a non-refundable \$50.00 review fee to be payable to the Town of Meredith. Projects which are subject to Planning Board Site Plan Review shall not be required to pay the \$50.00 review fee provided that erosion/sedimentation control plan review costs are part of the site plan application fees. (13 Mar 96)

#### **Section VI. Inspection, Surveillance and Compliance**

The Planning Board or their representative may inspect the development area to determine compliance with these regulations. If it is determined that a violation of these regulations exists, the responsible person will be notified of the deficiencies or noncompliance. After a reasonable time for voluntary compliance, the inspector or inspection agency shall report the deficiency of noncompliance to the Town. The Town upon determination that a person is not complying with these regulations may issue, by certified mail or in hand, an order to comply. The order shall describe the problem and work needed, specify a date whereby the work must be completed and indicate the penalties assessed for further noncompliance.

#### **Section VII. Penalties**

As prescribed by RSA 676:17, every person, persons, firm or corporation violating any of the provisions of this ordinance shall be fined not more than \$100.00 upon conviction for each day such violation may exist.

#### **Section VIII. Appeals**

Any person claiming to be aggrieved by any order, requirement, determination or any other action or inaction in relation to this regulation may appeal to the Town Board of Adjustment. Such an appeal shall be made within twenty (20) days of the date of an order or decision and shall be held in accordance with the New Hampshire Statutes governing such hearing.

#### **Section IX. Validity**

If any section, sub-section, paragraph, clause or provision of this Ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this Ordinance.

### **ARTICLE XV - CAMPGROUND AND CAMP RESORT ORDINANCE**

(Adopted March 10, 1987)

#### **Statement of Purpose**

The intent of this Ordinance is to govern and control the orderly growth and development of family-type recreational camping areas, i.e., those designed for occupancy by tents, tent trailers, travel trailers and recreational vehicles in the Town of Meredith, to the extent that those areas provide a safe and healthy environment for the occupants while at the same time not causing major disruption to others that either live in or use adjacent areas. It is intended that the provisions of this Ordinance shall apply equally to new camp areas and the expansion of existing areas.

## **I - Definitions**

- A. A **Campground** for the purposes of this Ordinance shall be construed to be a camping area owned and managed by an individual, partnership or corporation which provides the use of sites and facilities on a rental basis and where all management functions are the prerogative of the owner/manager.
- B. A **Camp Resort** for the purposes of this Ordinance shall be construed to be a camping area operating on a condominium, membership or time-sharing basis.

## **II - Campgrounds**

### **A. Minimum Requirements\_**

1. Site Plan review and approval by the Planning Board shall be required. A traffic impact study made by qualified personnel will be a condition precedent to Site Plan approval.
2. Campgrounds shall be a permitted use only in the Forestry and Rural District and as a Special Exception in the Shoreline District in areas where the Shoreline District abuts a Forestry and Rural District area.
3. No campground shall be established on a parcel smaller than twenty (20) acres.
4. A minimum of 6,000 sq. ft. shall be provided for each site as a measure of density.
5. The setback requirements for the applicable zoning district shall apply, subject to modification by the Planning Board, if required, contingent on the configuration of the particular parcel under consideration. If the setback does not provide natural screening, additional requirements in this regard may be imposed by the Planning Board.
6. As respects setback from bodies of water, a campground development shall be subject to and controlled by the provisions of the Water Resources Conservation Overlay District adopted 3/11/97 and as subsequently amended.
7. Campgrounds dependent upon a Class V or Class VI road for access may be required to upgrade the road proportional to the vehicular impact the campground will have on the Town road.

**B. Health Requirements**

1. Sanitary facilities shall be based on the requirements of the Town of Meredith and the State of New Hampshire. In addition, the distance between campsites and toilet facilities shall conform to the regulations of the State of New Hampshire.
2. The campground shall have adequate dumping station facilities to supplement any available on-site dumping facilities.
3. Refuse and garbage storage and collection and disposal of same, shall not create a health hazard or allow for rodent harborage or insect breeding areas or in any fashion be conducive to air or water pollution.

**C. Operational Requirements**

1. No tent, tent trailer, travel trailer or recreational vehicle shall be used as a year-round residence. However, this provision shall not preclude the storage of such units on a campsite when not in use.
2. Population density – each campsite shall be considered to average five (5) resident campers per site. The total resident population of the campground, exclusive of staff, shall not exceed the number of campsites times five (5), plus 10%.
3. Campgrounds shall be subject to the pertinent noise and dog ordinances of the Town of Meredith.
4. There shall be a resident caretaker to supervise and maintain the campground during all periods of operation.

**D. Accessory Buildings**

1. Permitted accessory buildings in a campground shall be limited to the following:
  - a. Single-family dwelling (two-family dwellings by Special Exception) for the owner and/or appropriate staff.
  - b. An office of the management of the campground.
  - c. Service building or buildings which may contain equipment or supplies, recreation rooms and/or workshops. A retail shop for convenience goods designed solely for the occupants of the campground may be included. No attempt shall be made by advertising or other means to hold the availability of such shops out to the general public.
  - d. Service building or buildings for sanitary facilities such as lavatories, toilets, showers and/or laundry equipment.
  - e. Service building or buildings to accommodate bathers at beach or pool

sites.

#### **E. Roads**

1. Within a campground all roads shall be well drained, graveled or hard surfaced and maintained in good condition.
2. Roadway widths within the campground shall be:
  - a. One-way roads – minimum width 12 ft.
  - b. Two-way roads – minimum width 20 ft.
3. Any roadway over 400 feet in length that “dead ends” shall be terminated with an appropriate cul-de sac.
4. All entrances and/or exits to campgrounds shall be so located that the sight distance in any direction is adequate to allow vehicles to enter or exit the flow of traffic without interference to or from other vehicles. If the office of the campground is located adjacent to the entrance, adequate provisions shall be made for the parking of arriving or departing vehicles to preclude any potential back-up on the public ways.
5. In the event the campground ceases to exist as such, all roads will cease to have approved standing for any other use until the Planning Board gives its approval for such subsequent use.

#### **F. Signs**

All signs shall be in conformance with the provisions of the Sign Ordinance of the Town of Meredith. An exception to this requirement will be made to allow for internal signs designed for the safety and convenience of campground guests.

### **III – Camp Resorts**

#### **A. Minimum Requirements**

All the provisions of Section II, A through F, applicable to Campgrounds shall have equal application to Camp Resorts where the conditions are not in direct conflict with the purpose of the Camp Resort.

#### **B. Additional Requirements**

All applicable Town of Meredith Ordinances, Site Plan Review Regulations and Subdivision Regulations wherever these documents address condominiums, condominium conversions, membership or time-sharing units, shall have full force and effect with respect to the development of any Camp Resort, whether such resort be conceived initially or be the result of a conversion of an existing campground. Particular attention shall be paid in regard to the adequacy of roadways.

## **ARTICLE XVI - MANUFACTURED HOUSING PARK ORDINANCE TOWN OF MEREDITH, NEW HAMPSHIRE**

**ADOPTED MARCH 5, 1974**

**Amended March 9, 1993**

Subdivisions, Establishing Minimum Standards Governing the Construction and Maintenance of Manufactured Housing Parks, Establishing Minimum Standards Defining and Regulating Manufactured Housing Parks and Manufactured Housing Governing the Provided Utilities and Facilities and Other Physical Things and Conditions to Make Said Parks Safe, Sanitary and Fit for Human Habitation, Fixing the Responsibilities and Duties of Owners and Operators of Said Parks, Authorizing the Inspection of Manufactured Housing Parks and Fixing Penalties and Violations.

## **SECTION 1. DEFINITIONS**

For the purpose of this Ordinance, the following words and phrases shall have the meaning ascribed to in this section.

1. **TOWN MANAGER** shall mean the Town Manager of Meredith or his duly appointed agent.
2. **MANUFACTURED HOUSING**- Any structure transportable in one or more sections, which in the traveling mode is at least 8 feet in width and 40 feet in length, with at least 320 square feet to be used as a dwelling and constructed on a permanent chassis to be used with or without a permanent foundation when connected to required utilities (see RSA 674:31). (14 Mar17)
3. **MANUFACTURED HOUSING PARK** shall mean a plot of ground on which two or more manufactured houses occupied for dwelling or sleeping purposes are located.
4. **MANUFACTURED HOUSING SPACE** shall mean a plot of ground within a Manufactured Housing Park designated for the accommodation of one manufactured home.
5. **MANUFACTURED HOUSING SUBDIVISION** shall mean a subdivision of land allowing for the ownership of dwelling lots which are restricted to the use of one manufactured home per lot.
6. **PERMIT** shall mean a written permit issued by the Selectmen permitting the Manufactured Housing Park to operate under this ordinance.
7. **PLANNING BOARD**- The Planning Board shall mean the Board authorized by New Hampshire State Statutes, Chapter 36:19-29 RSA.
8. **ZONING BOARD OF ADJUSTMENT** shall mean the Board authorized by New Hampshire State Statutes, Chapter 672-677.

