Town of New London

ZONING ORDINANCE

As adopted March 11, 1958
including subsequent amendments
to and including March 8, 2016

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NEW LONDON ZONING ORDINANCE
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ZONING ORDINANCE

ARTICLE I
PREAMBLE

In pursuance of the Laws of the State of New Hampshire (Title LXIV N.H. Statutes Annotated), in accordance with the intent of the most recently adopted New London Master Plan and Zoning Ordinance, the following Ordinance is enacted by the voters of the incorporated Town of New London.

Where a conflict exists between this Ordinance and the Statutes, the more restrictive standard shall prevail.

This Zoning Ordinance is constructed as a permissive Zoning Ordinance; if a Use is not specifically identified as a permitted Use or a Use permitted by Special Exception in a Zone District, then the Use is not permitted in that Zone District.

ARTICLE II
GENERAL PROVISIONS

The following provisions shall apply to all districts: Any Use that may be obnoxious or injurious by reason of production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibration or similar conditions including Junk yards, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community or lends to its disturbance or annoyance is prohibited.

1. Agriculture: Agricultural or Farm Uses shall comply with the following:

   a. All agricultural and farming activities shall be performed according to the Manual of Best Management Practices for Agriculture in New Hampshire developed by the New Hampshire Department of Agriculture, as amended.

   b. Agricultural or Farm Buildings, other than a dwelling, shall not be erected within 100 feet of a dwelling unit on a neighboring property.

   c. Roadside stands for sale of agricultural products shall be permitted without Site Plan Review if:

      1. They are erected at least 20 feet back from the nearest edge of roadway surface;
      2. They are used exclusively for the sale of agricultural products grown locally;
      3. Parking spaces are provided off the road right-of-way;
      4. Signs conform to provisions set forth in Section 10 of this Article.

   d. Nothing shall prohibit the keeping of up to six (6) adult dogs or any other domestic household pets, such as cats. However, kennels as a Commercial Use for the breeding, boarding, grooming and sale of cats and dogs must receive approval from the Zoning Board of Adjustment for a Special Exception and Site Plan Review approval from the Planning Board.

      The keeping of small animals, such as chickens, rabbits, etc., for personal use and enjoyment shall be permitted, if:

      1. There are no more than a total of 12 small animals of one type or combined; and
      2. The small animals are penned or otherwise restricted.

   e. Grazing, Care, Raising, or Keeping of Livestock

      1. Livestock shall include all horses, cattle, goats, pigs, sheep, alpacas, llamas, poultry, ostriches, emus, and similar animals other than permitted by section d. above for small animals. No livestock shall be kept on lots smaller than two (2.0) acres. The Table below establishes minimum area requirements for various livestock species. The minimum pasture and/or enclosure areas shall not include any areas within 100 feet of a Dwelling Unit on another lot.

      2. All livestock shall be kept confined within a pasture, an enclosure or a structure and shall not be permitted to roam free.

      3. Livestock shall be kept such that no nuisance results. Animal waste shall not be stored within one hundred (100) feet of any property line. Livestock must be kept within a secure enclosure which meets or exceeds the recommendations of the UNH Cooperative

Extension and all livestock must have shelter available that meets or exceeds the recommendations of the UNH Cooperative Extension both as reflected in the table below.

4. Pastures are areas suitable for grazing livestock which maintain forage cover throughout the grazing season. Pastures are permitted up to the property line. If a pasture is grazed below minimum standards recommended for the type of forage available, based on current industry standards, then the area no longer qualifies as a pasture. Livestock may be kept without any pasture areas, if a suitable enclosure area is available and sufficient feed is provided.

5. All Commercial Farms shall be subject to Site Plan Review by the Planning Board. The Planning Board may modify the minimum requirements and standards for pastures, enclosures, shelters, barns and other buildings associated with Commercial Farms, as it deems necessary to protect the health, safety and property values of neighboring land owners, and the welfare of the animals being raised and kept at the site.

6. All Animal Feel Operations (AFO's), as defined by the US Environmental Protection Agency, operated as a Commercial Farm, are only permitted by Special Exception.

7. All Concentrated Animal Feed Operations (CAFO's), as defined by the US Environmental Protection Agency, are prohibited.

MINIMUM PASTURE, ENCLOSURE & SHELTER REQUIREMENTS FOR LIVESTOCK

Livestock Type	Pasture	Outside Enclosure	Shelter
Horses	1 Animal/1.5 Acres	200 SF/Animal	Tie Stalls: 5' x 9' Box Stalls: 10' x 10' or 12' x 8'
Beef or Dairy Cows	1 Animal/1.5 Acres	150 SF/Animal	75 SF / Animal (3 sided)
Bison & Elk	1 Animal/1.5 Acres	500 SF/Animal	120 SF / Animal (3 sided)
Goats	4 Animals/1 Acre	50 SF/Animal	25 SF / Animal (4 sided)
Ostriches & Emus	6 Animals/1 Acre	100 SF/Animal	20 SF / Animal (4 sided)
Sheep, Deer, Alpacas & Llamas	4 Animals/1 Acre	50 SF/Animal	20 SF /Animal (3 sided)
Pigs	Not allowed to be pastured - No "Free Range" Pigs	200 SF/Animal	48 SF / Animal (3 sided) with exercise yard; 100 SF without exercise yard
Poultry	"Free Range" Poultry	NA	100 SF for 24 Hen Chickens, Ducks or Broilers, or 16 Turkeys
Other	As determined by ZBA	As determined by ZBA	As determined by ZBA

2. Excavation, Removal, and Filling of Lands

a. The Use of land for the excavation, removal, filling, or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, other than as provided in (b, c, and d) may be permitted by the Planning Board and under the supervision of the Board of Selectmen in accordance with a site plan submitted by the owner of the property concerned and approved by the Planning Board. The Planning Board may request that the Conservation Commission review the site plan and make recommendations.

i. The site plan shall be drawn at a scale of 1 inch equals 50 feet or less and shall show existing and proposed grades and topographic features and such other data as may be required by the Planning Board.

ii. A certificate may be issued by filing security acceptable to the Planning Board. The amount of the security shall be established by the Planning Board, and shall be filed with the Board of Selectmen, and will be sufficient to rehabilitate the property upon default of the operator of the excavating or filling operation, and to cover court costs and other reasonable expenses. At the discretion of the Planning Board, other types of security may be approved.

b. Filling or excavating land for the purpose of creating a buildable Lot requires approval by the Planning Board pursuant to Section (a) above, and a Building permit approved by the Board of Selectmen.

c. Exceptions: This regulation does not apply:

i. Where the excavation, removal, filling or depositing of materials listed in (a) does not exceed 250 cubic yards, provided that such excavation, removal, filling or depositing does not significantly Alter existing terrain or water courses.

ii. To the normal operation and maintenance of golf courses.

iii. To agricultural activities relating exclusively to the sale of agricultural products grown locally.

iv. When refurbishing or installing a septic system that has the approval of the Town Health Officer. Please note the fill provision in the Sanitary Protection section found in Article II, Paragraph 8.

v. To construction or alteration of a driveway, parking lot, or other way that has been approved by the Planning Board or Road Agent.

vi. Normal soil removal for Basement or foundation work when a Building permit has been previously issued, provided that soil placement upon removal does not significantly alter existing terrain or water courses, and provided that materials removed remain on the Building site. If more than 250 cubic yards will be removed from the site and deposited on another Lot of Record in New London or if more than 250 cubic yards of material will be removed from the site and from the Town of New London, such activity must be approved by the Planning Board, pursuant to Section (a) above. If such work has been started but is not completed within one year of approval, the Board of Selectmen may require that the fill be removed or the excavation filled and the cost assessed to the property.

d. Commercial Activity: Whenever any activity as listed in (a) and (c)(vi) shall be for commercial sale of such material, it shall be subject to the requirements of RSAs 72-B and 155-E, whenever applicable.

3. Dish Antennas: A Dish Antenna, not a part of a cable television system, located on the same Lot as a principal Use of the land (such as a residence) is to be permitted as an Accessory Use provided the following regulations intended to make such an antenna less obstructive are complied with:

   a. The antenna can only be used for private, noncommercial Use.

   b. All Dish Antennas in all Zone Districts shall be neutral in color and to the extent possible be compatible with the surrounding neighborhood in appearance and character. The Board may direct that a solid dish be Camouflaged with nonmetallic paint to preserve said character. Antennas on the shores of lakes and ponds shall be placed and Camouflaged so as to be as unobtrusive as possible.

   c. Any Dish Antenna larger than 3 feet in diameter and on a permanent base shall require a Building permit.

4. Fire: No owner or occupant of land in any district shall permit fire or other ruins to be left, but within one year shall remove or refill the same to clear ground level or shall repair, rebuild or replace the Structure.

5. Height Regulation: In all districts, Structures shall not exceed 35 feet in Height above Grade unless a Variance is approved by the Board of Adjustment except as noted to follow. Chimneys in or attached to Dwelling Units may exceed 35 feet in Height as necessary only to comply with state and federal fire codes requirements. The Board of Adjustment may grant a Special Exception for flagpoles, water Towers, chimneys, public utility Structures, and church steeples or radio Towers owned and operated by a federally-licensed amateur radio station operator in all districts. In the Agricultural and Rural Residential District and the Conservation District, the Board of Adjustment may grant a Special Exception for a silo or a windmill. In all districts, a radio Tower owned and operated by a federally-licensed amateur radio station operator up to and including 70 feet in Height is a permitted Use. In all districts, the Board of Adjustment may grant a Special Exception to allow a radio Tower owned and operated by a federally-licensed amateur radio station operator in excess of 70 feet in Height.

6. Parking and Loading: In all districts, if any proposed business and Use of property is such as to attract vehicles, adequate off-street space shall be provided to accommodate such vehicles. Refer to the requirements in the Site Plan Review Regulations.

7. Proposed Streets: After a line of a future Street is placed on the official map of the Town of New London, or on any Subdivision plot containing a R.O.W., Buildings shall be set back from such a line of such a R.O.W. as though they were Street lines.

8. Sanitary Protection

   a. No cesspool, septic tank or sewage disposal area shall be constructed or maintained less than 75 feet from the edge of a public water body; from a well; or from a dwelling other than that to which it is appurtenant.

As per Article XIII F.(1), no septic tank or leach field may be constructed or enlarged closer than 100 feet to any Wetland whenever excessively well-drained soils with rapid permeability are encountered, otherwise 75 feet shall govern.

b. No waste waters or sewage shall be permitted to run free into a public water body or be discharged in any way that may be offensive or detrimental to the health of others. All such waste shall be conveyed away underground through use of an accepted sanitary system or in such a way that it will not be offensive or detrimental to health.

c. If construction, alteration, or expansion of an Accessory Building on a property includes bathroom facilities and space that may be used as guest quarters, the Health Officer may require the design and, if the existing system is 20 years old or older, the construction of a new or modified sub-surface sewage disposal system that will support the potential loading at the site. If any bathroom facilities are installed in an Accessory Building, subsurface sewage disposal system modifications must be designed and approved by the NH Department of Environmental Services and installed at the site to provide for the disposal of effluent from the new bathroom facilities.

d. All sanitary systems shall be designed, constructed and maintained in accordance with standards set and enforced by the NH Department of Environmental Services.

9. Setback: In all zones the required setback shall apply to the extreme limits of the Building.

10. Sign Regulation

a. Sign Definition: Any combination of letters, numerals, lines, symbols, shapes or designs, in any medium, on any surface, intended to convey the identity of, or information about, any person, place, thing, product or service.

b. General Provisions

1. No Signs or lighting of Signs shall be placed in such a position as to endanger traffic on a Street or pedestrians on a sidewalk by interfering with motorist's vision by obscuring a clear view or by confusion with official Street signs or signals.

2. Property/Sign owners are encouraged to maintain their Signs in good condition and repair at all times.

3. Abandoned Signs shall be removed by the owner when the Use is discontinued for a minimum of one year, and in no case longer than 10 days after receiving written notice from the Board of Selectmen or its designee. If not removed, then the Board of Selectmen or its designee shall remove the Sign at the owner's expense.

4. Permanent Signs shall not be placed in the Street Right-of-Way. Temporary Signs as allowed by sections d. and f. may be located in the Right-of-Way and must be placed a minimum of 6 feet from the edge of the pavement or travel surface of the abutting Street. As a general rule of thumb, most Town roads have a Right-of-Way 50 feet wide or 25 feet each side of centerline.

5. One temporary Tree-mounted Sign is permitted per premise for Signs allowed by section d(2) and d(3) during the winter period (November 1-May 1) except along all primary and

secondary state highways where Tree mounted Signs are prohibited by RSA 236:75. Such Tree-mounted Signs must be replaced by a free standing or Building mounted Sign by May 1.

6. The size and Height of Signs shall be computed as follows:

   a. The size of a Sign shall be computed based on overall dimensions, including moldings, trim, decorations, etc., but excluding posts, brackets, or other installation devices.

   b. In computing the size of a Sign which consists of raised or painted letters, figures or other devices directly affixed to or painted on a permanent wall of a Building, only the area surrounding the raised or painted materials comprising such letters, figures or other devices shall be counted.

   c. Height of a Sign: The maximum Height permitted for a free standing Sign is 15 feet.

c. Sign Permit Process

1. A Sign Permit Application to Alter, erect or relocate a Sign is available from the Board of Selectmen's Office. This Sign Permit Application needs to be completed and then submitted to the Board of Selectmen's Office for approval prior to Altering, erecting or relocating a Sign.

2. The Board of Selectmen conducts a business meeting almost weekly. Sign Permit Applications submitted to the Board of Selectmen's Office will be placed on the next available Board of Selectmen's agenda for consideration.

3. Sign Permit Applications are approved by the Board of Selectmen if they find the proposed Sign conforms to the town's Sign regulations. Usually this determination can be made when first presented to the Board of Selectmen.

4. Signs in the Institutional District, Institutional/Recreational District, and Hospital Institutional District shall be approved by the Planning Board through the Site Plan Review Process.

d. Signs Not Requiring A Permit

1. Residential Signs such as those identifying the name of the owner, occupant, or Tree Farm with a maximum combined size of 4 square feet. Such Signs may be Tree-mounted on private property, as long as the Tree is not in the town Right-of-Way or state Right-of-Way.

2. One temporary on-premise Sign per site advertising the sale of property which is no larger than 4 square feet. Such Signs may include a maximum of two Riders, as defined in Article III Definitions. This Sign must be removed within 10 days after the closing/sale of the property. In addition, in Planned Unit Developments and Cluster Developments where the individual units are remote from the main road, a single sign (one sign for any and all units, <u>not</u> one sign for each individual unit) advertising that a unit in the development is for sale

or having an open house may be placed on the common land at the main entrance to the development, provided the above size requirements are complied with.

3. One temporary Sign no larger than 4 square feet advertising the building contractor, architect, painter, paving company or other company involved in the design and construction of the site is permitted on each individual lot or one such sign is permitted at the entrance to the Development, but not both. This Sign must be removed within 10 days of occupancy of the Building or completion of the project. If not removed, then the Board of Selectmen or its designee shall remove the Sign at the owner's expense.

4. Traffic and pedestrian control and safety Signs. Stipulations to include: no logo material or advertising of the business on the premises, the Signs must be on-premise and the Signs would be limited to a maximum of 3 square feet in size.

5. Signs indicating open, closed, sale or business hours. These Signs are not allowed to include any logo or advertising material, must be located on-premise and be limited to no more than one square foot in size.

6. Flags. They must be located on-premise, include no logo or advertising material and are limited to a maximum size of 16 square feet. The size limitation does not apply to national or state flags.

7. Signs regulating or defining access to private property which are under one square foot in size. This includes, for example, Signs such as those indicating whether or not someone could trespass, hunt, hike or snowmobile on private property.

8. Political Signs which comply with the size limitation of the underlying Zone District. These Signs must be removed within 10 days after the election. If not removed, then the Board of Selectmen or its designee shall remove the Sign at the owner's expense.

9. Window displays which do not have the name or logo of the business on the premise and which are temporary display advertising for products or services.

10. Signs warning of Hazards.

11. A Sign on the door of a Commercial Business identifying the business name and/or logo which is no larger than two square feet.

12. Signs for Temporary Events for Nonprofit Organizations

    a. One temporary on-premise Sign to be erected not more than 7 days prior to the event and removed within 24 hours after conclusion of the event. The size of the Sign is controlled by that allowed under the underlying Zone District for permanent Signs. Any type of Sign would be permitted including a sandwich board Sign, a banner, etc.

    b. Temporary off-site directional Signs are permitted for non-profit events that involve a Street tour over a circuitous route (such as bicycle tours, walkathons, garden tours, house tours, etc.) provided they are erected the day of the event and

are removed within 24 hours after conclusion of the event. Each temporary off-site directional Sign shall not exceed one (1) sq. ft. in size.

13. Sign for Temporary Yard Sale

a. One temporary on-premise Sign not exceeding 4 square feet in size to be placed not more than 24 hours prior to the opening of the sale and to be removed within 24 hours after conclusion of the sale.

e. Prohibited Signs

1. Off-site Signs, directional or Signs not on the premises to which they refer except as provided in Section 10.d.2 & 12(b).

2. Neon or tubular glass for outside display and flashing electric Signs.

3. Signs that move.

4. No permanent Signs shall be mounted on Trees, except as permitted in Section d(1). One Tree mounted temporary Sign is permitted as provided in Section 10. b. General Provisions, Sub-section 5.

5. Portable Signs.

6. Sandwich Board Signs: No commercial sandwich board Signs except as provided in Section 10. d. 12(a).

7. Signs extending above the deck line of a mansard roof or above the eave of a hip, gable, gambrel or other pitched roof Building.

8. Signs lit internally except for filling stations to advertise the brand of gas sold.

f. Signs Requiring A Permit: All Signs, except as provided in Sections d. and e. above, need a permit to Alter, erect or relocate a Sign.

1. Permanent Signs Requiring a Permit:

(a) Signs for commercial or Home Business Uses as long as the Sign complies with the underlying size and number regulations for that Zone District as stated in Section (g) below.