## **SECTION 2. PERMITS**

1. **Permit Required.** It shall be unlawful for any person to construct, maintain, or operate any manufactured housing park within the limits of the Town of Meredith unless he or she or any firm holds a valid permit issued annually by the Selectmen or their authorized agent in the name of such person or persons or firm for the specific manufactured housing space and not exceeding \$100.00. All initial applications for permits shall be made to the Selectmen. Issuance of the permit shall be by the Selectmen or their authorized agent and shall be contingent upon (1) compliance with all sanitary laws and regulations of the State of New Hampshire, (2) subdivision approval of the Planning Board of the Town of Meredith and (3) compliance with the ordinance.
2. **Issuance of Permits.** The Selectmen shall renew such permit annually contingent upon compliance with all regulations in this ordinance.
3. **Conditions for Granting of Permits.** Application for permits shall be in writing with the following information:
  - A. The name and location of the proposed manufactured housing park.
  - B. The name and address of the applicant(s) plus the names and addresses of all parties with financial interest in 10% or more of the total project. Proof of ownership of the premises or of a lease or written permission from the owner thereof.
  - C. **Plans and Specifications.** The applicant shall include a detailed plan of the proposed park, park alterations or expansion drawn to scale showing the location and dimension of the land involved, all existing and intended lots, streets showing width and grade, walkways, drainage, water and sewage lines or sites for individual water and sewage disposal facilities, buffer zone(s), open space(s), playground(s), parking area (s), water courses and other bodies of water (natural or artificial). The plan shall show the contours of the land drawn to five (5) foot intervals and also any unique or unusual features such as rocky outcrops, wetlands and stone walls. General type and extent of vegetation cover shall be indicated.
4. Statement of names and addresses of adjacent property owners and presently existing land uses.
5. A soils investigation report concerning the suitability of soil conditions for manufactured housing sites, roads and any other major intended uses as well as for individual sewage disposal systems where appropriate. Included should be information on soil borings, general nature of surface and subsurface soil material, soil type and other pertinent data.

## SECTION 3 - INSPECTION

**Inspection of Manufactured Housing Parks.** The Town Manager is hereby authorized and directed to make inspections to determine the condition of manufactured housing parks located within the Town of Meredith in order that he may perform his duty of safeguarding the health and safety of occupancy of manufactured housing parks and of the general public. The Town Manager or his duly authorized representative shall have the power to enter at reasonable times upon any private or public property for the purpose of this ordinance.

## SECTION 4 - MINIMUM STANDARDS

1. **Location.** The proposed park must be on land suited for residential use and not swampy or subject to flooding, severe erosion or contain other unusual types of geographical features that would be a health and safety hazard. Due consideration shall also be given to the location in relation to the possibility of nearby nuisances such as smoke, noise and odor. Consideration shall also be given to the principal highway on which the park is located and present and potential traffic conditions. Location of parks are subject to the approval of the Town of Meredith Zoning Board of Adjustment in accordance with the Meredith Zoning Ordinance.
2. **Size.** The land area involved shall be not less than 10 acres. Larger units will be encouraged. (9 Mar 93)
3. **Plumbing.** All plumbing in the manufactured housing park shall comply with State and Town laws and regulations and shall be maintained in good operating condition.
4. **Water Supply Requirements.** An accessible, adequate, safe and potable supply of water shall be provided in each manufactured housing park. A minimum of 150 gallons per day shall be provided for each manufactured housing space. The development of an independent water supply to serve the manufactured housing park shall be made only after express approval has been granted by the Town Manager and State requirements have been met.
5. **Oil and Gas.** All tanks not buried shall be fastened to prevent accidental overturn and shall be screened from front and side view from the street, but not completely enclosed.
6. **Refuse and Garbage Disposal.** The storage, collection and disposal of refuse in a manufactured housing park shall not create health hazards, rodent harborage, insect breeding areas or air pollution. All refuse and garbage shall be stored in fly-tight, rodent proof containers which shall be provided in sufficient numbers and capacity to prevent any refuse from overflowing. Satisfactory containers, racks or holders shall be provided and maintained by manufactured housing park owner or operator and shall be located in screened area(s) not more than 150 feet from any manufactured housing space. Collection shall be no less than once a week.

7. **Fire Protection.** Hydrants may be required in parks with municipal water and be located in accordance with Fire Underwriters requirements. (9 Mar 93)
8. **Manufactured Housing Standards.** All manufactured housing in parks shall meet standards of the Mobile Home Manufacturers Association, U.S. Standards A119-1969.
9. **Occupancy.** One-quarter of all potential sites shall be developed before any occupancy of a park is permitted.
10. **Space Requirements.** Each manufactured housing space shall be at least 100 feet wide and/or 80 feet deep and no less than 10,000 sq. ft. Each space shall abut on a driveway or other clear area with unobstructed access to a public street. Such spaces shall be clearly defined and manufactured housing shall be so located that a minimum of ten (10) feet clearance exists between any part of the manufactured housing and the side and rear lot lines, 20 feet from street front line of the manufactured housing space. Manufactured housing shall have a floor to yard ratio of 1 to 8 minimum.
11. **Space Availability Requirement.** It shall be illegal to allow any manufactured housing to remain in a manufactured housing park unless a space is available.
12. **Additions, Accessory Buildings.** Additions and accessory buildings must be designed for use with manufactured housing except that this provision excludes screening and fencing.
13. **Pads or Stands.** Each manufactured housing stand for foundation purposes shall consist of concrete, asphalt, gravel, crushed stone or treated posts sufficiently adequate to support the weight of the manufactured housing without movement due to frost heaving or settling. Where it is judged that wind conditions may offer a hazard of rocking or turnover, suitable tie-downs shall be installed. All skirting and maintenance steps, plus one storage shed 8' x 6' per site, shall be installed by the management. This shed shall be of uniform materials and placed to the rear of the space.
14. **Other Location Restrictions.** No manufactured housing shall be closer than 100 feet to any flowing stream, pond or lake, or shall be within 50 feet of any drainage way. No manufactured housing shall be within 50 feet of any park service area, general storage areas, clubhouse, active recreation area or similar activity.
15. **Open Space and Recreation.** All parks shall have a green area setback 50 feet from all boundaries, appropriately landscaped. No less than 5% of the park area shall be set aside for recreation. Play areas for children shall be protected from traffic and parking and shall be maintained. (9 Mar 93)

## SECTION 5 - ROADWAYS, PARKING

1. **Rights-of-Way.** The R.O.W. of all streets shall be a minimum of 50 feet.
2. All **Entrance and Exit Roadways** shall be so located, graded and kept clear of visual obstructions as to provide safety for both the highway and the park user. State permit must be provided to the Selectmen.
3. **Dimensions.** Internal private park roads shall be constructed in accordance with the Minimum Road Standards Ordinance adopted by the Board of Selectmen. (9 Mar 93)
4. **Off-Street Parking.** Shall be provided for two (2) cars per space in all parks.
5. **Manufactured Housing Park Roadways.** All roads shall be well drained, hard surfaced or paved and maintained in good condition. Adequate plowing and winter maintenance shall be provided. All roads are subject to approval and inspection of the Town Manager.
6. **Stop and Yield Signs** shall be installed subject to the advice of the Town Manager, Police Department or similar body.
7. **Lighting.** Park lighting shall be in accordance with the approved Site Plan. (9 Mar 93).
8. **Street Names.** All streets shall be identified and named subject to approval of the Planning Board.

## SECTION 6 - ELECTRICITY

1. **Electric Installation and Outlet Requirement.** An electrical outlet supplying at least 100 amps, 220 volts shall be provided for each manufactured housing space. The installation shall comply with all state and electrical codes. Such electrical outlets shall be weatherproof. The use of underground utility installation shall be required except in cases of hardship. In such cases, no power line shall be permitted to lie on the ground or to be suspended less than 14 feet above the ground.

## SECTION 7 - PARK RECORDS

1. **Management** (permit holder) shall maintain a public record of each site occupant including arrival date, name of owner, make of home, serial number, age, length and width.
2. **Management** of manufactured housing parks shall notify town tax authorities of all arrivals, changes in ownership and departures within two weeks before departure.
3. **Management** shall notify health officer of actual or suspected communicable

diseases.

4. **Management** shall be responsible for supervision and maintenance of facilities and equipment in safe and sanitary conditions.
5. **Management** shall be responsible for proper placement of manufactured housing stability and installation and hook-up of all utilities and skirting.
6. The park shall be visited at least once a day by a caretaker.
7. **Management** shall inform tenants of any Town ordinances governing park conditions and be responsible for eviction of tenants who willfully or maliciously commit damage, fail to comply with sanitary regulations or traffic rules.

#### **SECTION 8 - OTHER MISC.**

1. No manufactured housing site or space shall be converted to another form of housing.
2. Interior walks may be desirable to serve recreation, parking and service areas or to provide access through long blocks or streets adjacent to parks.
3. A central screened storage area shall be provided for storage of major items of equipment owned by tenants such as boats, trailers, snowmobiles and so forth.

#### **SECTION 9 - ALTERATIONS**

1. All alterations and additions must comply with Town and State ordinances and codes.

#### **SECTION 10 - APPLICATION TO EXISTING MANUFACTURED HOUSING PARKS**

1. This ordinance shall apply to all existing manufactured housing parks in the Town of Meredith on the date of its adoption except that manufactured housing parks in existence on or before said date shall not be required to comply with the provision of Section 5 and 6 and location, area and space requirements. The owner or operator of any existing park shall have sixty (60) days after this ordinance becomes effective to make an application for a permit to operate such park. Such application shall contain the information required by Section 2, and shall be accompanied by the fee set forth in Section 2. Upon payment thereof, the Selectmen shall therewith issue a temporary permit to operate such park for the year. Any additions, extension or enlargement of existing parks shall comply with all the provisions of this ordinance. Applications for permits to construct such additions, extensions or enlargements shall be made as provided in Section 2. A park operating under such temporary permit shall maintain and operate in compliance with all the provisions of this ordinance except as they have been heretofore excused.

#### **SECTION 11 - TENANT RIGHTS**

All provisions for tenants rights shall comply with New Hampshire State Statutes, RSA 205A.

## **SECTION 12 - PENALTIES**

Any person who violates any provisions of this ordinance may upon conviction be punished by a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars per day per violation.

## **SECTION 13 - CONFLICT OF ORDINANCES AND VALIDITY**

1. In any case where a provision of this ordinance is found to be in conflict with a provision of any ordinance or code of the Town of Meredith existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of health and safety of the people shall prevail.
2. **Saving Clause.** If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance, which shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

Dated: March 5, 1974

The items listed below may be used as a general checklist when reviewing proposals. Each separate point may be rated as “excellent” (E), “Satisfactory” (S), “Not Acceptable” (NA).

Rating			Item
E	S	NA	
___	___	___	1. Soil structure for buildings, roads and septic disposal.
___	___	___	2. Danger of flooding or erosion
___	___	___	3. Adequate provision for control of surface runoff
___	___	___	4. Proximity to air, odor, noise or visual pollution or nuisance
___	___	___	5. Adequacy of access to public highway, including visual clearance and nearby intersections.
___	___	___	6. Adequacy of public highway for increased traffic volume
___	___	___	7. Availability and capacity of existing or proposed public utilities - water, sewer
___	___	___	8. Availability and adequacy of public facilities - schools, police, fire Health.
___	___	___	9. Distance from employment, municipal services and commercial facilities
___	___	___	10. Safe and convenient pedestrian circulation
___	___	___	11. Arrangement of streets, buildings and open space
___	___	___	12. Street standards including width of right-of-way, grade, curves, cul-de-sacs, potential extensions and traffic control and safety features
___	___	___	13. Protection of natural cover, wet areas or unique geographical or biological features
___	___	___	14. Adaptation of individual sites and streets to such natural features as vista, sun and wind, drainage, wet areas, slope, woods, open fields, rocky outcrops
___	___	___	15. Overall density per acre
___	___	___	16. Use of cluster technique
___	___	___	17. Individual site standards
___	___	___	18. Community facilities (if any)
___	___	___	19. Recreation and conservation provisions
___	___	___	20. General potential for attractive residential environment
___	___	___	21. Visibility from public highways, existing or potential subdivisions and other major developments
___	___	___	22. Availability of other sites for similar size and type of subdivision
___	___	___	23. Relation of particular site to town and regional land use plans
___	___	___	24. Surrounding land uses, both present and potential
___	___	___	25. Present availability and adequacy of housing for various income classes
___	___	___	26. Protection of tenants rights through written lease
___	___	___	27. Adequate parking provision within park
___	___	___	28. Plan and equipment supply for garbage and trash removal
___	___	___	29. Plan and equipment for street maintenance, snowplowing, etc.
___	___	___	30. Proposed developmental program --phases and rates

## ARTICLE XVII - FLOODPLAIN DEVELOPMENT ORDINANCE

## **Amended March 9, 2010**

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

This ordinance, adopted pursuant to the authority of RSA 674:16 shall be known as the Town of Meredith Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Meredith Zoning Ordinance. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study for the Town of Meredith, N.H.," dated June 3, 1988 or as amended together with the associated Flood Insurance Rate Maps, dated June 3, 1988 or as amended, which are declared to be a part of this Ordinance and are hereby incorporated by reference.

### **ITEM I. DEFINITIONS**

**"AREA OF SPECIAL FLOOD HAZARD"** is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area is designated on the FIRM as zones A or AE."

**"BASE FLOOD"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"AREA OF SPECIAL FLOOD HAZARD"** is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area is designated on the FIRM as zones A or AE."

**"BASE FLOOD"** means the flood having a one percent chance of being equaled or exceeded in any given year.

#### **"BASEMENT"**

means any area of the building having its floor subgrade (below ground level) on all sides.

**"BUILDING"** -- SEE **"STRUCTURE"**.

**"DEVELOPMENT"**

means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**“FLOOD” or “FLOODING”**

means: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**“FLOOD ELEVATION STUDY”**

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

**“FLOOD INSURANCE RATE MAP” (FIRM)**

means the official map incorporated with this Ordinance on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the Town of Meredith.

**“FLOOD INSURANCE STUDY”** -- see **“FLOOD ELEVATION STUDY.”**

**“FLOOD PLAIN” OR “FLOOD PRONE AREA”**

means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

**“FLOOD PROOFING”**

means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**“FLOODWAY”** -- see **“REGULATORY FLOODWAY”.**

**“FUNCTIONAL DEPENDENT USE”**

means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities & port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**“HIGHEST ADJACENT GRADE”**

means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**“HISTORIC STRUCTURE”** means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (i) by an approved state program as determined by the Secretary of the Interior, or
  - (ii) directly by the Secretary of the Interior in states without approved programs.

**“LOWEST FLOOR”**

means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**“MEAN SEA LEVEL”**

means, for purposes of the National Flood Insurance Program, 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.

**“MANUFACTURED HOME”**

means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

**“MANUFACTURED HOME PARK OR SUBDIVISION”**

means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**“NEW CONSTRUCTION”**

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

**“100-YEAR FLOOD”** -- see **“BASE FLOOD”**.

**“RECREATIONAL VEHICLE”**

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

**“REGULATORY FLOODWAY”**

means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point.

**“RIVERINE”**

means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**“SPECIAL FLOOD HAZARD AREA”**

means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on the FIRM as Zone A or AE. (See Area of Special Flood Hazard.)

**“STRUCTURE”**

means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**“START OF CONSTRUCTION”**

includes substantial improvement 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 a 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 not part of the main structure.

**“SUBSTANTIAL DAMAGE”**

means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”

**“SUBSTANTIAL IMPROVEMENT”**

means any combination of repairs, reconstruction, alterations, 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 be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a “historic structure”.

**“VIOLATION”**

means the failure of a structure or other development to be fully compliant with the community's Floodplain Management Regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**“WATER SURFACE ELEVATION”**

means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

**ITEM II.**

All proposed development in any special flood hazard areas shall require a permit.

**ITEM III.**

The Building Inspector shall review all building permit applications for new Construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects

of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages and (iv) be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **ITEM IV.**

Where new or replacement water and sewer systems (including on-site systems) are proposed in special flood hazard areas, the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

#### **ITEM V.**

The Building Inspector shall maintain for public inspection, and furnish upon request, any certification of flood-proofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and include whether or not such structures contain a basement. If the structure has been flood proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood proofed. The information must be furnished by the applicant.

#### **ITEM VI.**

The Building Inspector shall review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, prior to granting a building permit. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.

#### **ITEM VII.**

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

The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer assuring that the flood carrying capacity of the altered or relocated watercourse can and will be maintained.

In Zone A the Building Inspector shall obtain, review and reasonably utilize any floodway data available from a Federal, State or other source as criteria for requiring that development meet the following floodway requirement: No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.

Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

#### **ITEM VIII.**

1. In special flood hazard areas the Building Inspector shall determine the 100-year flood elevation in the following order of precedence according to the data available:
  - a. In Zones AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
  - b. In unnumbered A zones, the Building Inspector shall obtain, review and reasonably utilize any 100-year flood elevation data available from Federal, State, development proposals submitted to the community (example subdivisions, site approvals, etc.) or other source.
2. The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in Zones AE and A that:
  - a. all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level;
  - b. all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or together with attendant utility and sanitary facilities, shall:
    - (i) be floodproofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyance; and
    - (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;

- c. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
- d. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted providing the enclosed areas meet the following requirements: (1) the enclosed area is unfinished or flood resistant, useable solely for parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- e. Recreational vehicles placed on sites within Zones A and AE shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in paragraph (c) (6) of Section 60.3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

#### **ITEM IX. - VARIANCES AND APPEALS**

Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

1. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that;
  - a. the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
  - b. the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. The Zoning Board of Adjustment shall notify the applicant in writing that:

- a. the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - b. such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
3. The community shall:
- a. maintain a record of all variance actions, including their justification for their issuance, and
  - b. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

## **ARTICLE XVIII - WIRELESS TELECOMMUNICATION ORDINANCE**

Adopted March 13, 2019

### **Section 1. Title**

This ordinance shall be known and cited as the “Wireless Telecommunications Ordinance.”

### **Section 2. Authority**

This Ordinance is adopted by the Town of Meredith on March 12, 2019 in accordance with the authority granted in New Hampshire Revised Statutes Annotated 674:16 and 674:21 and procedurally pursuant to Revised Statutes Annotated 675:1, II.

### **Section 3. Purposes**

This Ordinance is enacted in order to fulfill the following purposes:

- A. Provide local consistency with federal and state laws including but not necessarily limited to the Federal Telecommunications Act of 1996 and New Hampshire RSA 12-K; and
- B. To further the vision, goals, objectives and recommendations of the Master Plan; and
- C. To preserve the authority of the Town of Meredith to regulate personal wireless service facilities and towers in accordance with federal and state laws; and
- D. Reduce the adverse impacts such facilities may create, including but not limited to impacts on: community character and community aesthetics, environmentally sensitive areas, community gateways and village and rural settings.

### **Section 4. Applicability**

- A. This ordinance applies to all construction, installation and expansion of personal wireless service facilities and towers, except as provided in Section 4.B.1-4
- B. Exemptions. The following are exempt from the provisions of this Ordinance:
  - 1. Temporary wireless telecommunication facilities used for emergency communications by public officials.
  - 2. Amateur (ham) radio services licensed by the Federal Communications Commission (see RSA 674:16).
  - 3. Parabolic antenna that is accessory to residential use of property.
  - 4. Routine maintenance and repair of personal wireless service facilities and towers provided that there is no change in the height or any other dimension of the facility.