(b) Signs naming residential Developments/neighborhoods: One on-premise Sign located on the common land or on private property and not in the road Right-of-Way. The size is regulated by the underlying Zone District.

2. Temporary Signs Requiring a Permit: (Amended May 2014, to include this subsection (c) below.

   (a) Sign for Temporary Tent/Sidewalk Sale

      1) One temporary on-premise Sign not exceeding 4 square feet in size to be placed not more than 24 hours prior to the opening of the sale and to be removed within 24 hours after conclusion of the sale.

      2) Please refer to the temporary tent/sidewalk sales permit process in Article II, Section 14.b.

   (b) Sign for Temporary Auction

      1) One temporary on-premise Sign not exceeding 4 square feet in size to be placed not more than 24 hours prior to the opening of the sale and to be removed within 24 hours after conclusion of the sale.

      2) Please refer to the temporary auction permit process in Article II, Section 14. d.

   (c) Sign for Temporary Off-Site Seasonal- acknowledging contributions made by civic organizations.
      1) The number and location shall be approved by the Board of Selectmen.
      2) Each sign shall be a maximum of three (3) square feet.
      3) Language on the signs shall be non-commercial.

g. Size And Number Of Permanent Signs Permitted By Zone District: The following outlines the permanent Signs permitted by Zone District. The temporary Signs permitted by these regulations are in addition to the permanent Signs enumerated below.

1. Commercial District:

   (a) Individual commercial businesses occupying a single premise shall be permitted two advertising Signs and no more than one of the two permitted Signs shall be a free standing Sign. The maximum size of any one Sign shall be 15 square feet. Any one business is permitted two Signs.

   (b) When two or more commercial businesses occupy a single premise, each Commercial Use is permitted a total of two Signs. No more than one free standing Sign encompassing all of the commercial businesses on the single premise shall be permitted, no larger than 25 square feet in size. If a business shares a free standing Sign, then it is permitted one additional Building mounted Sign with a maximum size of 15 square feet. If the business does not use a free standing Sign, then it is permitted two Building mounted Signs with a maximum size of 15 square feet each.

2. Residential Districts including the Residential Districts (R-1 and R-2), the Agricultural & Rural Residential District (ARR), the Conservation District and for residential Uses in the Institutional District: Refer to Section d(1) for permanent Signs not requiring a permit. In

addition, commercial, institutional or Home Business Uses shall be permitted one free standing or Building mounted Sign with a maximum size of 4 square feet.

3. Institutional District, Institutional/Recreational District and Hospital Institutional District: Because of the size and unique needs of the institutional uses, the size, number and location of all permanent signage shall be subject to approval by the Planning Board through the Site Plan Review process. However, the maximum size of any one sign shall not exceed 15 square feet for any institutional use. Temporary event signage for these Zone Districts shall comply with Section d(12) above.

4. All Districts: Signs naming residential developments/neighborhoods: One on-premise Sign, with the size regulated by the underlying Zone District, which must be located on the common land or on private property and not in the road Right-of-Way.

h. Nonconforming Signs: See Article XX for provisions on Nonconforming Uses and Structures.

i. Enforcement & Penalties: Persons violating the Sign regulations may be fined up to $275 per day. See Article XXVII for provisions on enforcement and penalties.

11. Temporary Structures:

a. Any property owner or lessee may accommodate one Trailer of a non-paying guest for a period not exceeding 30 days in any one year.

b. The Board of Selectmen may approve the temporary Use of a Trailer, Manufactured Home, or Storage Container to be maintained as living quarters, office space, storage facilities or a workshop in connection with construction by a person or persons employed in adjoining construction work or for whom a residence is being built, or as an office, storeroom or shop in connection with construction work, provided that such Use is shown to be a temporary expedient and also that the Use will conform to the sanitary protection requirements, if applicable, listed under Section 8 of this Article. Temporary Structures used in conjunction with construction work shall be permitted only during the period the construction work is in progress. Permits for temporary Structures used in conjunction with construction projects shall be issued for a twelve-month period.

c. The Board of Selectmen may approve the temporary Use of a Storage Container in conjunction with Temporary Fundraising Events for Non-Profit Organizations (as permitted in Article II, Section 14, c, below) for the temporary storage of donated goods to be sold by auction, tag sale, yard sale or any other method. A permit for a Storage Container used for this purpose is allowed on property owned or leased by a Non-Profit Organization in all zone districts, shall be issued for a maximum of two separate two-month periods in any calendar year, and is subject to all other provisions of the Ordinance. A Temporary Event permit approved by the Board of Selectmen or their designee is required.

d. Residing in the Basement of foundation Structures before the completion of the total Structure may be permitted by the Board of Selectmen until construction is complete so long as the Building permit for the residence is kept active and has not expired.

e. The temporary use of Trailers or Storage Containers is limited to the provisions in a., and b. and c. above.

12. Manufactured Homes and Presite Built Housing: Manufactured Homes are allowed in all except the R-1 Residential, Institutional and Commercial Zones. The construction and use of this type of housing shall conform to the area and density requirements of the permitted zones. Presite Built Housing is permitted in all zones for the residential Uses allowed in those zones.

13. Water Recreation and Water Storage Facilities: Any facility for water recreation open to the public such as outdoor swimming pools, outdoor water-storage tanks, swimming clubs, commercial fishing ponds, or any water storage facility open to the public such as reservoirs, and fish hatcheries shall comply with the following requirements:

    a. The facility shall conform to the setback requirements.

    b. The facility shall be enclosed with a fence no less than 4 feet high to prevent uncontrolled access by small children.

    c. The facility, if operated to attract visitors, shall comply with the parking requirements established under Section 6 of this Article.

    d. The facility shall receive approval from the Planning Board for a Site Plan Review.

14. Temporary Ancillary Sales

    a. Temporary Yard Sales: The conduct of a temporary yard sale or garage sale offering private goods for the sale for purchase by the general public shall be permitted within the R-1 Residential District, the R-2 Residential District, the Agricultural and Rural Residential District, and the Conservation District or on property within the Commercial or Institutional Districts used primarily for residential purposes, provided all of the following conditions are met:

        1. Such sale is conducted for one period not to exceed two consecutive days in any one calendar year (Jan-Dec) by the property owner or occupant.

        2. Multi-Family yard sales at the residence of one of the participants are permitted, however, the individual(s) involved must be residents of the Town of New London; and, all goods sold at the yard sale must be the property of said resident(s). Goods that are the property of a business or produced for commercial sale are disallowed.

    b. Temporary Tent/Sidewalk Sales: Temporary tent/sidewalk sales conducted by established businesses in the Town of New London shall be allowed within the Commercial District without the benefit of Site Plan Review by the Planning Board, subject to the following conditions:

        1. Such sales shall be limited to the sale of the individual business's normal inventory, and shall not include sales items belonging to another business or individual.

        2. Such sales shall be limited to 6 such occasions in any one calendar year (Jan-Dec) not to exceed 4 consecutive complete working days including the setup and takedown.

        3. Applicants for temporary tent/sidewalk sales shall obtain a permit in compliance with paragraph f.

4. One temporary on-premise Sign not exceeding 4 square feet in size to be placed not more than 24 hours prior to the opening of the sale and to be removed within 24 hours after conclusion of the sale.

5. Exterior displays consisting of owner's merchandise are allowed so long as the display does not inhibit access to sidewalks or infringe on parking.

c. Temporary Fund Raising Events for Non-Profit Organizations: The conduct of such events involving either sale of goods or sale of services shall be allowed in all Zone Districts subject to the following conditions:

1. Each organization shall be required to obtain written permission/consent/approval from the individual property owner for Use of the property where the event is to be held.

2. Applicants for temporary fund raising events shall obtain a permit in compliance with paragraph f.

3. One temporary on-premise Sign is permitted. The size of the Sign would be controlled by that allowed by the underlying Zone District for permanent Signs. Any type of Sign is permitted including a sandwich board Sign, a banner etc. Any temporary Sign shall not be erected more than 7 days prior to the event and shall be removed within 24 hours after the conclusion of the event.

d. Temporary Auctions:

1. Temporary auctions are limited to the Residential or Institutional Districts and are held for the benefit of the individual homeowner and/or residents of New London and are limited to the possessions of the owner, occupant or residents of New London.

2. Temporary auctions in the Commercial District are limited to liquidation of the business's existing inventory.

3. Temporary auctions are limited to one period not to exceed two consecutive days in any one calendar year (Jan-Dec) including setup and takedown.

4. Applicants for temporary auctions shall obtain a permit in compliance with paragraph f.

5. Adequate parking shall be provided so as not to interfere with normal traffic flow.

6. Any Signs relating to the auction shall not be erected more than 24 hours prior to the event and shall be removed within 24 hours after the conclusion of the auction.

e. Temporary Events: Events such as grand openings, dedications, graduations and other similar activities shall be allowed in all Zones Districts subject to the conditions outlined below. Gatherings, parties and weddings at private residences are specifically excluded from this regulation and are permitted activities.

1. Events shall be permitted to run on consecutive days up to a maximum of 3 days.

2. Event parking shall be managed to preclude blocking emergency vehicle access on neighboring streets and driveways. The need for an event parking person will be determined by the Police Chief during the permit process and the applicant shall be responsible for all costs incurred. Adequate parking shall be provided so as not to interfere with normal traffic flow.

3. The event shall comply with the nuisance provision in the New London Zoning Ordinance.

4. The event organizer shall be required to obtain written permission/consent/approval from the individual property owner for the use of the property where the event is to be held.

5. Applicants for events shall obtain a permit in compliance with paragraph f.

6. One temporary on-premise sign is permitted the days(s) of the event only. The size of the Sign shall be controlled by that allowed by the underlying Zone District for permanent Signs.

f. Permits

1. Permits must be obtained from the Selectmen or their designated representative where application forms are available.

2. Approval must be obtained from the Police Chief regarding traffic flow and parking. Should the use of a police officer be required, the applicant shall be responsible for all costs incurred.

3. Approval must be obtained from the Fire Chief for gatherings of 50 or more people in a structure or in an enclosed tent for which there is no current permit of assembly. Should the use of a firefighter be required as a fire watch, the applicant shall be responsible for all costs incurred.

4. Any temporary Signs shall be in compliance with Article II, Paragraph 10. Signs, Subparagraph f.(2) or a temporary Sign no larger than the size permitted by the underlying zone district. A temporary Sign permit must be obtained from the Selectmen.

5. It is the responsibility of the business or organization to provide liability insurance.

15. Home Occupations/ Home Businesses

a. Intent and Purpose: It is the intent and purpose of these regulations to provide for opportunities for certain types of limited, Home Occupation or Home Business Uses within residential zone districts while providing safeguards for the residential Uses which are the principal Uses within the districts.

b. A Home Occupation that continuously meets the criteria listed below is a Use permitted by right and is not subject to the Site Plan Review process by the Planning Board. If a Home Occupation changes to a Home Business, then the Planning Board must determine, through the Site Plan Review process, that any proposed Home Business complies with the criteria outlined in section 2 below.

1. Home Occupation: An Accessory Use of a Dwelling Unit for a business Use which results in a product or service. It is an occupation which is carried on by a resident or residents who shall have their domicile in the Dwelling Unit and which is clearly subordinate to the residential Use of the Dwelling Unit. To qualify to be defined as a Home Occupation, an accessory business in the home must meet the following requirements, on an ongoing basis:

    a. Non-resident employees, including sub-contractors, are not permitted in association with a Home Occupation.

    b. No on-premise Sign advertising the business.

    c. No customer, client or employee traffic.

    d. No additional off-street parking provided.

    e. No more than two Company Vehicles may be parked outside at the site of a Home Occupation.

    f. A Home Occupation shall be conducted within the Dwelling Unit or in an enclosed accessory Structure.

    g. The area within the Structure(s) used by the Home Occupation shall not exceed 25% of the total finished floor area of the Dwelling Unit or a maximum of 750 square feet, whichever is less.

    h. A Home Occupation shall not be permitted out-of-doors on the property. There shall be no outside operations, storage, or display of materials or products on an on-going basis.

    i. A Home Occupation shall not involve the use and storage of Heavy Vehicles or Equipment used in the business such as back-hoes, graders, dump trucks, etc.

    j. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or by other method of communication and does not involve the shipment or delivery of merchandise from the premises.

    k. A Home Occupation shall conform to the nuisance provisions outlined in the first paragraph of Article II - General Provisions.

    l. No activity shall be allowed which would interfere with radio or television reception in the area.

    m. A Home Occupation shall be compatible with residential Uses.

    n. A Home Occupation shall not detract from the residential character of the neighborhood.

2. Home Business: An Accessory Use of a Dwelling Unit for a business Use which results in a product or service. It is a business which is carried on by a resident or residents who shall have their domicile in the Dwelling Unit and which is clearly subordinate to the residential

Use of the Dwelling Unit. The Planning Board must determine, through the Site Plan Review process, whether any proposed Home Business complies with the criteria outlined below. To qualify to be defined as a Home Business, an accessory business in the home must meet the following requirements, on an ongoing basis:

a. No more than two non-resident employees or subcontractors who use the site of the Home Business as their base of operations are permitted in association with the business. Non-resident employees or subcontractors who do not come and go from the site are permitted.

b. The number, type and size of Signs advertising the business shall be in conformance with the Sign regulations specified in Article II, Section 10.

c. A Home Business shall not generate customer or client traffic which is excessive for the road(s) providing access, and, as a guideline, the Home Business will generate no more than an average of 10 customer/client/delivery/service visits per day.

d. Adequate off-street parking shall be provided for a Home Business as determined by the Planning Board. As a guideline, a permissible Home Business should need no more than 3 parking spaces in excess of parking for the residential Use.

e. No more than three Company Vehicles may be parked outside at the site of the Home Business.

f. A Home Business shall be conducted within the Dwelling Unit or in an enclosed, accessory Structure.

g. The area within the Structure(s) used by a Home Business shall not exceed 35% of the total finished floor area of the Dwelling Unit or a maximum of 1,000 square feet, whichever is less. A Home Business Use, including either a new Home Business proposal or expansion of an existing Home Business, which does not comply with the area limitation of 35% of the total finished floor area of the Dwelling Unit or a maximum of 1,000 square feet, whichever is less, may apply to the Zoning Board of Adjustment for approval of a Use by Special Exception to permit a Home Business to occupy a maximum of 1,250 square feet or 35% of the total finished floor area of the Dwelling Unit whichever is less.

h. A Home Business shall not be permitted out-of-doors on the property. There shall be no outside operations, storage, or display of materials or products.

i. A Home Business shall not involve the use and storage of Heavy Vehicles or Equipment, as defined in Article III.

j. A Home Business shall conform to the nuisance provisions outlined in the first paragraph of Article II.

k. No activity shall be allowed which would interfere with radio or television reception in the area.

l. If a Home Business is the type in which classes are held or instruction is given, there shall be no more than 4 students or pupils at any one time.

m. A Home Business shall be compatible with residential Uses.

n. A Home Business shall not detract from the residential character of the neighborhood.

o. If there is a change of ownership of the property where a Home Business has been approved by the Planning Board and the new property owner proposes to continue the same Home Business, then the new property owner must conduct the Home Business in the same manner and under the same conditions as originally approved by the Planning Board or must reapply to the Planning Board for a new Site Plan Review approval.

p. If a Final Site Plan Review application for a Home Business is approved by the Planning Board, then the Home Business approval is limited to the application as submitted and approved. If the terms of the approval are exceeded, then the applicant must return to the Planning Board for approval of an amended Final Site Plan Review.

16. Private Swimming Pool: A private swimming pool, permitted as an Accessory Use in the Residential Districts, shall:

a. Conform to the setback requirements of the Zone District where it is located; and

b. Be enclosed by a fence no less than 4 feet high, constructed in accordance with the provisions of the New Hampshire Building Code (RSA 155:A), as amended to prevent uncontrolled access by small children.

17. Restoration, Reconstruction and/or Replacement of Conforming Structures: Nothing herein shall prevent the substantial restoration, reconstruction and/or replacement within three years of a conforming Building destroyed in whole or in part by fire or other natural disaster without Site Plan Review so long as this Use does not result in a new safety or health hazard.

18. Accessory Dwelling Units

a. Purpose: The purpose and intent of allowing Accessory Dwelling Units within single-Family homes in all residential districts is to provide the opportunity for the Development of small rental housing units. These units will help improve New London's inventory of affordable housing, without significantly altering the rural character of the community. In addition, it makes more efficient use of existing housing stock.

b. Authorization: Accessory Dwelling Units shall be allowed by right in all Zone Districts, subject to compliance with the provisions of this regulation, and the granting of a permit by the Board of Selectmen.

c. Requirements and Limitations:

1. Accessory Dwelling Units are intended to be secondary to a principal Single-Family Dwelling Unit. In granting a permit, the Board of Selectmen must find that the Accessory Dwelling Unit is developed in a manner which does not alter the character or appearance of the principal Dwelling Unit as a single-Family residence. Only one Accessory Dwelling Unit shall be allowed per principal Dwelling Unit and/or Lot.

2. There shall be no exterior modifications of the Structure that will alter its character or appearance as a single-Family residence. If any entrances or exits must be added to accommodate an Accessory Dwelling Unit, they shall be located to the side or rear of the Building.

3. An Accessory Dwelling Unit shall not be considered to be an additional Dwelling Unit for the purposes of determining minimum Lot size and density.

4. An Accessory Dwelling Unit shall have an area of no less than 300 square feet and no greater than 1,000 square feet. An Accessory Dwelling Unit shall occupy no more than 35% of the heated and finished floor area of the original Dwelling Unit, including the Accessory Dwelling Unit.

5. An Accessory Dwelling Unit shall be designed to allow for re-incorporation into the principal Dwelling Unit. Internal access to the principal Dwelling Unit shall be maintained or constructed.

6. One of the Dwelling Units on the property must be the domicile of the owner.

7. The original dwelling must be a minimum of 5 years old to be eligible for conversion to accommodate an Accessory Dwelling Unit.