### **Section 5. Definitions**

The following terms as used in this ordinance shall be defined as follows:

- A. "Antenna" means the equipment from which wireless radio signals are sent and received by a PWSF.
- B. "Building permit" means a permit issued pursuant to RSA 676 by an authority prior to the collocation or modification of PWSFs, solely to ensure that the work to be performed by the applicant satisfies the applicable building code.
- C. "Collocation" means the placement or installation of new PWSFs on existing towers or mounts, including electrical transmission towers and water towers, as well as existing buildings and other structures capable of structurally supporting the attachment of PWSFs in compliance with applicable codes. "Collocation" does not include a "substantial modification."
- D. "Equipment compound" means an area surrounding or near the base of a tower or mount supporting a PWSF, and encompassing all equipment shelters, cabinets, generators, and appurtenances primarily associated with the PWSF.
- E. "Height" means the height above ground level from the natural grade of a site to the highest point of a structure.
- F. "Modification" means the replacement or alteration of an existing PWSF within a previously approved equipment compound or upon a previously approved mount. Routine maintenance of an approved PWSF shall not be considered a modification.
- G. "Mount" means the structure or surface upon which antennas are mounted and includes roof-mounted, side-mounted, ground-mounted, and structure-mounted antennas on an existing building, as well as an electrical transmission tower and water tower, and excluding utility poles.
- H. "Personal wireless service facility" or "PWSF" or "facility" means any "PWSF" as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services. A PWSF includes the set of equipment and network components, exclusive of the underlying tower or mount, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide personal wireless services.
- I. "Tower" shall mean a freestanding or guyed structure, such as a monopole, monopine, or lattice tower, designed to support PWSFs.
- J. "Substantial modification" means the mounting of a proposed PWSF on a tower or mount which, as a result of single or successive modification applications:
  - (a) Increases or results in the increase of the permitted vertical height of a tower, or the existing vertical height of a mount, by either more than 10 percent or the height of one additional antenna array with separation from the nearest existing

- antenna not to exceed 20 feet, whichever is greater; or
- (b) Involves adding an appurtenance to the body of a tower or mount that protrudes horizontally from the edge of the tower or mount more than 20 feet, or more than the width of the tower or mount at the level of the appurtenance, whichever is greater, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower or mount via cable; or
- (c) Increases or results in the increase of the permitted square footage of the existing equipment compound by more than 2,500 square feet; or
- (d) Adds to or modifies a camouflaged PWSF in a way that would defeat the effect of the camouflage.

## **Section 6. District Regulations**

- A. Classifications- To distinguish between different facilities and the associated level of regulatory review, the following classifications are established:
  - 1. Collocation & Modification
  - 2. Substantial Modification
  - 3. New Tower Construction up to 100' high.
  - 4. New Tower Construction between 100 and 180' in height.
- B. Overlay District/ Zones and Map- To identify locations within the community where personal wireless service facilities and towers may be sited, an overlay district is hereby established. The District is comprised of the following Sensitivity Zones as depicted on the Town of Meredith Wireless Telecommunications Overlay District Map dated December 31, 2018, which is incorporated herein and made part of this ordinance.
  - 1. Sensitivity Zone 1. Specific visual resource areas (including views, settings or land forms) having a moderate degree of visibility and visual sensitivity. These areas may be able to accommodate new tower construction with visual mitigation and/or careful placement. These areas are the only areas within the community where Class 4 tower facilities may potentially be sited.
  - 2. Sensitivity Zone 2. Specific visual resource areas (including views, settings or land forms) having a high degree of visibility and visual sensitivity. These areas may be able to accommodate new tower construction (Class 3, not exceeding 100 ft.) with visual mitigation and/or careful placement.
  - 3. Sensitivity Zone 3. Specific visual resource areas (including views, settings or land forms) having the highest degree of visibility and visual sensitivity, including areas having features which contribute significant visual quality to community and neighborhood character. New tower construction is not permitted in these areas.

C. Requirements by Classification and Sensitivity Zone

Sensitivity Zone	Class 1- Collocation or Modification	Class 2- Substantial Modification	Class 3- New Tower (100' Max)	Class 4- New Tower (180' max)
<b>1</b>	BP	SP, SE, BP	SP, SE, BP	SP, SE, BP
<b>2</b>	BP	SP, SE, BP	SP, SE, BP	NP
<b>3</b>	BP	SP, SE, BP	NP	NP

BP = Building Permit only

SE = Special Exception from the Zoning Board of Adjustment is required

SP = Site Plan approval from the Planning Board is required

NP – Not Permitted

- D. Tower Height - Phased Vertical Expansion. An applicant may request and/or the Zoning Board of Adjustment may require, that towers be engineered so as to be capable of vertical expansion in phases. The general purpose of such a request or requirement shall be to provide a tower/antenna height that is initially proportionate to the tree line at the time of construction, while providing an option for future vertical expansion in a manner that is incrementally consistent with the vertical growth of the surrounding vegetation. All subsequent phases of vertical tower expansion shall be subject to the Special Exception application review process. The review of such a subsequent application shall be limited in scope to the proposed vertical expansion as it relates to the terms and provisions of this Ordinance.
- E. Setbacks Generally. Equipment compounds and towers are subject to setback provisions of the underlying zoning district and wetland setbacks as provided for in Article V, Section D-9 (Water Resources Conservation Overlay District).
- F. Fall Zone Setback. Fall Zone Setback is required to ensure public safety. Fall Zone Setback is the minimum distance from the base of any tower to any property line, road, dwelling, business, institution or public recreational area. A Fall Zone Setback shall be equal to the height of the tower. In reviewing an application for Special Exception, the Zoning Board may reduce the required Fall Zone Setback and/or setback distance of the zoning district up to 50% of the required distance, if it finds that a substantially better design will result from such reduction. In making such a finding, the Zoning Board of Adjustment shall consider both the visual and safety aspects of the proposed use.

- G. Tower Separation. No tower facility (Class 3 or Class 4) shall be located within two thousand feet (2000 ft.) of another tower facility (Class 3 or Class 4). Distance separating two facilities shall be measured as a straight, horizontal line between two points.
- H. Camouflage by vegetation. Class 3 and Class 4 towers shall be surrounded by buffers of tree growth and under story vegetation. The buffer shall be of sufficient height and depth to effectively screen the equipment compound and all or a portion of any tower structure. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Existing tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, natural growth around the property may be deemed a sufficient buffer. The Zoning Board of Adjustment shall determine the type of plant materials and the depth of the needed buffer based on site conditions. The Zoning Board of Adjustment may require certain restrictions, prohibitions or limitations regarding tree removal or tree clearing in order to ensure the vegetative buffer is maintained.
- I. Camouflage by man-made treatment. In instances where vegetative treatments may not be sufficient to adequately buffer the visual effect of Class 3 and 4 towers, the Zoning Board of Adjustment may require innovative treatments or design, including but not limited to imitation of native vegetation. Innovative alternative tower structures or a combination of treatments may be required in order to meet the requirements for a Special Exception.

## **Section 7. Planning Board Review.**

- A. Site Plan Review. Site Plan Review by the Meredith Planning Board is required for any proposal which includes the construction of a new tower, new equipment compound or any substantial modification. Applications requesting Site Plan Review shall be submitted in accordance with the Site Plan Review Regulations. Site Plan approval from the Planning Board (either final approval or conditional approval) is required prior to making an application to the Zoning Board of Adjustment for a Special Exception.
- B. Timeframe for Review. The timeframe for Site Plan Review by the Planning Board shall be as specified in its Site Plan Review Regulations and by the federal Telecommunications Act's deadline of 150 days from the date of submission.

## **Section 8. Zoning Board of Adjustment Review**

- A. Application for Special Exception. Applications for Special Exception shall be submitted as provided for in the Zoning Board of Adjustment By-laws. The following additional shall be submitted with the application:

1. Written evidence that the proposed use/facility will comply with applicable FCC regulations.
  2. Written evidence that the proposed use/facility will meet the requirements of the National Environmental Policy Act.
  3. A description of the tree cover on the subject property and adjacent properties by dominant species and average height, as measured by or available from a verifiable source.
  4. Representations, dimensioned to scale, of the proposed tower, antennas, equipment shelters including elevation drawings of all structures and the vegetative buffer.
  5. A visual impact assessment including before-condition photographs and after-condition photographic simulations of the proposed facility showing what can be seen from any public viewpoint as inventoried and assessed in the report entitled: Town of Meredith Visual Resource Inventory and Assessment prepared by Thomas Kokx Associates dated March 8, 1999, amended December 18, 2000 on file at the Meredith Planning Office.
- B. Criteria for Special Exception. In order for the Zoning Board of Adjustment to grant a Special Exception, it shall find that:
1. The proposal is consistent with Section 3 – Purposes of the Ordinance.
  2. The proposal is in accordance with the general and specific provisions of this Ordinance, particularly Section 5 - District Regulations.
  3. This criterion for approval shall be in addition to the Special Exception criteria under Article VII of the Zoning Ordinance.
  4. It shall be the burden of the applicant to provide sufficient evidence to persuade the Zoning Board of Adjustment that all applicable criteria have been met and that proposal does not represent unreasonable adverse impacts.
  5. An applicant's failure to satisfy the burden of proof may result in the denial of an application.
- C. Conditions of Approval. In approving an application for Special Exception, the Zoning Board of Adjustment may impose reasonable conditions as it deems appropriate to substantially secure the objectives, standards or requirements of the applicable local land use regulations.
- D. Timeframe for Review. The timeframe for the review of an application for Special Exception by the Zoning Board of Adjustment shall be as specified in its By-Laws and by the federal Telecommunications Act's deadline of 150 days from the date of submission.

## **Section 9. Building Permit Application Review**

- A. Installation and/or construction of personal wireless service facilities (PWSF's) and towers shall require a Building Permit and a Certificate of Use and Occupancy. No PWSF or tower shall operate prior to the issuance of a Certificate of Use and Occupancy.

B. Building Permit Application Requirements for PWSF's and towers shall be as established by the Building Official.

C. Timeframes- Collocation and Modification Applications.

Applications for collocation or modification shall be reviewed within 45 calendar days by the Building Official for conformity with applicable building permit requirements.

Collocation applications and modification applications shall be reviewed for conformance with applicable building permit requirements but shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, or public hearing review. The Building Official, within 45 calendar days of receiving a collocation application or modification application, shall:

- (1) Review the collocation application or modification application in light of its conformity with applicable building permit requirements and consistency with this chapter. A collocation application or modification application is deemed to be complete unless the Building Official notifies the applicant in writing, within 15 calendar days of submission of the specific deficiencies in the collocation application or modification application which, if cured, would make the collocation application or modification application complete. Upon receipt of a timely written notice that a collocation application or modification application is deficient, an applicant shall have 15 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 15 calendar days, the collocation application or modification application shall be reviewed and processed within 45 calendar days from the initial date received by the authority. If the applicant requires more than 15 calendar days to cure the specific deficiencies, the 45 calendar day deadline for review shall be extended by the same period of time;
- (2) Make its final decision to approve or disapprove the collocation application or modification application; and
- (3) Advise the applicant in writing of its final decision.

**Section 10. Administration and Enforcement**

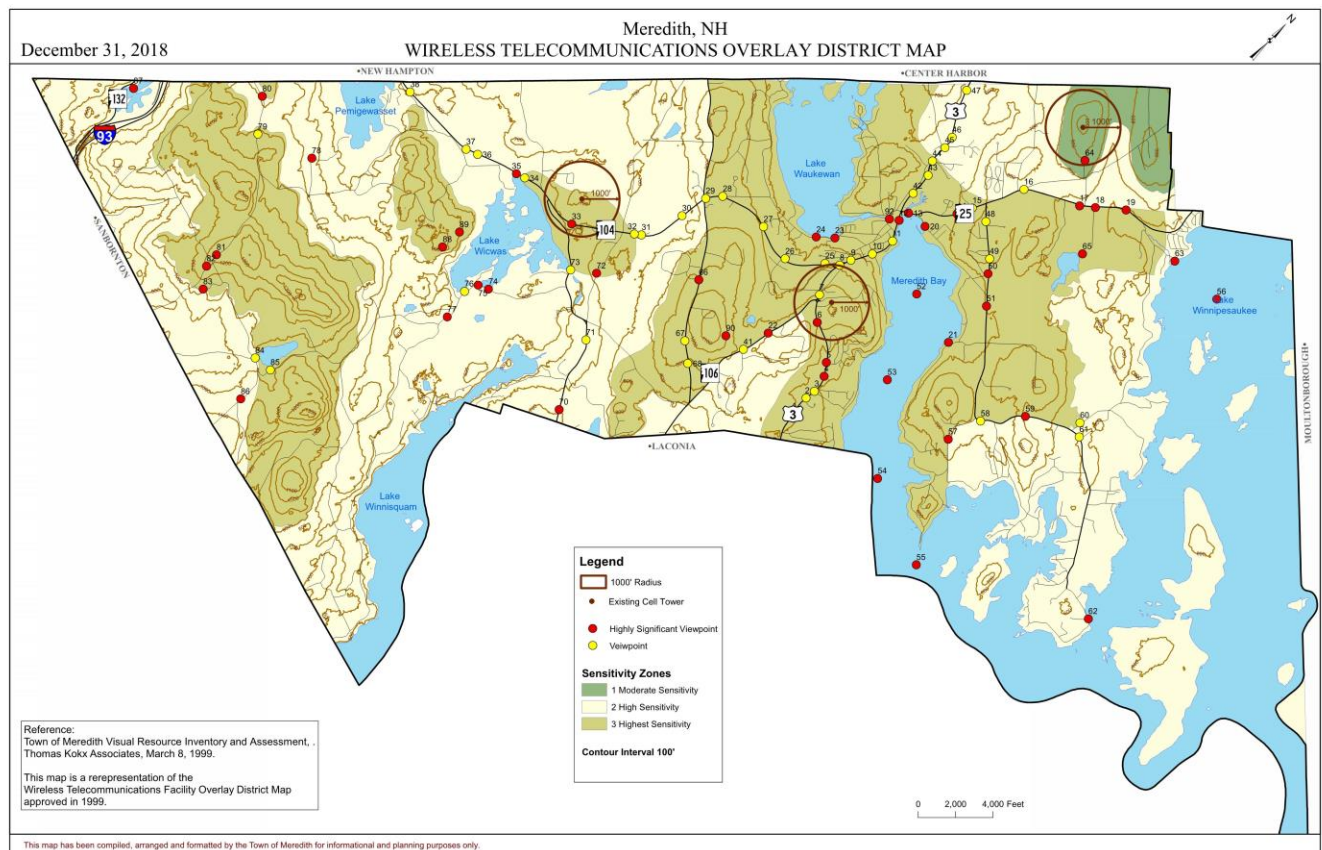
Enforcement of this Ordinance shall be in accordance with the New Hampshire Revised Statutes Annotated (RSA) 676 and the Town of Meredith Zoning Ordinance. Any person who violates any section of this Wireless Telecommunication Facilities Ordinance shall be subject to the penalties and remedies provided under the relevant provisions of State and local law.

**Section 11. Appeals**

Any person aggrieved by a decision of the Administrative Officer regarding the construction, interpretation or application of the terms of this Ordinance may appeal the decision to the Zoning Board of Adjustment as provided for in RSA 676:5. Any person aggrieved by a decision of either the Planning Board or Zoning Board of Adjustment may appeal the decision as provided by applicable State and Federal laws.

**Section 13. Saving Clause**

Where any provision of this Ordinance is found to be invalid, such determination shall not affect the validity of the remainder of this Ordinance.



# **ARTICLE XIX - ARCHITECTURAL DESIGN REVIEW ORDINANCE**

Meredith, New Hampshire

Adopted March 13, 2001

## **SECTION 1. LEGISLATIVE FINDINGS; DECLARATION OF PURPOSE**

The Local Legislative Body of the Town of Meredith hereby finds and declares that:

- A. Our New England village, surrounded by lakes, ponds and rural countryside, is complete with colorful history, exemplary architecture and visual appeal. The citizens of Meredith, through the community planning process, find that these settings comprise our landscape character and help to define our community.
- B. Meredith's historical architecture is recognized as an important element of our landscape character. Public and private stewardship of these resources is fundamental to the well being of the community and to the well being of generations to come.
- C. Non-residential development which is indifferent to our architectural heritage (such as "franchise architecture", monotonous buildings typical of "strip development" or "big box" retail buildings) constitutes a significant threat to the character and future of our community.
- D. The management of future development can be guided to encourage building design that is functional, aesthetically pleasing and compatible with the architectural heritage of our community.
- E. The architecture of our community is varied and necessarily will evolve as the community grows. The regulation of architectural design must allow for flexibility, creativity and innovation within the context of an articulated framework.

## **SECTION 2. TITLE**

This Ordinance shall be known and cited as the "Architectural Design Review Ordinance".

## **SECTION 3. EFFECTIVE DATE; ENABLING AUTHORITY**

The Architectural Design Review Ordinance was adopted by the Town of Meredith on Tuesday, March 13, 2001 and is effective the same date. The authority for this Ordinance is found in New Hampshire Revised Statutes Annotated 674:16 (Grant of Power) and 674:21 (Innovative Land Use Controls).

## **SECTION 4. VESTING OF RESPONSIBILITY**

- A. The administration of the provisions of the Architectural Design Review Ordinance shall be vested with the Planning Board.

- B. For purposes of assisting with the review of an Application for Architectural Design Review, the Planning Board may secure the services of a Consulting Architect. The Planning Board may impose reasonable fees upon an applicant to cover its expenses associated with the use of Consulting Architects.
- C. The Planning Board shall have the authority to adopt a fee schedule for the following purposes: (1) Filing Fee; (2) Abutter Notification Fee; and (3) Architectural Review Fee (Consulting Architect). A Public Hearing on the proposed fee schedule or any subsequent changes thereto shall be held prior to the Board's adoption of the schedule.
- D. The Planning Board shall have the authority to develop application materials, check lists and other documents specific to the administration of this ordinance.
- E. Pursuant to RSA 674:21, II and only in conjunction with an application for Architectural Design Review, the Planning Board may grant a special use permit to reduce the building setback that would otherwise be applicable under the Meredith Zoning Ordinance. Such a special use permit shall only be granted where:
  - 1. The applicant requests the setback reduction in writing as part of the original or amended application for Architectural Design Review;
  - 2. The written request and evidence submitted during the public hearing process clearly establish a practical justification for the request;
  - 3. The Planning Board has considered the recommendations of the Fire Chief, Code Enforcement Officer and Director of Public Works, if any;
  - 4. The Planning Board finds on the record before it that the reduction in building setback is required to fulfill the purpose and intent of this Ordinance and one or more elements of the Building Performance Criteria set out in Section 6, B.2 of this Ordinance; and
  - 5. The Planning Board finds on the record before it that the reduction in building setback will not be detrimental to public health, safety or welfare.

## **SECTION 5. APPLICABILITY**

- A. Planning Board approval of an Application for Architectural Design Review shall be required prior to the issuance of a building permit for the following activities:
  - 1. New building construction to be used for non-residential or multi-family purposes; or
  - 2. Additions or alterations to buildings used for non-residential or multi-family purposes which increase or decrease the square footage of the building; or

3. Renovation, rehabilitation or reconfiguration of building exteriors where such buildings are used for non-residential or multi-family purposes.
- B. Planning Board approval of an Application for Architectural Design Review shall not be required prior to the issuance of a building permit for the following activities:
1. Residential building construction including single family, two family and related accessory structures; and
  2. Routine exterior repair or maintenance of structures used for non-residential or multi-family purposes; and
  3. Interior alterations or renovations of structures used for non-residential or multi-family purposes; and
  4. Changes of use or occupancy of structures that do not include any of the regulated activities identified in Section 5- A.
  5. Modifications to the exterior of any existing structure that is solely for the purpose of providing safe means of egress or access, such as handicap ramps, fire escapes, egress windows, and that are necessary in order to meet the requirements of codes adopted by the Town of Meredith.