8. There shall be no more than two Bedrooms in any Accessory Dwelling Unit.

9. Pursuant to RSA 485-A:38, prior to converting to or occupying an Accessory Dwelling Unit in a manner that would increase the load on a sewage disposal system, the owner of the Primary Dwelling Unit shall submit an application for approval of the sewage disposal system to the NH Department of Environmental Services ("DES") (See also Code of Administrative Rules Env-Ws 1000). As specified in RSA 485:A-38 and Env-Ws 1004.16, the application shall include either evidence that the existing system meets the state and local minimum standards for handling and treating the wastewater flows generated by the Structure, including the Accessory Dwelling Unit, or a design for a new system that meets these standards.

10. Adequate off-street parking, based on the number of Bedrooms in both Dwelling Units, shall be provided in accordance with the provisions of Appendix A of the Site Plan Review Regulations.

d. Existing Nonconforming Accessory Dwelling Units: To be considered a Nonconforming Use, an Accessory Dwelling Unit must have been constructed or installed prior to March 1958, or before whatever date the density in a Zone District in question changed to make a legal two-Family Use Nonconforming.

e. Existing Illegal Accessory Dwelling Units: Accessory Dwelling Units constructed after March 1958 shall apply to the Board of Selectmen for a determination of compliance with Article II, Section 18. Applications shall be accompanied by the filing fee, plans and other documentation required by the Board. The Board will then determine one of the following:

1. A determination of compliance with Article II, Section 18 and approval, subject to inspection by the Board of Selectmen or its agent;

2. A conditional determination of compliance with Article II, Section 18 and a description of the corrective changes needed to bring the Accessory Dwelling Unit into compliance. The required changes shall be completed within 90 days of the date of the determination of conditional compliance. Upon successful completion of the required changes, the Board of Selectmen or its agent will inspect the unit for compliance; or

3. A determination that a zoning violation exists. In this instance, remedies include: discontinuing the Use, referral to the Zoning Board of Adjustment for approval of a Variance application, or enforcement action by the Board of Selectmen as provided in Article XXVII Enforcement.

ARTICLE III
DEFINITIONS

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

- The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- 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 words used or occupied include the words intended, designed, or arranged to be used or occupied.
- The word "Lot" includes the words plot or parcel.

1. Abutter: Any person whose property adjoins, is directly across the Street or Stream, or is within 200 feet of the land under consideration by the Planning Board or Zoning Board of Adjustment including any person whose property meets these criteria and is located in a neighboring municipality. For the purposes of receiving testimony only and not for the purpose of notification, the term Abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land Use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term Abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.
2. Accessory Building: A Building subordinate to the main Building on the Lot and used for purposes customarily incidental to those of the main Building.
3. Accessory Dwelling Unit: A secondary Dwelling Unit attached to, incorporated into and subordinate to the primary Dwelling Unit with a common roof and common wall or common ceiling/floor, in accordance with the provisions of this section. Detached Accessory Dwelling Units are not allowed.
4. Accessory Use: A Use incidental to, and on the same Lot as, a principal Use. For clarification, in residential districts, private recreational facilities, such as a tennis court or swimming pool, are Accessory Uses.
5. Accessory Use of Structure: A Use of Structure on the same Lot with, and of nature customarily incidental and subordinate to, the principal Use or Structure.
6. Administrator: The third party responsible for administering, monitoring and enforcing the provisions of the Workforce Housing Overlay District for Workforce Housing projects approved under that article. Acceptable third parties include a local, state or federal housing authority or other non-profit housing trust or agency. The Administrator must be approved by the Planning Board, but secured and paid for by the developer.
7. Affordable: Housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30% of a household's gross annual income.
8. Agriculture: See "Farm."
9. Alter: Any change or alteration in the footprint or external dimensions of a Building or Structure, including the number and location of windows and doors; any rearrangement of rooms in a Structure; the improvement of or conversion of any room to a Bedroom, bathroom or kitchen; the addition of a chimney,

fireplace, or foundation; and any change in the type of siding material or roofing material used on the Structure. For the purposes of this definition, maintenance and repairs to a Structure that result in a functionally equivalent Building using similar materials are not included in the definition of Alter.

10. Alternative Tower Structure: Innovative siting techniques that shall mean man-made trees, clock towers, bell steeples, light poles, and similar alternative-design Mounting Structures that camouflage or conceal the presence of antennas or Towers.

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

12. Apartment House: A multi-Family dwelling for 3 or more families, living independently of each other, each in a separate Dwelling Unit.

13. Area of Special Flood Hazard: This is the land in the Floodplain within the Town of New London subject to a one percent or greater possibility of Flooding in any given year. The area is designated on the FIRM as Zones A and AE.

14. Atmospheric Pollution: Discharging from stacks, chimneys, exhausts, vents, ducts, openings, Buildings, Structures, premises, open fires, portable boilers, vehicles, processes, or any source of any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid, or gaseous matter, or any other materials in such place, manner or concentration as to cause injury, detriment, nuisance, or annoyance to the public, or to endanger the health, comfort, repose, safety or welfare of the public, or in such a manner as to cause or have a natural tendency to cause injury or damage to business or property.

15. 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 or servicing such motor vehicles. A service station is not a rental agency for autos, trucks, or Trailers.

16. Average Tree Canopy Height: An average Height found by inventorying the Height at above ground level (AGL) of the five tallest trees within a 150 foot radius of the proposed facility site.

17. Base Flood: The Flood having a one percent possibility of being equaled or exceeded in a given year.

18. Basement: Any area of a Building having its floor subgrade on all sides.

19. Beach: The sloping shores of water bodies consisting of sand, gravel and cobble extending from low water to the upland.

20. Bed & Breakfast: A Dwelling Unit that contains no more than 8 guest rooms where short-term lodging with a morning meal for guests only is provided for compensation. The operator of the Bed & Breakfast, whether or not the owner, shall live on the property.

21. Bedroom: A private room intended for sleeping purposes that is separated from other rooms by a permanent door and is accessible to a bathroom without crossing another Bedroom. A Bedroom has one or more windows and closets.

22. Board: The Planning Board of the Town of New London.

23. Boathouse: An enclosed or partially enclosed accessory structure located in or over a body of water or located over a dredged inlet and designed for the use and storage of private watercraft and/or marine-related equipment. (Amended May 2014)

24. Bog: A Wetland distinguished by stunted evergreen Trees and Shrubs, peat deposits, poor drainage, and/or highly acidic soil and/or water conditions.

25. Building: Any Structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

26. Building Envelope: The portion of a Lot remaining after deleting undevelopable areas including Wetlands & Wetland buffers, lakes, ponds & their buffers, steep slopes and any applicable setback requirements and may be restricted further for new Lots in the Shore Land Overlay District to protect the water resources.

27. Building Inspector: The Board of Selectmen or that person whom the Board shall designate.

28. Building Maintenance: Work on an existing structure that is intended to preserve the building in its current configuration in order to retain its value and practical viability. Building Maintenance may include re-roofing or re-siding, repair or replacement in-kind of decaying structural members, adding insulation or insulated glass (provided there is no alteration of existing door and window openings), painting and/or replacement of interior and exterior finished surfaces, re-flooring, modernization of plumbing and utility services to meet current standards.

29. Camouflaged: Telecommunications Facilities that are disguised, hidden, part of an existing or proposed Structure, or placed within an existing or proposed Structure.

30. Cluster Development: A Subdivision for single and two Family residential dwellings which permits the housing units to be clustered on a portion of the entire parcel on the condition that the remaining land in the tract is reserved for Open Space, the future Development or Subdivision of which is prohibited. The number of permitted units is to be determined by the density permitted in the underlying Zone District.

31. Co-location: The Use of a single Tower on the ground by more than one carrier (vertical Co-location) or the same carrier with multiple licenses, and/or the use of several Towers on an existing Building or Structure by more than one carrier or the same carrier with multiple licenses.

32. Commercial Farm: Farms used for the breeding, raising, selling, or distribution of livestock and/or livestock products and by-products, or for the growing, distribution and sale of plant-based products. Hobby and subsistence farms whose products are intended primarily for consumption by the owner/tenant, with only the occasional sale of surplus animals or produce, are not considered a Commercial Farm.

33. Commercial Use: A land Use classification that permits facilities for the buying, renting, leasing and selling of commodities and services. Legal Accessory Uses to residential Uses, including Home Occupations and Home Businesses, are excluded from the definition of Commercial Use.

34. Company Vehicle: Any motor vehicle used primarily for Home Business purposes, except any Heavy Vehicle or Equipment as defined herein which is not permitted as part of a Home Business.

35. Conditional Use Permit: A permit for a use administered by the Planning Board based on the criteria outlined in the ordinance.

36. Country Club: A social or recreational facility, including any structures thereon, that shall include a course for playing golf under the rules of the United States Golf Association and which consists of at least nine (9) holes, each of which has a separate tee, fairway and greens, and may include practice areas, tennis, fitness and swim facilities, dining and function facilities, and other Accessory Uses.

37. Development: Any man-made change to improved or unimproved real estate, including but not limited to, Buildings or other Structures, mining, dredging, filling, grading, paving, excavation, or drilling operation, or storage of equipment of materials.

38. Dish Antenna: Such an antenna is a satellite station of dish-shaped Structure designed to receive television broadcasts relayed by microwave signals from earth orbiting communications satellites.

39. Drive-in Restaurant or Refreshment Stand: Any place or premise used for sale, dispensing or servicing food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

40. Dwelling, Single-Family: A detached residential Dwelling Unit designed for and occupied by one Family only.

41. 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.

42. Dwelling, Two-Family: A detached residential Building containing two Dwelling Units, with a common roof and common wall or common ceiling/floor designed for occupancy by not more than two families.

43. Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or Dwelling Units which may be in the same Structure. For the purpose of this definition, an independent housekeeping establishment includes the following minimum attributes: space devoted to kitchen facilities for the storage, preparation and consumption of food (including counters, cabinets, appliances, and a sink for washing dishes), space for one or more Bedrooms for sleeping, and a bathroom with a tub and/or shower. (A bar equipped with a bar-sink and an under-the-counter refrigerator shall not constitute kitchen facilities.)

44. Environmental Assessment (EA): A document required by the Federal Communications Commission and the National Environmental Policy Act when Telecommunications Facilities are placed in certain designated areas.

45. Equipment: Includes backhoes, bucket loaders, excavators, skid-steers, bulldozers, graders, self-propelled compaction devices, cranes, booms, scrapers and pans used in site preparation and road construction, as well as skidders, shears, whole-Tree chippers, firewood processors and portable sawmills used in logging operations. Farm or agricultural implements are excluded from this definition.

46. Equipment Shelter: An enclosed Structure, cabinet, shed, vault, or box near the base of the Tower within which is housed equipment for Telecommunications Facilities such as batteries and electrical equipment. Equipment Shelters are sometimes referred to as base transceiver stations.

47. Erosion and Sediment Control Plan: A plan to manage stormwater that adequately controls erosion and sedimentation. The plan needs to be developed using a combination of structural, non-structural, and vegetative Best Management Practices (BMPs) to adequately control erosion and sedimentation. The plan shall consist of a narrative, a plan map, and the design calculations, drawings, and specifications. Erosion and Sediment Control Plans shall be designed in accordance with the Best Management Practices (BMPs) for Stormwater Management and Sediment and Erosion Control as specified in the *Stormwater Management and Sediment and Erosion Control Handbook for Urban and Developing Areas in New Hampshire*, August 1992 prepared by the Rockingham County Conservation District.

48. Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, Street signs, and similar equipment and accessories in connection

there-with, but not including Buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

49. Family: One or more persons occupying a single Dwelling Unit, provided that unless all persons are related by blood, marriage, civil union, adoption or guardianship, no such family shall contain more than five (5) persons. In determining the maximum number of persons allowed, children (under the age 18) of any of the residents shall not be counted. For the purpose of this Ordinance, the term "family" and the term "household" shall be synonymous and interchangeable. (Old definition deleted and replaced with this new definition, amended May 2015).

50. Farm: The word "Farm" means any land, Buildings, or Structures on or in which agriculture and farming activities are carried out or conducted. See RSA 21:34-a for a complete definition of the term "Farm."

51. Farm Buildings: All temporary or permanent Buildings, barns or other Structures used to house, feed, store or process commercially raised Farm animals or livestock, including any product or by-product of such activity.

52. FAA: An acronym that shall mean the Federal Aviation Administration.

53. FCC: An acronym that shall mean the Federal Communications Commission.

54. FEMA: An acronym that shall mean the Federal Emergency Management Agency.

55. Flood or Flooding: A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

56. Flood Insurance Study: An examination, evaluation, and determination of Flood hazards and if appropriate, corresponding Water Surface Elevations, or an examination and determination of mud slide or Flood-related erosion hazards.

57. Flood Insurance Rate Map (FIRM): An official map incorporated with this Ordinance, on which FEMA has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the Town of New London.

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

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

60. Floodway: See Regulatory Floodway.

61. Forestry: The operation of timber tracts, Tree Farms, forest nurseries and the gathering of forest products.

62. Fresnel Zone: The Envelope around a line-of-sight radio signal which should be free of interfering objects, such as branches, to minimize interference with a radio signal.

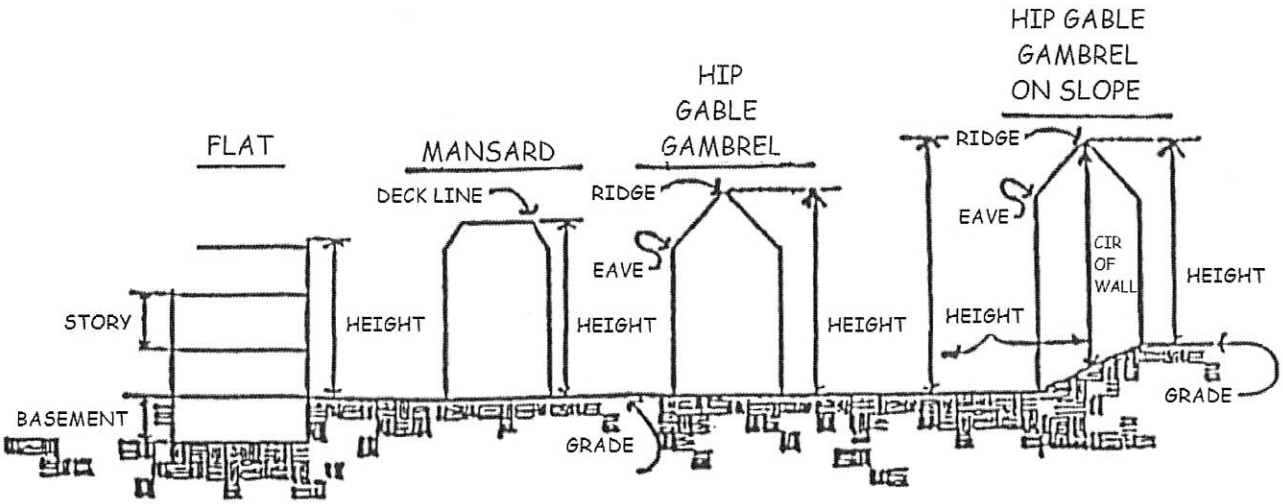
63. Front Yard: A space extending the full width of the Lot and lying between the nearest part of the Structure and the Lot Line bordering the nearest Right-of-Way. Front Yard depth shall be measured at right angles to the Lot Line bordering on the nearest Right-of-Way.

64. Frontage: The length of the Lot Line bordering on the public or private Right-of-Way. For clarification, Frontage as used here refers to road Frontage; lake or Shore Frontage is not considered Frontage under this definition. The orientation of the house has no bearing on the determination of Frontage.

65. Grade: The average of the finished ground level of all walls of a Building, as shown below.

66. Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive Use, including Basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

67. Guyed Tower: Any Tower that is secured to the ground or other surface by diagonal cables for lateral support.



68. Heavy Vehicle: Any vehicle having more than two axles.

69. Height: The distance measured above Grade to the top of the Structure, as shown below. When referring to a Tower, the Height shall be measured to the highest point on the Tower, even if said highest point is an antenna.

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

71. Historic Structure: Any Structure that is:

    a. Listed individually in the National Register of Historic Places 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 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 by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states with approved programs.

72. Historical Village: Historic Buildings or replicas of historic Buildings grouped together for the purpose of preserving the historical heritage of the community for future generations and educating people on the historical heritage of the community which is owned and operated by a private nonprofit organization. Fund raising activities such as wedding receptions and barbecues as well as art festivals and crafts demonstrations shall be permitted as Accessory Uses.

73. Home Produce: Includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on the property of the resident, also such articles as are manufactured or altered by members of the household of the bona fide resident of any property.

74. 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 the Development for the construction or improvement of capital facilities owned or operated by the municipality, 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; municipal office facilities; Public School facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public Recreation Facilities, not including public Open Space.

75. Impervious Surface: Any modified surface that cannot absorb or infiltrate water. Examples of Impervious Surfaces include, but are not limited to, roofs, decks, patios, and paved, gravel or crushed stone driveways, parking areas and walkways. Pervious Surfaces such as pervious asphalt, porous concrete, landscape pavers and similar technologies that are designed to absorb and infiltrate water are not Impervious Surfaces for the purposes of this definition.

76. Inn: A commercial facility for the housing and feeding of transients. Typically the food services are available to the general public and not limited to the transients housed at the Inn.

77. Junk: Any old metals, old bottles, or other solid textile mill waste, unfinished cloth, or other textile mill yarns, old paper products, two or more unregistered motor vehicles which are unfit for use on highways, used parts and material of motor vehicles, and other secondhand or waste articles, the accumulation of which is detrimental or injurious to the neighborhood.

78. Lattice Tower: A type of Tower with multiple legs and structural cross-bracing between the legs that may be self-supporting and freestanding or may be guyed.

79. Legal Nonconforming Building or Structure: A Legal Nonconforming Building or Structure is a Building or Structure which, in whole or in part, does not conform to the regulations of the district in which the Building or Structure is located, but existed as a Legal Building or Structure prior to the adoption of the regulation(s) that now make the Building or Structure Nonconforming.