## **SECTION 6. PERFORMANCE CRITERIA**

- A. The Performance Criteria contained in this section are intended to encourage building architecture that is complementary to the community. Each application represents unique circumstances, challenges and opportunities that must be taken into account in both the design and design review processes. It is intended that the criteria be administered with flexibility and consistency in order to allow for responsive, creative and innovative architectural designs. The criteria are not intended to dictate specific building styles, or to mandate historical preservation, restoration or replication.
- B. In order to approve an Application for Architectural Design Review, the Planning Board shall find that the application demonstrates substantial conformity with the following Performance Criteria:
1. General Criteria
    - a. The proposed building design is consistent with the purposes of the Architectural Design Review Ordinance;
    - b. The proposed building design demonstrates sensitivity towards and is complementary of, the architectural heritage of Meredith, New Hampshire. Applicants are referred to Appendix A: Meredith's Historic Architecture – A Reference Guide, Elizabeth Durfee Hengen, December 2000.

## 2. Building Criteria

- a. **Building Orientation:** How a building is positioned or located on a site can complement or detract from the site and/or the architectural character of the surrounding area. The orientation of proposed buildings should take into consideration building setbacks, spacing between buildings and alignment of building(s) as evidenced in the development pattern of the surrounding area; and
- b. **Building Scale and Proportion:** Building elevations, scale, massing and the proportional relationship between structures can complement or detract from the architectural character of the surrounding area. The scale and proportion of proposed buildings should take into consideration the scale and proportion of buildings as evidenced in the development pattern of the surrounding area. Visual conflicts between properties should be minimized; and
- c. **Roofline:** Rooflines can provide visual interest and help to reduce the mass of a building. Traditional roofline types such as gabled, hipped, and gambrel that are evidenced in Meredith's architectural heritage are strongly encouraged. Type, shape, pitch and direction of roofs should be considered in the design. Flat roofs are strongly discouraged; and
- d. **Massing:** The physical bulk or mass of buildings, particularly larger or elongated ones, can either enhance or detract from the architectural character of the community. Structures should be carefully designed to break up their mass into smaller visual components providing human scale, variation and depth; and
- e. **Architectural Features and Details:** Architectural features and details such as cornices, columns, corner trim, doorways, entrances, windows/trim, awnings, dormers, porches, etc., can provide or enhance visual interest, provide a pedestrian scale and help mitigate negative effects of building mass. Architectural features and details should be considered in every building design. Traditional features and details associated with Meredith's architectural heritage are strongly encouraged; and
- f. **Materials, Texture and Color:** Exterior building materials, texture and colors should be treated as significant design elements that help define the appearance of a structure and create visual interest. The use of traditional materials that are consistent with Meredith's vernacular or indigenous architecture, or materials having the same visual effect, are strongly encouraged. Consideration should be given to the materials, textures and colors used in the neighborhood; and
- g. **Building Façade:** Facades for new or renovated structures should provide visual interest from all visually accessible sides. Windows, doorways and architectural detailing and patterns should complement the building form and

historical context. Facades should be designed to establish a complementary relationship with other site considerations such as pedestrian scale and orientation, signage, landscaping and lighting; and

- h. Building Renovation or Addition: Where an existing building has features that are consistent with the Performance Criteria, proposed renovations or additions should be designed to respect the proportions, patterns, detailing, materials, etc., of the original building. Where the existing building does not have features that are consistent with the Performance Criteria, the owner/applicant is encouraged to upgrade the structure to meet the Performance Criteria; and
- i. Signs: Signs should be designed to meet the needs of individual uses while complementing the building, the site and its surroundings. The design of building-mounted signs should complement, not detract from the architectural features of the building. Signs should be scaled to the architectural elements that surround it. Consideration should be given to sign form, color, lighting and materials that are compatible with the building and its surroundings; and
- j. Gateways and Scenic Resources: Some places in Meredith contribute to the landscape character of the community because of their location and scenic qualities. Many such properties and approaches act as gateways, providing first impressions and reinforcing Meredith's sense of place. Consideration should be given towards complementing these resources through the careful siting of new buildings, and the application of the Performance Criteria.

For additional information regarding visual resources, applicants are referred to Appendix B: Town of Meredith Visual Resource Inventory and Assessment, Thomas Kokx Associates, March 1999, amended December 2000.

- k. Design Continuity: Each building design, from the simple to the complex, requires the coordination of multiple design elements such as architectural style, form, massing, materials, detailing, etc. The proposed building design shall demonstrate coordination of design elements and an overall design continuity.
- C. For additional guidance regarding the Performance Criteria contained in Section 6, applicants are referred to Appendix C: Architectural Design Review Ordinance – Design Guidelines, Christopher P. Williams Architect, December 2000.

## **SECTION 7. WAIVER PROVISION**

There may exist unusual or exceptional circumstances where the application of one or more of the Performance Criteria of Section 6 would entail practical difficulty or unreasonable hardship when balanced against the public purposes sought to be achieved by this Ordinance. In such circumstances, the Planning Board may waive the applicability of some or all of the Performance Criteria where:

1. The applicant requests the waiver of one or more specific Performance Criteria in writing as part of the original or amended application for Architectural Design Review;
2. The written request and evidence submitted during the public hearing process clearly establish a practical justification for the request;
3. The Planning Board finds on the record before it that the application of one or more of the Performance Criteria of Section 6 would entail practical difficulty or unreasonable hardship when balanced against the public purposes sought to be achieved by this Ordinance.

## **SECTION 8. APPEALS**

- A. Appeals of a decision of the Code Enforcement Officer involving the construction, interpretation or application of the terms of the Architectural Design Review Ordinance shall be made to the Planning Board.
  1. All procedural aspects of an appeal to the Planning Board including public hearing notice, timeliness and costs shall be in accordance with NH RSA 676: 7.
- B. A decision of the Planning Board made pursuant to the Architectural Design Review Ordinance shall not be appealed to the Zoning Board of Adjustment, but may be appealed to the Superior Court as provided by RSA 677:15 and RSA 676:5, III.

## **SECTION 9. TERMS AND DEFINITIONS**

- A. Approval of an Application for Architectural Design Review: Shall mean the granting of a special use permit as provided for in RSA 674:2 II.
- B. Exterior Repair: To mean activities such as replacing broken window glass, fixing a leaking roof, replacing clapboards, re-pointing a chimney or in-kind structural repairs.
- C. Exterior Maintenance: To mean activities such as painting, cleaning, replacement of building features such as doors, windows, clapboards, roofs, etc.
- D. Non-residential use: Shall mean all uses allowed by right or by special exception (commercial, industrial, institutional, etc.) as provided for in the Zoning Ordinance, excluding single family and two family residential uses.
- E. Multi-family Use: To mean structures containing three or more residential dwelling units.

## **SECTION 10. SAVINGS CLAUSE**

Where any provision of this Ordinance is found to be invalid, such determination shall not affect the validity of the remainder of this Ordinance.

# **ARTICLE XX       -       IMPACT FEE ORDINANCE**

## **TOWN OF MEREDITH, NEW HAMPSHIRE**

Adopted March 12, 2002

- A. Declaration of Purpose and Intent** – The purpose of this Article is to authorize the Planning Board, as a condition of subdivision or site plan approval, to require a developer to pay reasonable fees and exactions for off-site improvements occasioned by the proposed development, as authorized by the New Hampshire Supreme Court in cases such as *Land-Vest Properties, Inc. v. Town of Plainfield*, 117 N.H. 817 (1977) and *N.E. Brickmaster, Inc. v. Town of Salem*, 133 N.H. 655 (1990). In addition, this Article is intended to comply with the Court's ruling in *Simonsen v. Town of Derry*, No. 98-153 (November 15, 2000) that such fees and exactions cannot lawfully be imposed in the absence of an Impact Fee Ordinance enacted pursuant to RSA 674:221, V.
- B. Authority of Planning Board** – The Planning Board may, as a condition of approval of any subdivision or site plan application, require an applicant to pay an impact fee representing the applicant's fair share of off-site improvements to existing or future public facilities affected or required by the proposed development. Nothing in this section shall be construed to:
- (1) limit the existing authority of the Planning Board to disapprove proposed development which is scattered or premature;
  - (2) limit the existing authority of the Planning Board to disapprove proposed development which would require an excessive expenditure of public funds;
  - (3) limit the existing authority of the Planning Board to disapprove proposed development which would otherwise violate any applicable ordinance or regulation;
  - (4) limit the existing authority of the Planning Board to require off-site work to be performed by an applicant in lieu of paying an impact fee;
  - (5) limit the existing authority of the Planning Board to impose other types of conditions of approval; or
  - (6) affect or alter in any way fees governed by any other statute, ordinance or regulation.
- C. Amount of Impact Fee** – The amount of any impact fee shall be calculated by the Planning Board to be a proportional share of the costs of municipal capital improvements reasonably related to the capital needs created by the proposed development, and to the benefits accruing to the development from the capital

improvements financed by the fee. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