80. Legal Nonconforming Lot: A Legal Nonconforming Lot is a Lot which, in whole or in part, does not conform to the regulations of the district in which the lot is located, but existed as a legal Lot prior to the adoption of the regulation(s) that now make the Lot Nonconforming.

81. Legal Nonconforming Use: A Legal Nonconforming Use is a Use of any Building, Structure, or land, which does not conform to the Use regulations of the Zone District in which such Use exists, but existed as a legal Use prior to the adoption of the regulation(s) that now make the Use Nonconforming.

82. Livestock: Livestock shall include all horses, cattle, goats, pigs, sheep, llamas, poultry, ostriches, emus, and similar animals other than small animals permitted in ARTICLE II.

83. Lodging House: A Building in which the rooms are rented with or without meals to 3 or more but not exceeding 16 persons. A boarding house or a rooming house or a furnished room shall be deemed a Lodging House.

84. Lot: A Lot is a parcel of land which is a single Lot of Record occupied or to be occupied by only one main Building and the Accessory Building or Uses customarily incidental to it. A Lot shall be of sufficient size to meet minimum zoning requirements for Use, coverage, and area, and to provide such yards and other Open Spaces as are herein required. Such Lot shall have Frontage on a public Street, or on an approved private Street.

85. Lot Line: A line dividing one Lot from another.

86. Lot Measurements: Depth of a Lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side Lot Lines in front and the rearmost points of the side Lot Lines in the rear. Width of a Lot shall be considered to be the distance between straight lines connecting front and rear Lot Lines at each side of the Lot, measured across the rear of the required Front Yard, provided however that width between side Lot Lines at their foremost points (where they intersect with the Street line) shall not be less than 80 percent of the required Lot width except in the case of Lots on the turning circle of cul-de-sac, where the 80 percent requirement shall not apply.

87. Lot of Record: A Lot which is part of a Subdivision recorded in the office of the Merrimack County Registry of Deeds, or a Lot of parcel described by metes and bounds, the description of which has been so recorded.

88. Lowest Floor: The Lowest Floor of the lowest enclosed area (including Basement). An unfinished or Flood resistant enclosure, usable solely for parking of vehicles, Building access or storage, in an area other than a Basement area, is not considered a Building's Lowest Floor, provided that such enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements of this Ordinance.

89. Manufactured Home: Any Structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision. A manufactured home as defined in this section shall not include Presite Built Housing, Travel Trailers or Recreational Vehicles.

90. Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of and divided into two or more manufactured home lots for rent or sale.

91. Marsh: A Wetland:

    a. That is distinguished by the absence of Trees and Shrubs;
    b. Dominated by soft-stemmed herbaceous plants such as grasses, reeds, and sedges; and
    c. Where the water table is at or above the surface throughout the year, but can fluctuate seasonally.

92. Mast: A thin pole that resembles a Street light standard or a telephone pole. A dual-polarized antenna is typically deployed on a Mast.

93. Mean Sea Level: The National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood elevations shown on a community's Flood Insurance Rate Map are referenced.

94. Meteorological Tower: Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, Meteorological Towers shall refer only to those whose purpose is to analyze the environmental factors needed to assess the potential to install, construct or erect a Small Wind Energy System.

95. Mixed Use: The development of two or more uses permitted within the Zone District in the same building or on the same property.

96. Modification: Any change to the Small Wind Energy System that materially alters the size, type or location of the Small Wind Energy System. Like-kind replacements shall not be construed to be a Modification.

97. Monopole: A thicker type of Tower than a Mast that is self-supporting with a single shaft of wood, steel or concrete or other material and that is designed for the placement of antennas and arrays along the shaft.

98. Mount: The Structure or surface upon which antennas are mounted, including the following types of Mounts:

    a. Roof-mounted: mounted on the roof of a Building.
    b. Side-mounted: mounted on the side of a Building.
    c. Ground-mounted: mounted on the ground.
    d. Structure-mounted: mounted on a Structure other than a Building.

99. Multi-Family Housing: For the purpose of Workforce Housing developments, means a building or structure containing 5 or more Dwelling Units, each designed for occupancy by an individual household.

100. Natural Ground Cover: Any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. Natural Ground Cover shall also include naturally occurring leaf or needle litter (duff), stumps, decaying woody debris, stones, and boulders. Natural ground cover shall not include lawns, invasive species as listed by NH Department of Agriculture, Markets and Food in accordance with RSA 430:53, III, exotic species as designated by rule of the NH Department of Environmental Services in accordance with RSA 487:24, VII, imported organic stone mulches or other artificial materials.

101. Natural Woodland Buffer: A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth that lies within 150 feet of the Reference Line measured horizontally and at right angles to the Reference Line.

102. Net Metering: The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's Small Wind Energy System that is fed back into the electric distribution system over a billing period.

103. New Construction: 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.

104. Nonconforming Building or Structure: A Nonconforming Building or Structure is a Building or Structure which, in whole or in part, does not conform to the regulations of the district in which the Building or Structure is located.

105. Nonconforming Use: A Nonconforming Use is a Use of any Building, Structure, or land, which does not conform to the Use regulations of the Zone District in which such Use exists.

106. Normal High Water: The limit of flowage rights in a regulated water body. For lakes where dams are owned by the New Hampshire Water Resources Board, information on the level of flowage rights is available from the Board. On Lake Sunapee the Normal High Water is defined as elevation 1094.15 feet above sea level according to U.S.G.S. data or 11.5 feet on the gauge at the dam in Sunapee Harbor. On Pleasant Lake the Normal High Water is defined as 804 feet above sea level according to U.S.G.S. data. In an unregulated water body, Normal High Water is the high water level experienced in an average year.

107. One Hundred Year Flood (100 Year Flood): See Base Flood.

108. Open Space: Land which is un-built upon except for Buildings and improvements necessary and appropriate for accessory recreational Uses. Open Space excludes land under principal and non-recreational Accessory Buildings, sidewalks, driveways, parking areas, and Streets.

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

110. Outdoor, Active Recreation Uses: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed outdoor places, sites, or fields. Outdoor, Active Recreation Uses include, by way of example, baseball, softball, soccer and other field sports; outdoor track; tennis and other outdoor court games; golf; outdoor basketball courts; trails for hiking, biking, cross-country skiing and equestrian Uses; and outdoor equestrian facilities.

111. Outdoor, Passive Recreation Uses: Outdoor activities that involve relatively inactive or less energetic activities, such as walking, bird watching and picnicking.

112. Overlay District: An area which is subject to special, additional regulations to protect a natural resource. An Overlay District is superimposed over the underlying Use district(s). The special regulations of an Overlay District are in addition to the regulations of the underlying Use district(s). Uses permitted in the underlying Use district may be prohibited or require a Special Exception subject to conditions of the Overlay District. In case of conflict between the Overlay District and the underlying Use district, the more restrictive shall apply.

113. Owner-Occupied Housing: Any Dwelling Unit intended to be conveyed in fee simple, condominium or equity-sharing arrangement such as a community housing land trust and limited equity cooperatives.

114. Parking and Loading Space, Off-Street: An off-street parking space shall consist of a space adequate for parking a vehicle together with properly related access to public Street or alley and maneuvering room. Required off-street parking areas for three or more vehicles shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public Street, walk, or alley, and so that any vehicle may be parked and un-parked without moving another. Off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the town. A buffer zone of 5 feet in width shall be required between the Street right-of-way, and the edge of the on-site parking areas.

115. Planned Unit Development: A Subdivision for any type or mix of residential Uses including single Family, two Family, and multi-Family dwellings and Commercial Uses if allowed by the underlying Zone District which permits the Uses to be clustered on a portion of the entire parcel on the condition that the remaining

land in the tract is reserved for Open Space, the future Development or Subdivision of which is prohibited. The number of permitted units is to be determined by the density permitted in the underlying Zone District.

116. Plat: The final plan on which the subdivider's plan of Subdivision is presented to the New London Planning Board for approval and which, if approved and signed, will be submitted to the Registry of Deeds of Merrimack County for recording.

117. Power Grid: The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

118. Preexisting Towers and Antennas: Any Tower or antenna lawfully constructed or permitted prior to the adoption of this Ordinance. Shall also mean any Tower or antenna lawfully constructed in accordance with this Ordinance that predates an application currently before the Board.

119. Presite Built Housing: Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. Pre-site built housing shall not include manufactured housing as defined in RSA 674:31.

120. Private, Nonprofit Organization: Any organization which has been recognized by the United State Internal Revenue Service as tax exempt under Section 501(c)(3) of the Internal Revenue Code as amended.

121. Public Body of Water: Shall consist of Lake Sunapee, Little Lake Sunapee, Pleasant Lake, Otter Pond, Messer Pond, Goose Hole Pond, Murray Pond and Clark Pond.

122. Public Buildings: Any Building owned and/or occupied by a governmental agency (i.e., national, state, county, municipal or a department thereof).

123. Rear Yard: A space extending across the full width of the Lot and lying between the rear Lot Line and the nearest part of the Structure.

124. Reasonable and Realistic Opportunities for the Development of Workforce Housing: Opportunities to develop economically viable Workforce Housing within the framework of a town's ordinances and regulations adopted pursuant to this chapter and consistent with RSA 672:1, III-e. The collective impact of all such ordinances and regulations on a proposal for the development of Workforce Housing shall be considered in determining whether opportunities for the development of Workforce Housing are reasonable and realistic. If the ordinances and regulations of a town make feasible the development of sufficient Workforce Housing to satisfy the town's obligation under RSA 674:59, and such development is not unduly inhibited by natural features, the town shall not be in violation of its obligation under RSA 674:59 by virtue of economic conditions beyond the control of the town that affect the economic viability of Workforce Housing development.

125. Record Lot: Land designated as a separate and distinct parcel in a legally recorded deed and plan filed in the records of Merrimack County, New Hampshire.

126. Recreation Facilities: An area and appurtenances designed for the purpose of leisure time activities such as:

a. Publicly owned recreational facilities: town, county or state areas, ponds and lakes; also forest areas where timber is privately owned, but which are open to the public through permanent easement.
b. Privately owned tax exempt recreational facilities that are available to the public: example: civic organizations that have a tax exempt status such as the New London Outing Club.
c. Privately owned, noncommercial recreational facilities that are not generally available to the public (example: veterans' organizations).

d. Commercial recreational facilities that may or may not be available to the public (examples: Lake Sunapee Country Club and Slope 'n Shore Club).

127. Recreational Vehicle: 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.

128. Reference Line: (a) For natural fresh water bodies without artificial impoundments, the natural mean high water level as determined by the NH Department of Environmental Services. (b) For artificially impounded water bodies with established flowage rights, and for water bodies without established flowage rights, the waterline at full pond as determined by the elevation of the spillway crest.

129. Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the Water Surface Elevation more than a designated height.

130. Rental Housing: Any Dwelling Unit intended to be leased.

131. Retirement Care Community (RCC). A RCC is defined as an age restricted development that shall provide appropriate amenities, appropriate health care facilities, meeting rooms, recreational facilities, common dining facilities, and other amenities for the residents of the development, and is designed to provide housing for persons age 55 or older, with a mix of different types of housing units and housing arrangements, which may include single family attached, single family detached, two-unit or multi-unit housing structures or other living arrangements to accommodate the needs of the residents of the retirement community. A Retirement Care Community may include and consist of assisted living facilities, continuing care retirement communities, nursing homes and or congregate care facilities. (New definition added May 2014).

132. Riders: Separate Signs added to real estate advertising Signs indicating information regarding the selling agent, the property, or the status of the sale. Riders shall be limited to a size of one square foot.

133. Right-of-Way: Includes all town, state and federal highways, and rights-of-way public or private and the land on either side of same as covered by Statutes to determine the widths of the right-of-way. In addition, private rights-of-way that serve three or more properties whose dimensions and location are not defined by deed, plan or metes and bounds, shall be considered 40 feet wide for the purposes of establishing a bound for measuring front yards and corner yards. In these instances, front yard and corner yard depth shall be measured at right angles to the lot line bordering this Right-of-Way beginning at a point 20 feet from the centerline of the existing private Street, excluding driveways, within the private Right-of-Way. The front and corner yard measurement shall be the depth required by the underlying zone district. The terms of this definition shall not apply to common driveways serving only two properties.

134. Sapling: Any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than six inches at a point 4½ feet above the ground.

135. Schools, Public or Private: Schools not operated for profit whose principal purpose and activity consist of general education instruction similar to approved curricula prescribed by the State Board of Education for the Elementary and Secondary schools of the State of New Hampshire; kindergartens, nursery schools.

136. Seasonal Use: A use carried on for only part of the year or for one or more season(s) of the year, such as swimming in the summer, skiing in the winter, or residing in a condominium during the summer or winter seasons.

137. Shadow Flicker: The visible flicker effect when rotating blades of the Wind Generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

138. Shore Frontage: The actual shoreline footage measured at the Normal High Water line.

139. Shrub: Any multi-stemmed woody plant which normally grows to a mature height of less than 20 feet.

140. Side Yard: A space extending the full depth of the Lot and lying between the side Lot Line and the nearest part of the Structure. Side Yard width shall be measured at right angles to the side Lot Lines. For districts that establish an aggregate minimum width for Side Yards, if the primary Structure on the Lot is constructed with a minimum Side Yard setback, then all subsequent Structures on the Lot shall conform to the setback established by the primary Structure.

141. Sign: Any combination of letters, numerals, lines, symbols, shapes or designs, in any medium, on any surface, intended to convey the identity of, or information about, any person, place, thing, product or service.

142. Small Wind Energy System: A wind energy conversion system consisting of a Wind Generator, a Wind Tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

143. Snow Storage/ Disposal Area: Those areas identified on a site plan for such Use where snow is moved and dumped and not normal snow plowing areas along private roads/driveways and parking areas.

144. Special Exception: A Special Exception is a Use that would not be appropriate generally or without restriction throughout the Zone District but which, if controlled as the number, area, location, or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity, or general welfare. Such Uses may be permitted in such Zone District as Special Exceptions, if specific provision for such Special Exceptions is made in this Zoning Ordinance if it is in accordance with the master plan.

145. Special Flood Hazard Area: See Area of Special Flood Hazard.

146. 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 a 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.

147. Statutes: Whenever the word Statutes appears, it shall mean New Hampshire Statutes.

148. Storage Container: An enclosed container, usually of metal construction, with or without wheels or rollers, designed for the transportation and/or secure storage of material or property of any kind. Storage containers include semi-trailers intended to be pulled by a tractor, containers moved by container truck, containers moved by flatbed, and roll-off containers. Dumpsters used for the temporary storage of trash and construction debris are not included in the definition of Storage Container.

149. Streams: Only those intermittent or perennial running waters specifically identified for protection on the New London Streams and Wetlands Protection Map dated March 13, 2001. This map is available for viewing in the Office of the Board of Selectmen.

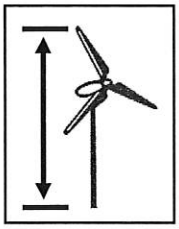
150. Street: Relates to and includes Street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway, and other ways.

151. Structure: Anything constructed, placed or erected on the ground, or attached to something already existing on the ground, with or without a durable foundation, whether temporary or permanent. Among other things, "Structure" includes Buildings, Manufactured Homes, Pre-Site-Built Housing and Accessory Buildings. "Structure" also includes walls, decks or platforms, concrete pads or slabs, temporary carports, sheds over 40 square feet in size, greenhouses, and anything built or constructed outside for Accessory Uses, including Dish Antennas or satellite earth stations that are over three (3) feet in diameter. The following are excluded from the definition of "Structure": lawn furniture, portable barbeque grills, free standing hot tubs (not including the deck, pad or slab on which it is placed), heating, ventilation and air conditioning (HVAC) equipment, Essential Services equipment (cabinets for switching, connecting and distributing electric power, telephone, cable and fiber optics), wells and well heads serving individual lots, propane tanks serving individual residential properties, landscaped features (including patios, steps, walkways and retaining walls), fences, stone walls, animal shelters under 40 square feet, children's swing sets, dumpsters, temporary portable toilets, flagpoles, sandboxes, playhouses and other playground equipment, Signs and Sign installation devices (see Article II, Section 10), tents used for camping or temporary functions and gatherings and equipment providing necessary utilities servicing Buildings. For Floodplain management purposes only, "Structure" means a walled and roofed Building, including a gas or liquid storage tank principally above ground, as well as a Manufactured Home.

152. Subdivision: The division of a Lot, tract, or parcel of land into two or more Lots, Plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or Building Development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided in parts among the several owners shall be deemed a Subdivision.

153. Substantial Damage: Damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred.

154. Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a Structure in which the cumulative cost equals or exceeds fifty percent of the market value of the Structure. The market value of the Structure should equal the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value of the Structure prior to the damage occurring. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the Building commences, whether or not that alteration affects the external dimensions of the Structure. This term includes Structures 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 "Historic Structure," provided that the alteration will not preclude the Structure's continued designation as a "Historic Structure."



155. Swamp: A Wetland that is dominated by Trees and Shrubs.

156. System Height: The vertical distance from ground level to the tip of the Wind Generator blade when it is at its highest point.

157. Telecommunications Facilities: Any Structure, Antenna, Tower, or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier wireless exchange access services.

158. Trailer, Travel Trailer or Recreational Vehicle: A portable Structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes. Recreational Vehicles are included in the definition of Trailer or Travel Trailer.

159. Tree: Any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of 6 inches or more at a point 4½ feet above the ground.

160. Tourist Facility: A residential facility for the accommodation of transient guests.

161. Tower: Any Structure that is designed and constructed primarily for the purpose of supporting one or more Antennas, including Lattice Towers, guy Towers, or Monopole Towers. The term includes radio and television transmission Towers, microwave Towers, common-carrier Towers, cellular telephone Towers, Alternative Tower Structures, and the like.

162. Use: The purpose or activity for which land or Buildings are designed, arranged, or intended or for which land or Buildings are occupied or maintained.

163. Variance: A Variance is a relaxation of the terms of the Zoning Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

164. Violation: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under Section E, Section H(2)(b), or Section G(3)(4) of this ordinance is presumed to be in violation until such time as that documentation is provided.

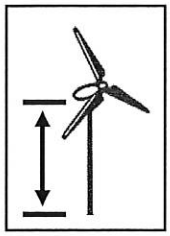
165. Water Surface Elevation: The Height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified), of Floods of various magnitudes and frequencies in the Floodplains.

166. Watercourse: A body of water, usually, but not necessarily, of natural origin, flowing in a reasonably defined channel with bed and banks. The definition includes not just rivers and creeks, but also springs, ponds and marshes in which such flowing steams originate and through which they flow.

167. Waterfront Access: Shore Frontage on or access to a lake, pond or river.

168. Waterfront Buffer: The area of the Shore Land Overlay District that lies within 50 feet of the Reference Line, measured horizontally and at right angles to the Reference Line.

169. Wetland: An area that is inundated or saturated by surface or ground water 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 include, but are not limited to, Swamps, Marshes, Bogs and similar areas.



170. Wind Tower: The monopole, guyed monopole or lattice structure that supports a Wind Generator.

171. Wind Tower Height: The height above grade of the fixed portion of the Wind Tower, excluding the Wind Generator.

172. Wind Generator: The blades and associated mechanical and electrical conversion components mounted on top of the Wind Tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

173. Workforce Housing: Housing that is intended for sale and that is Affordable to a household with an income of no more than 100% of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Workforce Housing also means Rental Housing which is Affordable to a household with an income of no more than 60% of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20%of the units, or in which more than 50% of the Dwelling Units have fewer than two Bedrooms, shall not constitute Workforce Housing for the purposes of this subdivision.

ARTICLE IV
ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

A. Zoning Map and Districts: The zoning map officially entitled "New London Zoning Map" is hereby adopted as part of this Ordinance. The Town of New London Zoning Map shows a division of the town into the following districts:

1. Residential Districts: "R-1" Urban District and "R-2" Residential District.
2. "ARR" Agricultural and Rural Residential District;
3. "C" Commercial District;
4. "CON" Conservation District;
5. "INST" Institutional District;
6. "Hospital Inst" Hospital Institutional District;
7. "I/R" Institutional/Recreational District; and
8. "FC" Forest Conservation District.

B. Copies of the 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 located in the Selectmen's Office shall be the final authority as to the current zoning status of the land and water area, Buildings, and other Structures in the town.

C. District Boundaries: District boundaries shown within the lines of roads, Streams and transportation rights-of-way shall be deemed to follow the center lines. The relocation of roads shall not affect the location of such district boundaries. When the Building Inspector (Selectmen) cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Board of Adjustment, upon appeal, shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this Ordinance.

D. Lots with Overlapping Zone Districts: Any new Lot which will encompass more than one Zone District shall conform to the minimum Lot size, density, setback, lake Frontage, road Frontage and any other applicable standard of the more restrictive Zone District.

MAP OF ZONING DISTRICT BOUNDARIES OF

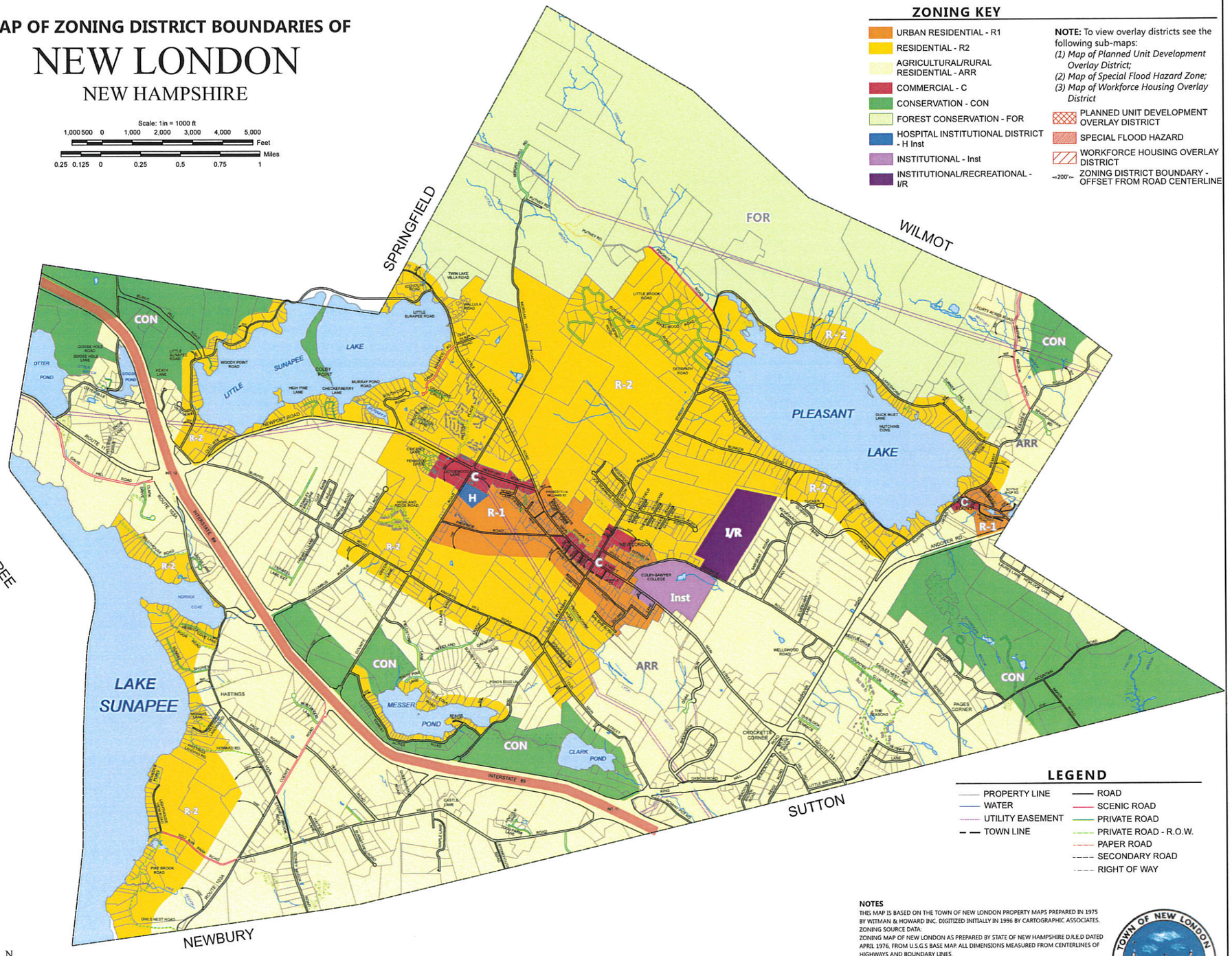
NEW LONDON

NEW HAMPSHIRE

Scale: 1in = 1000 ft

1,000 500 0 1,000 2,000 3,000 4,000 5,000 Feet

0.25 0.125 0 0.25 0.5 0.75 1 Miles



ZONING KEY

- URBAN RESIDENTIAL - R1
- RESIDENTIAL - R2
- AGRICULTURAL/RURAL RESIDENTIAL - ARR
- COMMERCIAL - C
- CONSERVATION - CON
- FOREST CONSERVATION - FOR
- HOSPITAL INSTITUTIONAL DISTRICT - H Inst
- INSTITUTIONAL - Inst
- INSTITUTIONAL/RECREATIONAL - I/R

NOTE: To view overlay districts see the following sub-maps:

(1) Map of Planned Unit Development Overlay District;
(2) Map of Special Flood Hazard Zone;
(3) Map of Workforce Housing Overlay District

- PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
- SPECIAL FLOOD HAZARD
- WORKFORCE HOUSING OVERLAY DISTRICT
- ZONING DISTRICT BOUNDARY - OFFSET FROM ROAD CENTERLINE

LEGEND

- PROPERTY LINE
- WATER
- UTILITY EASEMENT
- TOWN LINE
- ROAD
- SCENIC ROAD
- PRIVATE ROAD
- PRIVATE ROAD - R.O.W.
- PAPER ROAD
- SECONDARY ROAD
- RIGHT OF WAY

NOTES

THIS MAP IS BASED ON THE TOWN OF NEW LONDON PROPERTY MAPS PREPARED IN 1975 BY WITMAN & HOWARD INC. DIGITIZED INITIALLY IN 1996 BY CARTOGRAPHIC ASSOCIATES.
ZONING SOURCE DATA:
ZONING MAP OF NEW LONDON AS PREPARED BY STATE OF NEW HAMPSHIRE D.R.E.D DATED APRIL 1976, FROM U.S.G.S BASE MAP. ALL DIMENSIONS MEASURED FROM CENTERLINES OF HIGHWAYS AND BOUNDARY LINES.
REVISED BY KEAR-WOOD INC. FEBRUARY 1986.
REVISED BY TOWN OF NEW LONDON, NH MARCH 2009.
REVISED BY CARTOGRAPHIC ASSOCIATES, INC, APRIL 2015
REVISED BY UPPER VALLEY LAKE SUNAPEE REGIONAL PLANNING COMMISSION, APRIL 2016
MAP IS INTENDED FOR REFERENCE AND PLANNING PURPOSES ONLY.
PROPERTY LINES CURRENT TO JULY 2015
ZONING BOUNDARIES CURRENT TO MARCH 2016

TOWN OF NEW LONDON NEW HAMPSHIRE

ARTICLE V
RESIDENTIAL DISTRICTS

A Building may be erected, Altered or Used, and a Lot may be Used or occupied, only for the following purposes and in accordance with the following provisions:

A. Uses Permitted

1. Single-Family or Two-Family Dwelling, except as otherwise provided in this Ordinance.

2. Municipal Buildings and Public Schools.

3. Home Occupations/Home Businesses in conformance with the provisions of Article II, Section 15-Home Occupations/Home Businesses. A Home Occupation is a Use permitted by right and not subject to the Site Plan Review process. A Home Business shall receive approval of a Site Plan Review from the Planning Board prior to being established.

4. Home food and home garden produce may be exposed for sale in this district.

5. Farm and garden activities are permitted, but any Use injurious, obnoxious, or offensive to the neighborhood is prohibited.

6. Forestry in accordance with Best Management Practices (BMPs) for Forestry.

7. Signs in Residential Districts shall conform to the provisions in Article II, Section 10.

8. Accessory Building with or without the main Building on the Lot.

9. Accessory Uses.

10. Essential Services.

B. Lot Area Requirements

1. For Lots within the Residential District R-1 not using public sewer and water services, the minimum Lot area shall be not less than two acres and the road Frontage not less than 150 feet of continuous Frontage with population density of one Family per acre except as specifically provided in sub-section 5.

2. For Lots within the Residential District R-2, the minimum Lot area shall be not less than two acres and the road Frontage not less than 150 feet of continuous Frontage with a population density of one Family per two acres except as specifically provided in sub-section 5.

3. For Lots within the Residential District R-1 using public sewer and water services, the minimum Lot size shall be not less than 20,000 square feet, and the continuous Frontage and depth not less than 100 feet, and with population density of one Family per 10,000 square feet.

4. Wherever required by reason of topography, subsoil or the need for adequate sewage area, the Planning Board may require a larger Lot size in those places where town sewer is not available.

5. Notwithstanding the above provisions, a Lot having lake Shore Frontage on a Public Body of Water shall be not less than two acres with Frontage on the lake of not less than 200 feet. The population density shall be one Family per two acres.

C. Yard Requirements

1. There shall be a Front Yard on each Lot which shall not be less than 25 feet in depth from the Front Yard line, and a Rear Yard on each Lot which shall be not less than 15 feet in depth from the Rear Yard line.

2. On each interior Lot in the R-1 District not using public sewer and water and on all Lots in the R-2 District, Side Yards shall be provided in an aggregate minimum width of 50 feet with a minimum of 20 feet from any one Side Yard. On each interior Lot in R-1 District using public sewer and water services, Side Yards shall be a minimum of 15 feet.

3. On each corner Lot there shall be a yard having a width of not less than 25 feet abutting each Right-of-Way.

4. Any Lot with less continuous Frontage and depth which is recorded and taxed as a Lot of Record before March 11, 1969 shall be deemed a conforming Use.

ARTICLE VI
AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT

A Building may be erected, Altered or used, and a Lot may be used or occupied, only for the following purposes and in accordance with the following provisions:

A. Uses Permitted

1. Any Use permitted in the Residential District; as provided in Article V, Section A, except that Lot areas shall be governed by Article VI, Section B, and yard requirements by Article VI, Section C.

2. All general farming, veterinarian, greenhouse, Country Club, and Forestry shall be permitted in this district.

B. Lot Area Requirements

1. No Lot shall be less than 4 acres, and every Building Lot shall have a minimum Lot Frontage of 200 continuous feet provided that where Lots are located on the exterior of a curving Street, a shorter front dimension shall be permitted provided the average width of the Lot measured across its center shall be 200 feet.

2. The population density shall be one Family per 4 acres.

3. Wherever required by reason of topography, subsoil or the need for adequate sewage area, the Planning Board, with the recommendation of the Health Officer, may require a larger Lot size in those places where town sewer is not available.

4. A Lot having lake Shore Frontage on a Public Body of Water shall be not less than 4 acres with Frontage on the lake of not less than 200 feet. The population density shall be one Family per 4 acres.

C. Yard Requirements

1. No Building or other Structure shall be erected nearer to any side or back Lot Line than 25 feet, nor nearer to any front line than 50 feet.

2. On each corner Lot there shall be a yard having a width of not less than 50 feet abutting each Right-of-Way.

ARTICLE VII
COMMERCIAL DISTRICT

Those owners or their notarized agent of any proposed Commercial Use shall submit a Site Plan to the Planning Board. Any change in the current Use(s) of commercial property shall be permitted only after a Site Plan Review conducted by the Planning Board.

A Building may be erected, Altered, or used and a Lot may be used or occupied for the following purposes and in accordance with the following provisions.

A. Uses Permitted

1. Any Use permitted in the Residential District will be permitted in the Commercial District in the same manner it is permitted in the Residential District. If the Use is a Use permitted by right in the Residential District, then it is a Use permitted by right in the Commercial District. If the Use is a Use permitted by Special Exception in the Residential District, then it is a Use permitted by Special Exception in the Commercial District.

2. Lodging Houses, Apartment Houses, Multi-Family Dwelling(s), hotels, Inns, motels, including such retail business within these permitted Buildings as are conducted for the convenience of the residents or guests.

3. Shops, restaurants (except drive-in or drive-thru restaurants), retail sales and retail service Uses.

4. Greenhouses or florist shops.

5. Mortuary establishments.

6. Business or professional offices and banks.

7. Filling stations, automobile repair garages, car washes, and Uses incidental thereto shall be allowed only by Special Exception by the Board of Adjustment.

8. Light industry and wholesale establishments shall be allowed only by Special Exception by the Board of Adjustment.

9. Theaters, halls, clubs, amusement centers, and drive-in or drive-thru restaurants shall be allowed only by Special Exception by the Board of Adjustment.

10. Essential Services.

11. Mixed Use.

B. Land Requirements

1. There shall be between the nearest right-of-way and the extreme front of any Building a yard having a minimum depth of 30 feet; but said minimum depth may be less than 30 feet if in conformity with the yards of adjoining Lots. No Building shall be located within 10 feet of the side or rear property line. The Frontage shall be not less than the width of the land required for the Structure thereof.

2. A buffer zone of no less than 10 feet between any Commercial Use in the Commercial District abutting another established District shall be required.

3. On each corner Lot there shall be a yard having a width of not less than 30 feet abutting each Street.

C. Parking

1. Parking requirements for all Commercial Uses shall be governed by Site Plan Review Regulations Article VI, Section F.

2. Unless prohibited by either the nature or disposition of the commercial Building or causing unnecessary hardship to the owner, on-site parking shall be provided at the rear of commercial Buildings.

D. Residential Density

1. The population density shall not exceed one Family per 10,000 square feet of Lot area.

ARTICLE VIII
CONSERVATION DISTRICT

The purpose of this district is to provide for the conservation of significant amounts of Open Space for visual and recreational enjoyment. These are areas in the community not served by adequate facilities and utilities, of subsoil conditions that cause problems in Development of the land and should be conserved because of their scenic values, wildlife habitat, type of vegetation and/or unique geographical features. Conservation of these areas will assist in keeping New London an attractive, rural community and allow adequate Open Space.

A. Uses Permitted

1. Single-Family dwellings, Forestry, agriculture, golf course, tennis court, stables and riding academies, water recreation and water-storage areas and nurseries.

2. Home Occupations/Home Businesses in conformance with the provisions of Article II, Section 15-Home Occupations/Home Businesses. A Home Occupation is a Use permitted by right and not subject to the Site Plan Review process. A Home Business shall receive approval of a Site Plan Review from the Planning Board prior to being established.

3. Accessory Uses and Accessory Uses of Structures.

4. Essential Services.

B. Yard Requirements

1. No Building or other Structure, excepting a fence, shall be erected nearer than 50 feet from any Lot boundary line.

C. Land Requirements

1. Within the Conservation District, the minimum Lot size shall be 10 acres.

2. Any Building Lot within the Conservation District shall have a minimum of 200 feet of continuous road Frontage.

3. A Lot having Lake Shore Frontage on a Public Body of Water shall have Frontage on the lake of not less than 300 feet.

4. The maximum population density shall be one Family per 10 acres.

ARTICLE IX
FOREST CONSERVATION DISTRICT

The primary objective of the Forest Conservation District is to preserve and protect New London's natural heritage of large tracts of undeveloped forest land. This area of town is characterized by steep slopes, soils with poor capability of supporting on-site sewage disposal systems and Buildings with foundations, and is remote from the town service center. Large tracts of undeveloped forest land remain in this area and Forestry is the predominant current land Use. Wildlife is prevalent as evidenced by the deer wintering areas located in this area.