- D. Accounting** – Pursuant to RSA 673:16, II and RSA 674:21, V (c), impact fees shall be held in a separate, non-lapsing account, shall not be commingled with other town funds and shall be used solely for the capital improvements for which they were collected or to recoup the cost of capital improvements made in anticipation of the needs which the fees were collected to meet. Such fees shall be paid out only upon order of the Planning Board or its designated agent.
- E. Assessment and Payment** – Impact fees imposed under this Article shall be assessed prior to, or as a condition for, final subdivision or site plan approval, and shall be paid prior to the issuance of any building permit or at such other time as may be specified by the Planning Board. In the interim between assessment and payment, the Planning Board may require a developer to provide a bond, letter of credit or other suitable security to guarantee the future payment of assessed impact fees.
- F. Refund** – Any portion of an impact fee which has not been expended or legally bound to be expended for the purpose for which it was collected shall be refunded with accrued interest, if any:
- (1) when the subdivision or site plan approval expires under the rules of the Planning Board or under the terms of a decision of the Planning Board, where such approval has not become vested under RSA 674:39 and no extension of approval has been granted by the Planning Board;
  - (2) when the approval is revoked under RSA 674:4-a;
  - (3) when the approval is reversed by a final, unappealable judgment of a court of competent jurisdiction; or
  - (4) six years after the impact fee is paid or six years after the date any extension of approval is granted by the Planning Board, whichever occurs last.
- G. Appeals** – Pursuant to RSA 674:21, V(f) and RSA 676:5, III, the assessment of any impact fee under the authority delegated to the Planning Board by this Article cannot be appealed to the Zoning Board of Adjustment, but may be appealed only to the Superior Court as provided by RSA 677:15. Notwithstanding Article VII, the Zoning Board of Adjustment shall not have the authority to hear appeals of or grant a variance from the assessment of any impact fee.

# ARTICLE XXI - CONSERVATION SUBDIVISION DESIGN ORDINANCE

Adopted March 11, 2008

## SECTION 1. ENABLING AUTHORITY

Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a conditional Use Permit to allow for Conservation Subdivision Design (CSD), in accordance with the requirements and standards set forth in this Ordinance.

## SECTION 2. APPLICABILITY

Conservation Subdivision Design is optional at the discretion of the applicant. Conservation Subdivision Design is allowed by Conditional Use Permit in the zoning districts specified in *Table 1. Area Requirements*

## SECTION 3. PURPOSES

Purposes of the Conservation Subdivision Design Ordinance are to:

1. Encourage the permanent protection of open space including but not limited to unique natural features, wildlife habitat, prime agricultural land, green meadows, ponds, wetlands, scenic views, connected corridors of open space and other natural and cultural resource elements. Encourage the preservation of substantial greenbelts, wetland and farmlands around the perimeter of the subdivision.
2. Create attractive living environments through careful location of dwelling units, the preservation of open spaces and by providing opportunities for passive recreation. Promote residential development that is in balance with the natural and cultural landscape, avoids over manipulation of the landscape in relation to road and driveway design and house site development. Locate buildings/house sites on those portions of the site that are most appropriate for development considering both development suitability and inherent conservation values.
3. Provide where appropriate and by mutual agreement, open spaces accessible to the general public.
4. Provide guidance to the Planning Board in the administration of the Ordinance.

## SECTION 4. GENERAL REQUIREMENTS

**Permitted Uses.** Any residential use as permitted by right or by Special Exception in the applicable zoning district may be considered under the Conservation Subdivision Ordinance.

Accessory uses shall be compatible with the primary residential land use and minimum lot sizes.

**Maximum Density/Yield Plan.** The maximum number of lots or dwelling units allowed in a Conservation Subdivision (i.e. dwelling unit density) shall not exceed the number of lots or units that would likely yield from a conventional single-family subdivision, notwithstanding any density bonuses that may be granted under Section 7. The determination of the number of lots or units that would yield from a conventional subdivision shall be determined by the Planning Board based on its review of a Yield Plan prepared pursuant to Section 5. Under no circumstances shall the number of lots or units, including incentive bonuses, resulting from a Conservation Subdivision exceed the maximum number of lots or units permitted by the district density restrictions.

**Tract Size.** Minimum tract size requirements are set forth in Table 1. Area Requirements

**Lot Size.** Minimum lot size requirements are set forth in Table 1. Area Requirements.

**TABLE 1**

**Area Requirements**

Zoning District	Minimum Tract Size (ac.)	Minimum Lot Size (ac.)
FC	20	1.0
FR	12	.5
MN	12	.5
SH	10	.25
R	10	.25
R3S	10	.25

**Lot Configuration.** Lots shall be configured according to the setting and visibility of the subdivision. Compact groupings of lots/units may or may not be desirable. Private, shared driveways serving no more than (3) lots per driveway are permitted. Driveways in excess of 500 feet shall not be permitted, except for good cause shown. Lots shall be grouped and configured to maximize the preservation of large segments of open space and existing vegetation rather than isolated pockets of such.

**Buffer Area.** Except as hereinafter set forth, Conservation Subdivisions shall include a 50' buffer along the perimeter of the entire tract or parcel. When deemed appropriate by the Planning Board to accomplish the objectives of this section, a larger or smaller buffer width may be required. Encroachments into or thru the buffer shall be limited to points of access to the subdivision. The buffer area shall not include individual lots or limited common areas. The buffer area, exclusive of encroachments, shall be considered part of the dedicated open space requirement as set forth in Section 6.

Where a proposed Conservation Subdivision is distinctly different than the surrounding land use pattern, the buffer is to provide a transition area where the subdivision does not detract from adjoining uses including public roads. Where a proposed

Conservation Subdivision is similar in nature to the surrounding pattern and for good cause shown, the Planning Board may reduce the perimeter buffer requirement.

**Building Envelope.** It is a goal of this Ordinance to minimize the visual appearance of building envelopes within a Conservation Subdivision Plan. Lots depicted on the Conservation Subdivision Plan shall designate a building envelope that complies with lot line setbacks and wetland setbacks. The building envelope shall be sufficient in size to accommodate a house substantially similar in size to that presented in the approved Yield Plan including related features (septic, well, garage, drive, etc.). Proposed building envelopes shall not be dependent upon zoning relief for house site development.

Building envelope areas shall be reflected on both the Yield Plan and the Conservation Subdivision Plan.

**Designated Buildable Areas.** In order to minimize potential negative impacts associated with site development, building development shall not occur on slopes 25% or greater. At least one buildable area meeting this requirement shall be designated within the building envelope of each lot. A lot may designate more than one buildable area however no more than one house per lot shall be permitted.

**Lot Line Setbacks.** Lot line setbacks within a Conservation Subdivision shall be as required in the district. The Planning Board may reduce the setback requirements based on its finding that such a reduction reasonably facilitates better design, achieves demonstrably greater open space and preservation of the tract and its existing conditions, and is consistent with the purposes of this ordinance. Additionally, minimum building separation and setbacks shall be accordance with State of New Hampshire fire codes.

For Conservation Subdivisions located within the Shoreline District, the following additional setbacks standards shall apply:

- Minimum building setbacks from the water shall be 200'.
- The minimum perimeter setback around the tract or parcel shall be 100'.
- Minimum shoreline frontage of 300'

**Condominium form of ownership.** Proposed Conservation Subdivisions having a condominium form of ownership shall, except for the form of ownership, be physically identical to the Conservation Subdivision if it were under a conventional form of ownership. Limited common areas shall be treated as lots for purposes of minimum lot size and setback determinations. Roadway rights-of-ways shall be indicated whether in common ownership or not.

## **SECTION 5. YIELD PLAN REQUIREMENTS/DENSITY**

The Yield Plan shall be prepared in accordance with this section. The Yield Plan shall demonstrate a level of potential conventional single family subdivision that is feasible and would have a reasonable likelihood of Planning Board approval. The Board shall review the Yield Plan under Preliminary Design Review. The conventional yield as determined by the Planning Board shall represent a baseline density for conservation subdivisions. The baseline density shall be used for purposes of calculating any density bonuses as provided for in Section 7.

The Board shall act to approve, reject or require modification of the Yield Plan. Should the Board reject the Yield Plan as not being feasible or having a reasonable likelihood of subdivision approval, the Planning Board shall provide a written explanation to the applicant identifying the objectionable features which contributed to this determination.

The Yield Plan shall include the following existing conditions information:

- a. Property survey prepared by a NH Licensed Land Surveyor
- b. Topographic survey prepared by a NH Licensed Land Surveyor
- c. Wetlands delineated by a NH Certified Wetland Scientist
- d. Stone walls, cellar holes, dug wells
- e. Cemeteries
- f. Existing Structures
- g. Existing tree lines, fields
- h. Easements of record
- i. NRCS soils information
- j. Rare or endangered species as recorded by the NH Natural Heritage Program, or New Hampshire Fish and Game

The Yield Plan shall be prepared by a licensed Land Surveyor or Landscape Architect.

Lots depicted on the Yield Plan shall demonstrate compliance with lot size, frontage, lot line setbacks and wetland setback requirements as set forth in the zoning ordinance. The Yield Plan shall demonstrate that the resulting building envelopes can adequately accommodate a house and related features (septic, well, garage, drive etc.) and shall not be dependent upon zoning relief for house site development.

Direct wetland impacts and associated buffer impacts associated with tract or lot access (roadways and driveways) shall be indicated on the Yield Plan and calculated in square feet. Cumulative direct wetland impacts shall not exceed 20,000 SF. Impacts to intermittent or perennial streams shall not disturb more than 200 feet of stream bank. Evidence of permits issued by state and local jurisdictions is not required.

Soils Based Lot Sizing analysis shall be provided demonstrating that each individual lot meets or exceeds soils based lot sizing requirements.