The following public benefits are realized by meeting this primary objective: (1) encouraging continuation of large contiguous tracts of forest land in private ownership to provide forest resources and outdoor recreation; (2) encouraging Forestry and timber harvesting and permit other compatible land Uses; (3) preserving scenic views; (4) protecting wildlife habitat; (5) protecting water quality of surface waters throughout the watershed; (6) protecting natural areas; (7) avoiding the burden of unreasonable town expenditures for the purpose of providing town services to locations which are remote and difficult to access; and (8) avoiding the risk to health and safety of town employees and volunteers of providing emergency services to locations which are remote and difficult to access.

A. Uses Permitted: The following Uses are permitted in the Forest Conservation District:

1. Forestry, Tree farming and nurseries. Timber harvesting operations shall be conducted in accordance with best management practices so as to prevent soil erosion and damage to surface waters.

2. Agriculture.

3. Wildlife refuges, requiring no Structures.

4. Publicly-owned recreational facilities, such as parks and other active and passive outdoor recreation Uses, requiring no Structures.

5. Conservation areas and nature and hiking trails.

6. Single Family dwellings and accessory Structures and Uses.

7. Home Occupations.

8. Essential Services.

B. Uses Permitted by Special Exception: The following Uses are permitted by Special Exception in the Forest Conservation District:

1. Temporary sawmills as specified in Article XXI, Section G. 4.(d).

2. Water storage facilities as specified in Article II, Section 13.

3. Structures for publicly-owned recreational facilities, such as parks and other active and passive outdoor recreation Uses. Any proposed Structure must be for outdoor recreational Use and have a minimal impact, such as a ski warming hut or hiking shelter.

4. Privately-owned tax exempt recreational facilities available to the public for active and passive outdoor recreational Uses. Any proposed Structure must be for outdoor recreational Use and have a minimal impact, such as a ski warming hut or hiking shelter.

5. Structures within wildlife refuges. Any proposed Structure must be for the wildlife refuge Use and have a minimal impact.

6. Home businesses.

C. Yard Requirements:

1.	Minimum Front Yard Setback:	50 feet
2.	Minimum Side Yard:	50 feet
3.	Minimum Rear Yard:	50 feet

D. Land and Frontage Requirements:

1.	Minimum Lot Size:	25 acres
2.	Minimum Road Frontage:	400 feet
3.	Maximum Population Density:	1 Family/25 acres

ARTICLE X
INSTITUTIONAL DISTRICT

This district is established to protect a major asset in the community – Colby-Sawyer College – which is presently in an ideal location bordering on the village. The district should reserve the area for institutional expansion consistent with the needs of the College and the preservation of the rural charm of the area.

A. Uses Permitted

1. College facilities and activities such as classroom and laboratory Buildings, residence halls, cafeterias and college dining facilities, faculty/staff housing, recreation and sports facilities, playing fields, administration and faculty office Buildings, parking facilities, medical and counseling facilities, art and performing arts centers, libraries, gymnasiums, field houses, college bookstores, maintenance, and utility Buildings. College facilities and activities not specifically enumerated herein may be allowed as Special Exceptions provided that, in addition to the findings required by Article XXI, the Board of Adjustment shall determine that such Use is appropriate to a college.

2. Single and two-Family residences under the same provisions as apply to such residences in the adjoining Residential Districts.

3. Essential Services.

4. Farm and Agriculture.

B. Land and Yard Requirements

1. Lot area requirements for a Single and Two-Family Dwelling shall conform to provisions applicable to adjoining Residential District, and for College Uses as shall be determined by the College subject to review by the Planning Board.

2. Yard requirements applicable to adjoining Residential Districts shall govern location of a single Family residence in the Institutional District, with a minimum setback of 25 feet from any Town road or Street.

3. College Buildings shall be setback a minimum of:

   a. 100 feet from any College property line that directly abuts any adjoining property (i.e. no intervening public road Right-of-Way) which is located in one of the Residential Zone Districts; or

   b. 50 feet from any College property line that directly abuts any adjoining public road Right-of-Way (Seamans Road and Main Street).

4. The non-building activities and Uses listed below shall be setback a minimum of 50 feet from any College property line that directly abuts any adjoining property (i.e. no intervening public road Right-of-Way) that is located in one of the Residential Zone Districts if adequate screening is provided or 100 feet if adequate screening is not provided. The determination of whether proposed screening will be adequate will be made by the Planning Board during a Site Plan Review application. The following non-building activities and Uses are subject to this perimeter setback:

Outdoor, Active Recreation Uses; construction staging areas; Snow Storage/Disposal Areas; and material processing.

5. Off-street parking and private roads/driveways on the College property shall be setback a minimum of 25 feet from any College property line that directly abuts any adjoining property (i.e. no intervening public road Right-of-Way) that is located in one of the residential zone districts if adequate screening is provided, or 50 feet if adequate screening is not provided. The determination of whether proposed screening will be adequate will be made by the Planning Board during a Site Plan Review application. This setback shall be measured from the closest edge of any parking space or aisle, or the closest travel way of any private road/driveway.

ARTICLE XI
INSTITUTIONAL/RECREATIONAL DISTRICT

This district is established to protect a major asset in the community -- Colby-Sawyer College -- which is presently in an ideal location bordering the village. The district provides an area to be designed and equipped for the conduct of collegiate sport and leisure-time activities while protecting the rural charm and character of the neighborhood.

A. Uses Permitted

1. Outdoor, Active Recreation Uses*
   * See definition, but includes, by way of example, baseball, soccer, lacrosse & other field sports; outdoor track; tennis & other outdoor court games; golf; outdoor basketball courts; trails for hiking, biking, cross-country skiing and equestrian Uses; and outdoor equestrian facilities.

2. Outdoor, Passive Recreation Uses*
   * See definition, but includes, by way of example, walking, bird watching and picnicking.

3. Accessory Uses: Accessory Uses include, by way of example, gravel and unlighted access roadways, as well as gravel and unlighted parking and turnaround areas along the roadways for passenger vehicles, emergency vehicles, security vehicles and maintenance equipment restricted to daytime use only; maintenance and storage facilities for recreation Uses; restrooms and changing facilities; bleachers, goals, backstops, dugouts, flagpoles, benches, and other required athletic equipment; and other Accessory Uses involving no Structures.

4. Essential Services.

5. Farm and Agriculture.

B. Yard Requirements

1. None of the Uses or Structures allowed above shall be established nearer than 25 feet from any abutting Zone District boundary or property line, whichever is greater.

ARTICLE XII
HOSPITAL INSTITUTIONAL DISTRICT

This district is established to protect a major asset in the community: the New London Hospital and William P. Clough Extended Care Center. This district would reserve the area for institutional expansion consistent with the needs of the Hospital and the preservation of the rural charm of the area.

A. Uses Permitted: Licensed medical facilities that provide outpatient care, acute care and long term care. Activities that would support the primary mission of delivering health care to the public such as, but not limited to, ambulance service, laundry services, maintenance services, food services, office space, craft and gift services for patients and other activities, including Essential Services, appropriate to maintaining a high caliber health care facility. Additional activities not enumerated as health-related may be allowed as Special Exceptions provided that, in addition to the findings required by Article XXI, the Board of Adjustment shall determine that such Use is appropriate. Farm and Agriculture are permitted uses.

B. Yard Requirements: The minimum Front Yard, Rear Yard, and Side Yard setback requirement shall be 25 feet.

ARTICLE XIII
WETLANDS CONSERVATION OVERLAY DISTRICT

A. Purpose: Wetlands are extremely important to the Town as they provide areas for floodwater storage, wildlife habitat and groundwater recharge. It is intended that this Overlay District shall:

(1) Prevent the Development of Structures and land Uses on naturally occurring Wetlands which will contribute to pollution of surface and groundwater by sewage or toxic substances;

(2) Prevent the destruction of or significant changes to natural Wetlands which provide Flood protection;

(3) Protect unique and unusual natural areas;

(4) Protect wildlife habitats and maintain ecological balances;

(5) Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;

(6) Prevent expenditure of municipal funds for the purpose of providing and/or maintaining essential service and utilities which might be required as a result of misuse or abuse of Wetlands;

(7) Encourage those low intensity Uses that can be harmoniously, appropriately and safely located in Wetlands.

B. Overlay District Boundaries: The Wetlands Conservation Overlay District is an Overlay District which places additional land Use controls to those existing underlying Zone Districts. The boundaries of the Wetlands Conservation Overlay District include all Wetlands and Wetland buffer areas described as follows:

(1) Wetlands, as defined herein, which include, but are not limited to, Swamps, Marshes and Bogs.

(2) Prime Wetlands are designated as such by their size, fragility, and uniqueness. The Philbrick-Cricenti Bog, the Low Plain Wetland, and the Goosehole Marsh meet these criteria and are recognized by the New Hampshire Wetlands Board, thereby receiving special consideration by the Wetlands Board. The boundaries of Prime Wetlands are determined by the jurisdictional boundaries of the Wetland as defined herein.

(3) Wetland buffers as specified in Paragraph G. Wetland Buffers.

If there is a disagreement concerning the validity of the boundaries of a Wetland, the Planning Board may have a qualified soil scientist, recognized by the New Hampshire State Conservation Committee or a professional engineer so qualified, examine the said area and report the findings for the Board's determination of the Boundary. Costs for such a survey will be borne by the landowner or developer.

C. Overlapping Regulations: In all cases where the Prime Wetlands Conservation Overlay District is superimposed over another Zone District in the Town of New London, that district whose regulations are more restrictive shall apply. Furthermore, where any provision of this district differs from those of other ordinances or regulations of the Town or State, then that provision or ruling which imposes the greater restriction or higher standard shall govern.

D. Permitted Uses: Permitted Uses are those which will not require the erection or construction of any Structures or Buildings; will not alter the natural surface configuration by addition of fill or by dredging; and Uses that are otherwise permitted by the Zoning Ordinance. Such Uses include the following:

(1) Forestry-Tree farming using best management practices in order to protect Wetlands from damage and prevent sedimentation;

(2) Cultivation and harvesting of crops according to recognized soil conservation practices including the protection of the Wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation;

(3) Wildlife refuges;

(4) Parks and recreation Uses consistent with the purpose and intent of this Ordinance;

(5) Conservation areas and nature trails;

(6) Open Spaces as permitted or required by the Subdivision regulations or the Zoning Ordinances;

(7) Dry hydrants or fire ponds which are constructed to permit unobstructed flow of water; and

(8) Alteration, expansion or improvement of existing Nonconforming Structures and Buildings, consistent with the provisions of Article XX of this Ordinance, and with cutting, clearing and erosion control plans approved by the Planning Board.

E. Special Exceptions: Special Exceptions may be granted by the Zoning Board of Adjustment after proper public notice and public hearing, for undertaking the following Uses in the Wetlands Conservation Overlay District when an application has been referred to the Conservation Commission, Soil Conservation Service, and New Hampshire Wetlands Board for review and comment at least 30 days prior to the hearing. The Zoning Board of Adjustment shall consider all review comments received by the date set for the hearing. The Board shall, within 30 days after the public hearing, issue a decision granting or denying approval of the application. The decision shall be in writing and state the reasons for that decision. A copy shall be given to the applicant. Special Exceptions include:

(1) Any proposed crossing of a Wetland with an access way, driveway or Street, regardless of width, and/or utility lines. In addition to the usual criteria used by the Zoning Board of Adjustment in evaluating an application for a Special Exception, the applicant must demonstrate to the Zoning Board of Adjustment that there is not a layout of the access way, driveway, Street or utility line, which conforms to New London's regulations and does not cross a Wetland, and that the proposed crossing would create the least impact on the Wetland compared with other possible Wetland crossing locations. Temporary wetland crossings for timber harvesting using best management practices in order to protect Wetlands from damage and prevent sedimentation are exempt from the requirement to obtain approval of a Special Exception. Crossings of man-made earthen structures including drainage ditches, roadside ditches, detention basins, ponds (including farm ponds, fire ponds and intake areas of dry hydrants) and wetlands that have been legally constructed to collect, convey, treat or control stormwater also exempt from the requirement to obtain approval of a Special Exception.

(2) Water impoundments.

(3) A reduction of the depth of a Wetland buffer specified in Section G. of this Article.

(4) Alteration or Relocation of a Watercourse

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

(b) The applicant shall submit to the Zoning Board of Adjustment certification provided by a registered professional engineer assuring that the Flood carrying capacity of an altered or relocated watercourse can and will be maintained.

(c) The Zoning Board of Adjustment shall obtain, review, and reasonably utilize any Floodway data available from Federal, State or other sources as criteria for requiring that all Development located in Zones A and AE 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."

(d) Along watercourses that have not had a Regulatory Floodway designated or determined by a federal, state or other source: no new construction, Substantial Improvements, or other Development (including fill) shall be permitted within zones AE on the FIRM, unless it can be demonstrated by the applicant that the cumulative effect of the proposed Development, when combined with all existing and anticipated Development, will not increase the Water Surface Elevation of the Base Flood more than one foot at any point within the community.

F. Special Provisions:

(1) No septic tank or leach field may be constructed or enlarged closer than 100 feet to any Wetland whenever excessively well-drained soils with rapid permeability are encountered, otherwise 75 feet shall govern.

(2) Any fill of Wetlands for erection or construction of any Structure, Building or Sign which may be permitted following appropriate public hearing for a Special Exception shall be offset by the builder/developer through creation of new Wetlands equal in area to those sections being filled. The creation of new Wetlands shall be on the same site and within the same surface drainage sub-watershed as where the Wetlands are proposed to be filled. Location of the replacement Wetlands may be permitted on another site within the same surface water sub-watershed if it can be demonstrated by a Wetlands study that the functions performed by the Wetland on the site in question can be performed by the proposed off-site replacement Wetlands. Any proposal to fill and replace Wetlands shall be accompanied by a Wetlands study performed by a licensed professional in the Wetland field. The Conservation Commission shall be afforded the opportunity to review and comment on the proposal to the Zoning Board of Adjustment as part of their deliberations on the application for a Special Exception.

G. Wetland Buffers:

Wetland buffers are areas that are designed to remain vegetated in an undisturbed and natural condition to protect adjacent Wetland functions and values from upland impacts and provide habitat for wildlife. Unless otherwise specified, Wetland buffers shall be retained in their natural condition. Where Wetland buffer disturbance has occurred during construction, re-vegetation may be required. All Wetland buffers are measured from the Wetland boundary.

The Wetlands to be protected by natural buffers are delineated on the New London Streams and Wetlands Protection Map dated March 13, 2001. This map is available for viewing in the Office of the Board of Selectmen. The Wetlands delineated on the New London Streams and Wetlands Protection Map dated March 13, 2001 are based on the National Wetlands Inventory Maps of Wetlands and the most important Wetland complexes in the community to preserve as determined by the New London Conservation Commission. This map shows the general location of Wetlands as defined by this Ordinance. The boundary of a Wetland on a specific site must be delineated by a qualified professional acceptable to the New Hampshire Wetland Board.

Many of these wetland complexes have tributaries of contiguous jurisdictional wetland that extend for great distances beyond the boundaries shown on the New London Streams and Wetlands Protection Map dated March 13, 2001, crossing roadways through bridges, culverts and other man-made structures. For the purposes of this Wetland Buffer regulation, wetlands that are found to extend beyond the limits of the features shown on the New London Streams and Wetlands Protection Map dated March 13, 2001 that are subject to the Wetland Buffer restrictions contained herein shall be evaluated using the methodology described in the book entitled "Method for Inventorying and Evaluating Freshwater Wetlands in New Hampshire 2011" (aka The New Hampshire Method) to determine the geographical limits of the wetland unit in question, utilizing the guidelines in Chapter 2, Section D of the publication. Wetlands that are found to be hydrologically connected to but distinctly separate from, the mapped wetland unit in question are not protected by these Wetland Buffer restrictions, but are still subject to all other State and local wetland restrictions and permitting.

The minimum width of the Wetland buffers is as follows:

1. 200 feet, horizontal distance, from the boundary of all Wetlands designated as prime Wetlands by RSA 482-A:15 and as referenced in Section B(2);

2. 150 feet, horizontal distance, from the boundary of all Wetlands which adjoin or are connected to a prime Wetland; and

3. 100 feet horizontal distance from the boundary of all other significant Wetlands identified for protection on the New London Streams and Wetlands Protection Map dated March 13, 2001.

In the event of overlapping Wetland buffer areas, the greater of the two setback requirements shall apply. A reduction of the buffer distance shall require approval of a Special Exception by the Zoning Board of Adjustment.

H. Prohibited Uses: Uses prohibited within the Wetlands Conservation Overlay District include, but are not limited to, the following:

(1) The establishment or expansion of salt storage sheds, automobile Junk yards, solid waste facilities, or hazardous waste facilities.

(2) The bulk storage of chemicals, petroleum products, toxic or hazardous materials.

(3) The dumping or disposal of snow or ice collected from roadways and parking areas located outside the Overlay District.

(4) The erection or construction of any Structures or Buildings except as provided in Paragraph E. Special Exceptions or Paragraph F. Special Provisions.

(5) The addition of any fill or dredging that would alter the natural surface configuration of the land except as provided in Paragraph E. Special Exceptions or Paragraph F. Special Provisions.

I. Restoration: Any Wetland altered in violation of this Ordinance shall be restored at the expense of the offender.

J. Erosion and Sedimentation Control Plan:

(1) Erosion and sedimentation control plans shall be required for all construction, filling, grading, dredging, and other activities requiring land disturbance that may be permitted in Wetlands or Wetland buffers under paragraphs D, E or H. Erosion and sedimentation control plans shall describe the nature and purpose of the land-disturbing activity; the amount of grading involved; and a description of the soils, topography, vegetation, and drainage. For minor land disturbances such as utility line or stairway construction, the Board of Selectmen may reduce the amount of detail needed in an erosion and sedimentation control plan.

(2) Erosion and sedimentation control plans shall be developed in conformity with guidelines of the U.S.D.A. Soil Conservation Service and with guidelines of the Water Supply and Pollution Control Division of the NH Department of Environmental Services under RSA 485-A:17.

(3) The Board of Selectmen shall review and decide to approve or deny all plans before issuing a Building permit. The Board of Selectmen shall request the Conservation Commission to review the plan and make recommendations.

(4) The Board of Selectmen may require the applicant to post a bond or other security to assure conformance with approved plans. The security shall not be released until the Board of Selectmen has certified completion of the required improvements in accordance with the plan.