Potential roadways shall be indicated. The Applicant shall demonstrate that the potential roadway is feasible and has a reasonable likelihood of meeting minimum road standards and driveway permitting without relying upon waivers. Single access roads shall not exceed 1000' in length. Potential road centerline shall be located within a 50' right of way. Full road engineering including plans, profiles, cross sections storm water analysis is not required.

In circumstances deemed to further the objectives of the ordinance, the Planning Board may recommend waiving road width requirements to achieve compatibility with the existing rural roads and layouts.

## **SECTION 6. DESIGNATED OPEN SPACE REQUIREMENTS**

A minimum of 50 % of the total area of the parcel shall be permanently protected as Designated Open Space.

No more than 50% of the minimum Designated Open Space requirement shall consist of wetlands, or slopes 25% or greater.

**Excluded Areas.** Portions of the parcel that comprise individual house lots, limited common areas, roadways, roadway right-of-way, driveways, utilities, slope and drainage easements, septic systems, drainage improvements, lot line setbacks, common recreational amenities such as pools, tennis courts, golf courses, clubhouses, developed shoreline, areas reserved for future development, or areas subject to exclusive use easements, shall not count toward the calculation of, or be included in Designated Open Space. Excluded areas may be held in common and designated as common area, but shall be distinct from the Designated Open Space in terms of calculation and plan description.

**Permitted Uses** within the Designated Open Space may include:

- Passive recreation or leisure activities such as hiking, cross country skiing, picnicking
- Snowmobiling
- Wellhead protection
- Wildlife habitat protection, wildlife management
- Agriculture that is compatible with the residential use of the subdivision
- Logging
- Forest management in accordance with a plan prepared by a New Hampshire Licensed Forester consistent with the specific open space purposes benefits or functions.
- Hunting

**Prohibited Uses** within the Designated Open Space shall include:

- The erection of structures
- Further subdivision

- Motorized vehicles, except snowmobiles, and equipment used in conjunction with on-site forestry or agriculture
- Mining, excavation, filling
- Other activities that would diminish the open space benefits or function

**Designated Open Space Layout.** The Designated Open Space shall be arranged, to the extent feasible, to achieve larger contiguous blocks of open space.

**Access to Designated Open Spaces.** Practical and legal access to the Designated Open Space shall be provided to the owners within the subdivision, to designated steward(s) of the Open Space, and for other uses that may be anticipated, i.e., forestry, agriculture, public access, etc.

**Protection, Management and Ownership of Dedicated Open Space.  
Identification.**

Areas of the Designated Open Space shall be clearly identified on the subdivision plan including metes and bounds sufficient to create a legal description.

Boundaries shall be clearly marked prior to commencing construction. Boundary markers shall be maintained throughout the construction phase.

Boundaries shall be permanently marked in the field prior to recording the subdivision plan.

**Ownership.** Prior to the sale of any lots, the Designated Open Space shall be owned and managed by one or more of the following methods subject to Planning Board approval:

1. Common ownership by the owners of the lots or units within the subdivision with an association and with permanent deed restrictions or conservation easement;
2. Transfer with permanent deed restrictions or conservation easement, to a land trust or other recognized conservation organization;
3. Transfer with permanent deed restrictions or conservation easement, to the Town of Meredith.

A prominent note shall be indicated on the subdivision plan identifying land ownership and land stewardship responsibilities.

The Designated Open Space may not be conveyed in whole or in part, or encumbered by exclusive use easements, except as provided above. Designated Open Space shall not be used to meet any regulatory requirements other than for purposes of the conservation subdivision itself.

**Stewardship.** The purposes of the Designated Open Space specific to a proposed Conservation Subdivision shall be identified in a Declaration of Covenants and

Restrictions approved by the Planning Board. Management provisions, reservations, restrictions, etc., shall be consistent with the stated open space purposes.

The entity assuming responsibility for stewardship and management of the Designated Open Space shall be identified. The steward shall have the responsibility to perform regular inspections of the dedicated open space to confirm the status of compliance with the terms of the subdivision approval, covenants, restrictions and/or conservation easement. Frequency of inspections shall be not less than once per (3) years. The land steward shall report any non-compliance or violations to the owner(s) and the Town of Meredith.

**Enforcement.** The land steward and individual lot or unit owners shall have the legal authority and responsibility to enforce the open space related terms and provisions.

As provided for in RSA 674:21-a, the Designated Open Space which is part of the cluster development shall be deemed a conservation restriction as defined in RSA 477:45, I, which shall run with the land and shall be enforceable by the municipality or by the owner of any property which would be specially damaged by the violation of such restriction.

Designated open spaces and associated covenants and restrictions approved by the Planning Board as part of the subdivision approval shall be deemed conditions of subdivision approval and shall be enforceable by the municipality under RSA 676:17 and RSA 676: 4-a.

## **SECTION 7. INCENTIVE BONUSES**

The Planning Board, at its discretion, may award an additional number of lots or units based on the following:

1. To encourage the provision of public access, the Planning Board may award additional density bonus of 10%.
2. To encourage the dedication of open space in amounts substantially greater than the minimum requirements set forth in Section 6, the Planning Board may award additional density bonus of 10%.
3. To encourage the protection of ridgelines or hilltops within Critical Viewed Areas or from Highly Significant Viewpoints as described in the town's Visual Resource Inventory and Assessment, latest edition or update, the Planning Board may award additional density bonus of 10%.
4. In order to encourage the protection of High Value, Co-occurrence Areas as described in the town's Natural Resources Inventory, latest edition or update, the Planning Board may award additional density bonus of 10%.

Individual density bonuses shall be based on the baseline density resulting from the Yield Plan as determined by the Planning Board.

The minimum density bonus shall be one lot or unit.

Where the final number of additional units or lots awarded under this section is .5 or greater, the density number shall be rounded up to the next whole number.

In no event shall the total density bonuses awarded exceed 20%.

The award of any density bonus may only be given when the applicant has demonstrated exemplary design and consistency with the objectives of this ordinance for the preservation of valuable blocks of contiguous open space.

## **SECTION 8. LEGAL REQUIREMENTS**

Applicants shall provide copies of legal documents for Board review including proposed Declaration of Covenants and Restrictions, easements and specimen deeds/deed restrictions.

Said documents, where appropriate, shall note that no provision relating to the Designated Open Space shall be amended without prior Planning Board approval.

Said documents shall be recorded at the Registry of Deeds with the subdivision plan.

The conditions of subdivision approval, subdivision plan notes and legal documents for recording purposes shall be consistent with one another.

## **SECTION 9. PRELIMINARY DESIGN REVIEW**

The Planning Board is authorized to require Preliminary Design Review of all Conservation Subdivisions as provided for in 674:35, I and RSA 676:4 II (b). The purposes of Preliminary Design Review shall be to:

1. Review and finalize the Yield Plan, prepared in accordance with Section 5.
2. Review the applicant's inventory of existing on-site, and nearby natural and cultural resources (See Appendix A for reference).
3. Review of Preliminary Conservation Subdivision Plan including the layout and uses of open spaces, lot layout, lot setbacks, house sites, buffers and roads.
4. Determine whether any further ecological assessment and associated third party review is necessary.
5. Review of requested density bonuses, if any.
6. To provide direction to the applicant so that the applicant can make an informed decision whether to proceed with a Conservation Subdivision.

Applications for Preliminary Design Review of Conservation Subdivisions shall include an inventory of natural and cultural resources. The inventory shall include resources on-site and in the surrounding area. The inventory shall take the form of a completed, annotated Checklist of Natural, Cultural and Historical Features (See Appendix A for

reference) and other appropriate supporting information including photographs, maps etc.

Applications for Preliminary Design Review shall include an Existing and Proposed Conditions plan to enable the Planning Board to determine the extent to which the proposed Conservation Subdivision results in preservation of open space and other unique features.

## **SECTION 10. STANDARDS FOR APPROVAL**

In order to grant a Conditional Use Permit, the Planning Board shall make findings that each of the following criteria has been met to the satisfaction of the Planning Board.

1. The permit is consistent with the purposes of the ordinance; and
2. The Designated Open Space meets the quantitative and qualitative requirements of the ordinance; and
3. The proposed design does not unduly detract from the natural, cultural and historical features of the surrounding area. In making this finding the Planning Board shall consider the following:
  - A. Relevant information applicable to the surrounding area contained in the town's Master Plan, latest edition or update;
  - B. Relevant information contained in Purposes Statements of the applicable Zoning District;
  - C. Relevant information contained in the town's Natural Resources Inventory, \_ latest edition or update;
  - D. The Inventory of Natural, Cultural and Historic Features and appropriate supporting information submitted by the applicant;
  - E. An inspection of the site and surrounding area.

## **APPENDIX A.**

**CHECKLIST OF NATURAL, CULTURAL AND HISTORICAL FEATURES** (for inclusion in the Conservation Subdivision Design analysis)

**Tax Map/ Lot:**

**Street:**

**Zoning District:**

Applicants shall indicate whether these resources are present, not present or unknown. Applicant shall note whether resources present are on site, within the surrounding area or both.

- Surface water bodies
- Streams/upland buffers
- Wetlands/upland buffers
- Site location in a public water supply watershed, wellhead protection area

- Flood plains
- Slopes greater than 25% (high potential for erosion and sedimentation)
- Ridgelines and Hilltops located within designated Critical View Areas
- Designated Highly Significant View Points of Critical View Areas
- Proximity to High Value Co-occurrence Areas as described in the Natural Resource Inventory
- Woodlands (large and/or mature stands, unusual species, managed)
- Active agricultural land
- Designated Scenic Roads
- Existing recreation trails
- Stone walls
- Cellar holes
- Historic structures
- Cemeteries
- Adjacent or nearby conservation areas
- Street lighting
- Rare or endangered species as recorded by the NH Natural Heritage Program, or New Hampshire Fish and Game