(5) Erosion control measures shall be installed before construction and grading.

K. Effect on Minimum Lot Size/Density

(1) Lots *Using* Public Water & Sewer: If any portion of a Lot *using* public water and sewer lies within a Wetland, 25% of the Wetland can be counted in the calculation of minimum Lot size and density requirements of the underlying zoning district in which it is located. Wetland buffers shall count toward the calculation of minimum Lot size and density. Non-wetlands shall count toward the minimum Lot size and density, provided that there are no other site constraints such as areas with slopes greater than 25%, and this area must meet the minimum Lot size and density requirements

of the underlying Zone District in which it is located. Within the area counting towards the minimum Lot size and density, there must be at least 15,000 sq. ft. of contiguous area excluding Wetlands and areas with slopes greater than 25% in the R–1 Zone District and a minimum of three-fourths (3/4) of an acre of contiguous area excluding Wetlands and areas with slopes greater than 25% in all other residential zone districts.

For example, the Lot area counting towards the minimum Lot size and density is calculated as follows for a Lot *using* public water and sewer. For a 3.5 acre parcel containing 2.0 acres of Wetlands, 0.5 acres in Wetland buffers and one acre of land not including Wetlands or areas with slopes in excess of 25%:

Category: Lot ***using*** Public Water & Sewer	Area in Acres	% of Area Counting Towards Minimum Lot Size	Area Counting Towards Minimum Lot Size
Area of Wetlands	2.0 acres	25%	0.5 acres
Area in Wetland buffers	0.5 acres	100%	0.5 acres
Area not in Wetlands or Slopes in excess of 25%	1 acre	100%	1 acre
Total	**3.5 acres**		**2 acres**[1]

2) Lots *not using* Public Water & Sewer: If any portion of a Lot *not using* public water and sewer (Lots using on-site water well and sanitary disposal system) lies within a Wetland, 15% of the Wetland can be counted in the calculation of minimum Lot size and density requirements of the underlying zone district in which it is located. Wetland buffers shall count toward the calculation of minimum Lot size and density. Non-wetlands shall count toward the minimum Lot size and density, provided that there are no other site constraints such as areas with slopes greater than 25%, and this area must meet the minimum Lot size and density requirements of the underlying zone district in which it is located. Within the area counting towards the minimum Lot size and density, there must be at least three-fourths (3/4) of an acre of contiguous area excluding Wetlands and areas with slopes greater than 25%.

For example, the Lot area counting towards the minimum Lot size and density is calculated as follows for a Lot *not using* public water and sewer. For a 4.9 acre parcel containing 3.4 acres of Wetlands, 0.5 acres in Wetland buffers and one acre of land not including Wetlands or areas with slopes in excess of 25%:

Category: Lot ***not using*** Public Water & Sewer	Area in Acres	% of Area Counting Towards Minimum Lot Size	Area Counting Towards Minimum Lot Size
Area of Wetlands	3.4 acres	15%	0.5 acres
Area in Wetland buffers	0.5 acres	100%	0.5 acres
Area not in Wetlands or Slopes in excess of 25%	1 acre	100%	1 acre
Total	**4.9 acres**		**2 acres**[2]

1 Within this area counting towards the minimum Lot size and density, there must be a minimum of 15,000 sq. ft. of contiguous area excluding Wetlands and areas with slopes in excess of 25% in the R-1 Zone District and a minimum of three-fourths (3/4) of an acre of contiguous area excluding Wetlands and areas with slopes greater than 25% in all other residential zone districts.

2 Within this area counting towards the minimum Lot size and density, there must be a minimum of three-fourths (3/4) acre

L. Cutting and Removal of Natural Vegetation in Wetland Buffers: The preservation of natural vegetation in Wetland buffers is important for the protection of the water quality and temperature, for preservation of wildlife habitat and corridors, for controlling soil erosion and for the preservation of the aesthetics and rural character.

a. A cutting or clearing plan shall be approved by the Planning Board for any cutting of Trees or removal of natural vegetation within the wetland buffer except as provided in subparagraph b. below. The intent is to retain a well distributed mix of trees, shrubs and groundcover in the Wetland buffer. The Planning Board shall request the Conservation Commission to review the plan and make recommendations.

b. A Natural Woodland Buffer 100 feet in depth shall be maintained from the boundary of the Wetland as defined by this Ordinance except that the following may be permitted if a cutting plan is approved by the Planning Board as per Section a. above:

1. Trees less than 4 inches in caliper measured 4.5 feet above ground may be cut; and

2. Normal trimming, pruning, and thinning is permitted;

c. Dead or diseased Trees are an important part of the forest ecosystem providing a valuable source of food. Dead or diseased Trees which pose a safety hazard to Structures or to landowners using outdoor spaces such as patios, decks or walkways may be removed if a cutting plan is approved by the Planning Board as per Section a. above.

d. Stumps and their root systems located within Wetland buffers shall be left intact in the ground.

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of contiguous area excluding Wetlands and areas with slopes in excess of 25%.

ARTICLE XIV
STEEP SLOPE OVERLAY DISTRICT

A. Purpose: The purpose of the Steep Slope Overlay District is to prevent Development on slopes in excess of 25% and to regulate Development on slopes in excess of 15% through and including 25%. Development on such slopes causes soil erosion and stream sedimentation; unnecessary loss of vegetative Ground Cover and destruction of Trees; on-site waste disposal problems; difficult Street construction; and expensive Street maintenance.

B. Overlay District Boundaries: The boundaries of the Steep Slope Overlay District include all areas of New London with slopes in excess of 15 percent with an elevation change of more than 20 feet. The slope of the natural terrain shall be determinative of whether or not land is within the Overlay District. As a general guide, areas of slope in excess of 15 percent are portrayed on the December 2005 Steep Slopes Map prepared by the Upper Valley Lake Sunapee Regional Planning Commission.

C. Permitted Uses:

(1) Land with slopes in excess of 25%: No Development of any kind including Buildings, Structures, driveways, on-site wastewater systems, wells, or roads shall be permitted. Otherwise, the following Uses are permitted:

a. Forestry and Tree farming using best management practices in order to protect Streams from damage and to prevent sedimentation.

b. Wildlife refuges, conservation areas and nature trails.

c. Open Space and outdoor recreation.

(2) Land with slopes in excess of 15% through and including 25%: Development associated with permitted Uses or Uses permitted by Special Exception in the underlying zone district provided an Erosion and Sedimentation Control plan is approved by the Board of Selectmen per paragraph D. below.

D. Erosion and Sedimentation Control Plan:

a. Erosion and sedimentation control plans shall be required for all construction, filling, grading, dredging, and other activities requiring land disturbance that may be permitted in the Steep Slopes Overlay District. Erosion and sedimentation control plans shall describe the nature and purpose of the land-disturbing activity; the amount of grading involved; and a description of the soils, topography, vegetation, and drainage. For minor land disturbances such as utility line or stairway construction, the Board of Selectmen may reduce the amount of detail needed in an erosion and sedimentation control plan.

b. Erosion and sedimentation control plans shall be developed in conformity with guidelines of the U.S.D.A. Soil Conservation Service and with guidelines of the Water Supply and Pollution Control Division of the NH Department of Environmental Services under RSA 485-A:17.

c. The Board of Selectmen shall review and decide to approve or deny all plans before issuing a Building permit. The Board of Selectmen shall request the Conservation Commission to review the plan and make recommendations.

d. The Board of Selectmen may require the applicant to post a bond or other security to assure conformance with approved plans. The security shall not be released until the Board of Selectmen has certified completion of the required improvements in accordance with the plan.

e. Erosion control measures shall be installed before construction and grading.

E. Effect on Minimum Lot Size/Density for Land with slopes in excess of 25%: If any portion of a Lot includes an area with slopes in excess of 25%, no part of that area shall be counted in the calculation of minimum Lot size and density. Consistent with and including other site constraints such as Wetlands, this area must meet the minimum Lot size and density requirements of the underlying zone district in which it is located. Within the Lot area counting towards minimum Lot size and density, there must be at least three-fourths (3/4) acre of contiguous area excluding areas with slopes in excess of 25% and Wetlands.

For example, the Lot area counting towards the minimum Lot size and density is calculated as follows. For a 6.5 acre parcel containing 2.5 acres of area with slopes in excess of 25%, and one acre of area with slopes less than 15%:

Category	Area in Acres	% of Area Counting Towards Minimum Lot Size	Area Counting Towards Minimum Lot Size
Area with slopes greater than 25%	2.5 acres	0%	0 acres
Area not in Wetlands or Slopes in excess of 25%	3 acres	100%	3 acres
Total	**5.5 acres**		**3.0 acres**[3]

3 Within this area counting towards the minimum Lot size and density, there must be a minimum of three-fourths (3/4) acre of contiguous area excluding Wetlands and areas with slopes in excess of 25%.

ARTICLE XV
FLOODPLAIN OVERLAY DISTRICT

Certain areas of the Town of New London, 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 New London, 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.

A. This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of New London Floodplain Overlay District. The regulations in this ordinance shall overlay and supplement the regulations in the Town of New London Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. 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 in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Merrimack, N.H." dated April 19, 2010 or as amended, together with the associated Flood Insurance Rate Maps dated April 19, 2010 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

B. Permit Required: All proposed Development in any Flood hazard area shall require a permit.

C. Permit Applications: The Board of Selectmen shall review all Building permit applications for new construction or Substantial Improvements to determine whether proposed building sites will be reasonably safe from Flooding. If a proposed building site is located in a Special Flood Hazard Area, all new construction or Substantial Improvements shall:

(1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Be constructed with materials resistant to Flood damage;

(3) Be constructed by methods and practices that minimize Flood damage; and

(4) 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.

D. Water and Sewer Systems: Where new or replacement water or sewer systems (including on-site systems) are proposed in a Special Flood Hazard Area the applicant shall provide the Board of Selectmen 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.

E. Permit Records: For all new or substantially improved Structures located in an Area of Special Flood Hazard, the applicant shall furnish the following information to the Board of Selectmen:

(1) The as-built elevation (in relation to NGVD) of the Lowest Floor (including the Basement) and include whether or not such Structures contain a Basement;

(2) If the Structure has been flood proofed, the as-built elevation (in relation to NGVD) to which the Structure was flood-proofed; and

(3) Any certification of Flood Proofing.

The Board of Selectmen shall maintain for public inspection, and shall furnish such information upon request.

F. Federal and State Permits: The Board of Selectmen shall not grant a Building permit until the applicant certifies that all necessary permits have been received from those governmental agencies which approval is required by federal or state law, including Section 404 of the Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

G. Watercourses:

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Zoning Administrator, 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 Zoning Administrator, including notice of all scheduled hearings before the Wetlands Bureau and the New London Zoning Board of Adjustment for local wetland hearings.

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

3. The Zoning Administrator shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meets 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."

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

H. 100-Year Flood Elevation Determination:

1. In Special Flood Hazard Areas the Board of Selectmen shall determine the 100 year 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 Zone A, the Board of Selectmen shall obtain, review, and reasonably utilize any 100 Year Flood elevation data available from any federal, state or other source including data submitted for Development proposals submitted to the community (i.e. Subdivisions, site approvals).

2. The Board of Selectmen's 100 Year Flood elevation determination will be used as criteria for requiring in zones A and AE that:

a. All new construction or Substantial Improvement of residential Structures have the Lowest Floor elevation (including Basement) elevated to or above the 100-Year Flood elevation.

b. All new construction or 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:

1) Be flood-proofed so that below the 100-Year Flood elevation that Structure is watertight with walls substantially impermeable to the passage of water;

2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

3) 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 the 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 100 Year Flood elevation; 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. 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.

Section 60.3(b)(1) states that the community shall require permits for all proposed construction and other Developments including the placement of Manufactured Homes, within Zone A of the community's FIRM.

Section 60.3(c)(6) states that the community shall require that Manufactured Homes that are placed or substantially improved within Zone AE on the community's FIRM on sites (i) outside of a Manufactured Home park or Subdivision; (ii) in a new Manufactured Home park or Subdivision; (iii) in an expansion to an existing Manufactured Home park or

Subdivision; or (iv) in an existing Manufactured Home park or Subdivision on which a Manufactured Home has incurred Substantial Damage as the result of a Flood, be elevated on a permanent foundation such that the Lowest Floor of the Manufactured Home is elevated to or above the Base Flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

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.

e. For all new construction or Substantial Improvements, fully enclosed areas below the Lowest Floor that are subject to Flooding are permitted provided they meet the following requirements:

1) The enclosed area is unfinished or Flood resistant, usable solely for the 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 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; and openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

I. Variances:

(1) Any order, requirement, decision or determination of the Board of Selectmen made under this Ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

(2) If the applicant, upon appeal, requests a Variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing in addition to the usual Variance standards under state law:

a. That the Variance will not result in increased Flood heights, additional threats to public safety or extraordinary public expense.

b. That if the requested Variance is for activity within a designated Regulatory Floodway, no increase in Flood levels during the Base Flood discharge will result.

c. That the Variance is necessary, considering the Flood hazard, to afford relief.

(3) 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.

(4) The Town shall:

a. Maintain a record of all Variance actions, including the justification for their issuance, and

b. Report such Variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

MAP OF THE SPECIAL FLOOD HAZARD ZONE, A SUB-MAP OF THE ZONING DISTRICT BOUNDARIES OF

NEW LONDON

NEW HAMPSHIRE

Scale: 1 inch = 1,000 feet

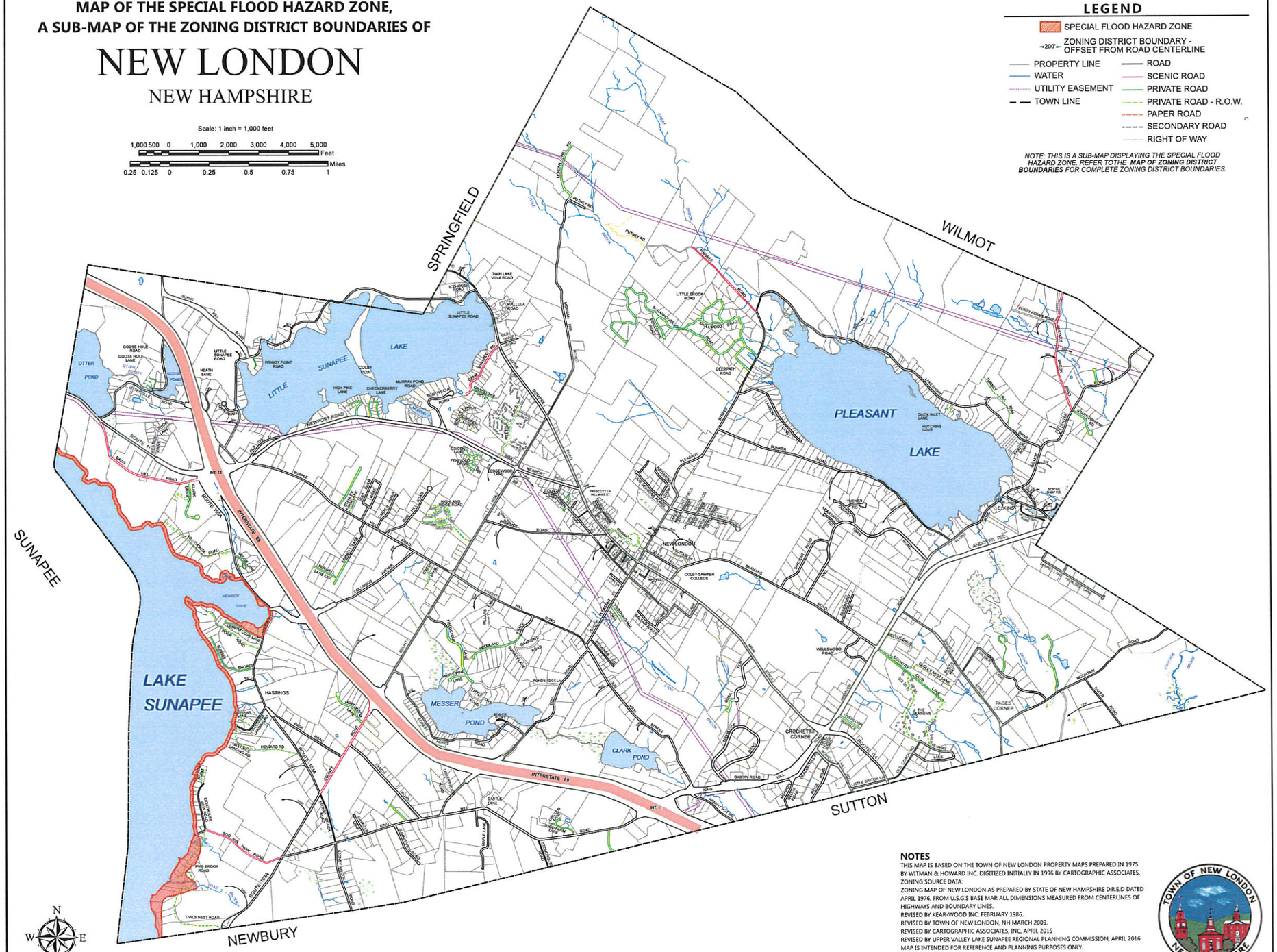
1,000 500 0 1,000 2,000 3,000 4,000 5,000 Feet

0.25 0.125 0 0.25 0.5 0.75 1 Miles

LEGEND

- SPECIAL FLOOD HAZARD ZONE
- ←200'→ ZONING DISTRICT BOUNDARY - OFFSET FROM ROAD CENTERLINE
- PROPERTY LINE
- WATER
- UTILITY EASEMENT
- TOWN LINE
- ROAD
- SCENIC ROAD
- PRIVATE ROAD
- PRIVATE ROAD - R.O.W.
- PAPER ROAD
- SECONDARY ROAD
- RIGHT OF WAY

*NOTE: THIS IS A SUB-MAP DISPLAYING THE SPECIAL FLOOD HAZARD ZONE. REFER TOTHE **MAP OF ZONING DISTRICT BOUNDARIES** FOR COMPLETE ZONING DISTRICT BOUNDARIES.*



NOTES

THIS MAP IS BASED ON THE TOWN OF NEW LONDON PROPERTY MAPS PREPARED IN 1975 BY WITMAN & HOWARD INC. DIGITIZED INITIALLY IN 1996 BY CARTOGRAPHIC ASSOCIATES.
ZONING SOURCE DATA:
ZONING MAP OF NEW LONDON AS PREPARED BY STATE OF NEW HAMPSHIRE D.R.E.D DATED APRIL 1976, FROM U.S.G.S BASE MAP. ALL DIMENSIONS MEASURED FROM CENTERLINES OF HIGHWAYS AND BOUNDARY LINES.
REVISED BY KEAR-WOOD INC. FEBRUARY 1986.
REVISED BY TOWN OF NEW LONDON, NH MARCH 2009.
REVISED BY CARTOGRAPHIC ASSOCIATES, INC. APRIL 2015
REVISED BY UPPER VALLEY LAKE SUNAPEE REGIONAL PLANNING COMMISSION, APRIL 2016
MAP IS INTENDED FOR REFERENCE AND PLANNING PURPOSES ONLY.
PROPERTY LINES CURRENT TO JULY 2015
ZONING BOUNDARIES CURRENT TO MARCH 2016

TOWN OF NEW LONDON NEW HAMPSHIRE

ARTICLE XVI
SHORE LAND OVERLAY DISTRICT

A. Authority and Purpose: All lakes are essentially fragile. In order to protect the lakes, actual Use of lake side Lots is being regulated through the establishment of a Shore Land Overlay District.

Most of the land immediately adjacent to New Hampshire's lakes, ponds and rivers is overlaid by soil types characterized by above average erosion and drainage hazards. These lands require conservation and land management practices which minimize environmental and aesthetic degradation.

The Town of New London hereby adopts this Shore Land Overlay District and accompanying regulations in order to:

1. Protect, maintain and enhance the water quality of the lakes;

2. Conserve and protect aquatic and terrestrial habitat associated with lake areas;

3. Preserve and enhance those recreational and aesthetic values associated with the natural shore land and lake environment;

4. Encourage those Uses that can be appropriately located adjacent to shorelines; and

5. Protect and promote public health, resource conservation, and the general welfare.

B. Shore Land Overlay District Boundaries: The Shore Land Overlay District extends to a line 250 feet inland from the Reference Line on all of the following lakes and ponds: Clark Pond, Goose Hole Pond, Little Lake Sunapee, Lake Sunapee, Messer Pond, Murray Pond, Otter Pond and Pleasant Lake.

C. Permitted Uses: The following Uses are permitted provided that they shall be conducted according to applicable provisions:

1. Docks and existing boathouses subject to the following restrictions:

   a. New dock construction and existing dock maintenance or replacement are permitted subject to required state permits, standards, and regulations. The attachment of the dock to the shoreland shall be the least impacting alternative as permitted by the State.

   b. Maintenance or replacement of existing boathouses which will not alter the use or increase the size or footprint of the structure is permitted subject to required state permits, standards, and regulations. Construction of new boathouses is not permitted.

2. Single Family and accessory Structures and Uses provided that all buildings-and structures shall be set back a minimum of 50 feet from the Reference Line and constructed in

accordance with the erosion control requirements of Section E. No construction or land disturbance whatsoever will be permitted within the Waterfront Buffer, except as provided in Section C.4., D.2. and F. below. Unless special construction practices ensure that no land disturbance will occur in the Waterfront Buffer as a result of construction activities, all Structures must be set back a minimum of 10 feet from the Waterfront Buffer to accommodate land disturbance resulting from such activities.

3. Sub-surface sewage disposal facilities provided that they shall be set back in accordance with state requirements.

4. A permanent pathway, stairway or walkway with a maximum width of six (6) feet within the Waterfront Buffer provided it is configured in a manner that will not concentrate stormwater runoff or contribute to erosion and is constructed with adequate soil erosion control measures as outlined in Section E below.

5. Replenishment of existing Beaches as provided in D.2. below.

6. Retaining walls within the Waterfront Buffer, as permitted in Section F.2.c (5) below.

D. General Provisions:

1. The traveled portion of a road shall be set back beyond the Waterfront Buffer except for bridges and bridge approaches and access ways for firefighting equipment and boat launching. All new roads shall be constructed in accordance with an Erosion and Sediment Control Plan approved by the Planning Board as part of the final Subdivision application and approval.

2. Construction of a new Beach or expansion of an existing Beach is not permitted. Replenishment of an existing Beach is permitted only under the following conditions:

   a. No more than 6 cubic yards of replenishment material is permitted to be added in any 6 year period; and
   b. Review and comment by the New London Conservation Commission; and
   c. A permit is obtained from the NH Department of Environmental Services (NHDES).

3. Lots within the Shore Land Overlay District shall not be used as common areas for Waterfront Access or for the purpose of granting deeded rights of access to residents of multiple units and/or other properties, regardless of the location of such properties. For the purpose of this section, the term "common area" shall mean an area used by a group of 3 or more unrelated persons or by an association, partnership, other joint ownership entity, club or organization consisting of 3 or more members.

4. Rights to gain access to a water body by or through a shore land Lot shall not be created or attached to any real estate. Waterfront Access shall be gained only in accordance with the standards set forth below.

5. As an additional means to implement the purposes of this Article as articulated in Section A., this section authorizes the Planning Board to require environmentally sound measures governing the Development of a tract of land, including, but not limited to, cutting restrictions, the proper design, layout and location of Building Envelopes, the appropriate siting of Structures and improvements, and erosion control procedures for new Lots located in the Shore Land Overlay District through the Subdivision process.

6. Each Dwelling Unit with direct water access and whose Shore Frontage is part of the Lot dimension shall have a minimum Shore Frontage of 200 feet.

7. In the case of any existing Use of a common area for Waterfront Access, the Use of such common area for business or commercial purposes shall not be permitted.

E. Stormwater & Erosion Control for Construction:

1. All new Structures, modifications to existing Structures and excavation or earth moving within the Shore Land Overlay District shall be designed and constructed in accordance with the Stormwater & Erosion Control Design Standards contained in the New London Land Subdivision Control Regulations and in compliance with all rules adopted by the New Hampshire Department of Environmental Services for terrain alteration under RSA 485-A:17 to manage stormwater, control erosion and sediment, during and after construction. The design of Stormwater management systems shall ensure that the post-development total runoff volume does not exceed the pre-development total runoff volume consistent with the New London Land Subdivision Control Regulations.

2. New Structures and all modifications to existing Structures within the protected Shore Land Overlay District shall be designed and constructed to prevent the release of surface runoff across exposed mineral surfaces.

3. Erosion and sedimentation control plans shall describe the nature and purpose of the land disturbing activity; the amount of grading involved; and a description of the soils, topography, vegetation, and drainage at the site; and a complete site plan illustrating erosion control devices, stormwater management structures and other measures intended to manage stormwater and erosion during and after construction. For minor land disturbances such as stairway and pathway construction, the Board of Selectmen may reduce the amount of detail needed in an erosion control plan. The Board of Selectmen shall review and decide to approve or deny all plans before issuing a Building permit, and may require the applicant to post a bond or other security to assure conformance with approved plans. The security shall not be released until the Board of Selectmen has certified the completion of the required improvements in accordance with the plan. The Board of Selectmen may request the Conservation Commission to review the plan and make recommendations.

4. Erosion and sedimentation control plans shall be developed in conformity with the guidelines of the U.S.D.A. Natural Resources Conservation Service (NRCS) and with

guidelines of the N.H. Department of Environmental Services under RSA 485-A:17. Erosion control measures shall be installed and subsequently inspected by the Board of Selectmen or its designee, as described in ARTICLE XXVII Enforcement of this Ordinance, before construction and grading begin.

F. Waterfront Buffer:

1. The Waterfront Buffer shall be the protected Shore Land within 50 feet of the Reference Line. The purpose of this buffer shall be to protect the quality of public waters while allowing the property owner discretion with regard to water access, safety, viewscape maintenance, and lot design.

2. Within the Waterfront Buffer all of the following prohibitions and limitations shall apply:

   a. No chemicals, including pesticides of any kind or fertilizers, except limestone, shall be applied.

   b. Rocks and stumps and their root systems shall be left intact in the ground, unless the vegetation, stumps or root system are determined by a certified arborist to be diseased, in which case the diseased materials shall be removed, including digging the stump out of the ground.

      No natural ground cover shall be removed except as necessary to accomplish uses permitted in Section C above or to plant native trees, saplings or shrubs. Pruning of shrubs and ground cover down to a height of 3 feet is permitted.

   c. Starting from the northerly or easterly boundary of the property, and working along the shoreline, the Waterfront Buffer shall be divided into 50 by 50 foot segments. Within each segment a minimum combined tree and sapling score of at least 50 points shall be maintained. If for any reason there is insufficient area for a full segment, the number of points required to be maintained in that partial segment shall be proportional to that required for a full segment.

      (1) Tree and sapling diameters shall be measured at 4½ feet above ground and are scored as follows:

      Diameter Score

      - 1 inch to 6 inches: 1 point
      - Greater than 6 inches to 12 inches: 5 points
      - Greater than 12 inches: 10 points

      (2) Dead, diseased, or unsafe trees or saplings shall be included in scoring. If cutting dead, diseased or unsafe trees or saplings produces a segment of less than fifty points, that segment shall be replanted in sufficient quantity to

equal or exceed the score that existed prior to the cutting. Shrubs and groundcover may be included in replanting and shall be scored as follows:

Four contiguous square feet of shrub area:	1 point
50 contiguous square feet of groundcover	1 point

Shrubs and groundcover, which does not include lawn, may be included in the replanting and shall be scored up to a maximum 50% of any full segment. Shrubs and groundcover may not be used except when replacing dead, diseased or unsafe trees.

(3) If the total tree and sapling score in any 50 by 50 foot segment exceeds 50 points, then the Planning Board may authorize the cutting of trees and saplings as long as the score for the remaining trees and saplings in that segment does not total less than 50 points. The remaining scores in partial segments shall be treated proportionally.

(4) The Planning Board or its designee may authorize the cutting of trees and saplings on a segment of a property having less than the required minimum score of 50 points, as long as trees and saplings are replanted in sufficient quantity to equal or exceed the score that existed prior to the cutting activity. The Planning Board or its designee shall not approve a cutting application that results in less than the required minimum score of 50 points or less than the score that existed prior to the application being filed.

(5) Owners of Lots that were legally developed prior to the adoption of this regulation may maintain but not enlarge cleared areas, including but not limited to existing lawns and beaches, within the Waterfront Buffer. Conversion or planting of cleared areas with native trees, saplings, shrubs and ground cover is encouraged but shall not be required unless it is necessary to meet the requirements of Section H. below. When necessary due to steep topography, retaining walls may be permitted to be installed as part of an overall plan to revegetate the Waterfront Buffer area. New terraces formed by the retaining walls within the Waterfront Buffer must be replanted with natural vegetation consisting of indigenous species of bushes, shrubs and trees. These terraces may not be used to create new grass lawns or to create more impervious surfaces such as stone patios and decks. Construction of retaining walls within the Waterfront Buffer which would require the removal of existing natural vegetative cover is not permitted unless it can be demonstrated through an erosion and sediment control plan that such retaining wall construction is essential for erosion control purposes. Construction of new lawns within Waterfront Buffer is not permitted.

(6) Normal trimming, pruning, and thinning of branches to the extent necessary to protect Structures, maintain clearances and provide views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing views shall be limited to the bottom half of the trees and saplings.

(7) When necessary for the completion of uses permitted in accordance with Section C. 1, 4, 5 & 6 above, and this section, a temporary 12 foot wide access path may be permitted, subject to approval by the Planning Board. The access path shall be completely restored and replanted with native species of trees, saplings, shrubs and ground cover upon completion of construction. In addition, trenching less than 2 feet in depth for the installation of utilities servicing docks and boathouses permitted under Section C. above, may be permitted, subject to Planning Board approval and compliance with Section E. above.

G. Natural Woodland Buffer:

1. A Natural Woodland Buffer shall be maintained within 150 feet of the Reference Line. The first 50 feet of this buffer is designated the Waterfront Buffer and is subject to the additional requirements of Section F, above. The purpose of the Natural Woodland Buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the Shore Land Overlay District.

2. For lots where one-half acre or less of land is contained within the Natural Woodland Buffer, the vegetation within at least 25% of the area outside the Waterfront Buffer, exclusive of Impervious Surfaces, shall be maintained in an unaltered state. The percentage of area maintained in an unaltered state on legal non-conforming lots shall not be decreased.

3. For lots where greater than one-half acre of land is contained within the Natural Woodland Buffer, the vegetation within at least 50% of the area outside the Waterfront Buffer, exclusive of Impervious Surfaces, shall be maintained in an unaltered state. The percentage of area maintained in an unaltered state on legal non-conforming lots shall not be decreased.

H. Impervious Surfaces:

1. No more than 20% of the area of the portion of a lot located within the Shore Land Overlay District shall be composed of Impervious Surfaces, except as provided in paragraphs 2 and 3, below.
2. The Impervious Surface area of the portion of any lot located within the Shore Land Overlay District may exceed 20%, up to a maximum of 30%, provided a storm water management system is designed consistent with Section E above, approved by the Planning Board, and implemented and maintained to ensure that post-development total runoff volume shall not exceed the pre-development total runoff volume. The total Impervious

Surface area of the portion of any lot located within the Shore Land Overlay District shall not exceed 30%.

3. Property owners and developers are encouraged to seek creative solutions that utilize Low Impact Development techniques, such as those described in the New London Land Subdivision Control Regulations.

I. Overlapping Regulations: In all cases where the Shore Land Overlay District is superimposed over another Zone District in the Town of New London, that district whose regulations are more restrictive shall apply. Furthermore, where any provision of this district differs from those of other ordinances or regulations of the Town or State, then that provision or ruling which imposes the greater restriction or higher standard shall govern.

ARTICLE XVII
PUBLIC BUILDINGS

Public Buildings shall be permitted in all Zone Districts after a public hearing before the Planning Board, which shall determine whether or not the erection of such a Public Building is in conformance with the terms and spirit of the Site Plan Review Regulations. This review shall be accomplished prior to the meeting authorizing the expenditure of public funds.

ARTICLE XVIII
CLUSTER DEVELOPMENT

A. Purpose:

The purpose of the Cluster Development provisions of this Ordinance is to encourage flexibility in design and Development of land in order to promote the conservation of Open Space and the efficient use of land in harmony with its natural features.

The objectives of this Cluster Development Ordinance are to:

1. Preserve Open Space and natural resources such as, but not limited to, scenic vistas, historic resources, Wetlands, water bodies, and agricultural lands;

2. Provide greater flexibility in Street and Lot layout, which encourages imaginative and economical approaches to residential land Use Development in harmony with natural features;

3. Provide for a variety of housing types while ensuring adequate standards for public health, safety, and welfare.

B. General Requirements:

1. Minimum Cluster Size: The gross land area of a parcel of land proposed for a Cluster Development must include a minimum of 5 contiguous acres.

2. Permitted Residential Uses: The only principal Buildings permitted by right in a Cluster Development are single and two Family dwellings. Three or more single Family attached dwellings are considered multi-Family dwellings and are not permitted Uses in a Cluster Development. Accessory Uses customarily incidental to residential Uses such as garage and recreational facilities shall also be permitted in Cluster Developments. Uses permitted by Special Exception in the underlying Zone District may be included in a Cluster Development provided the Special Exception is first approved by the Zoning Board of Adjustment.

3. Density: The number of Dwelling Units permitted within a Cluster Development shall not exceed the number allowed by the underlying Zone District(s). The applicable provisions of the Wetlands Conservation Overlay District (Article XIII of the Zoning Ordinance), the applicable provisions of the Steep Slopes Overlay District (Article XIV of the Zoning Ordinance) and the Minimum Lot Size by Soil Type requirements (Section VI. B-2 of the Land Subdivision Control Regulations) shall be accounted for in calculating the permitted number of units. The Planning Board may permit the transfer of density from one part of a contiguous Lot to another within the Cluster Development so long as the total number of dwellings permitted does not exceed the number allowed by the underlying Zone District.

4. Permissible Zone Districts: A Cluster Development may be permitted by the Planning Board in the R-1, R-2, Conservation and ARR Zone Districts.

5. Lot Size and Frontage Requirements: The Lot size and Frontage requirements set forth in Articles V, VI and VIII may be reduced by the Planning Board in a Cluster Development up to the minimums outlined below:

a. A Cluster Development *without* public water and sewer service:

1) Minimum Lot Size: 30,000 sq. ft.

2) Minimum Lot Frontage: 100 ft.

b. A Cluster Development *with* public water and sewer service:

1) Minimum Lot Size: 15,000 sq. ft.

2) Minimum Lot Frontage: 70 ft.

6. Buffer Strip: A buffer strip having a minimum depth of 100 feet shall be provided between any proposed Structure within the Development and the perimeter of the tract. No dwelling, accessory Structure, or parking area shall be permitted within the buffer strip. The buffer strip may be included as part of the common Open Space.

Whenever feasible the buffer strip shall consist of existing, natural vegetation. In the absence of existing vegetative cover, new landscaping shall be planted to buffer the Cluster Development from abutting properties. This landscaping buffer shall consist of deciduous Trees at least two and one-half inches in caliper measured six inches above finished Grade and/or conifer Trees a minimum of 8 feet in Height spaced 20 feet apart within the buffer strip in addition to lower lying bushes and Shrubs. The Planning Board at its discretion may reduce or waive portions of the buffer strip due to topography, increased Building setbacks, preservation of scenic open land, and/or provision of raised earth berms.

7. Setbacks/Building Separations:

a. Perimeter Setback: No Structure shall be located closer than 100 feet to the perimeter of tract.

b. Internal Setback: Front: No Structure shall be located closer than 20 feet from the Right-of-Way of a proposed public Street or from the edge of the travel surface of a proposed private road.

c. Internal Building Separations: Without public water service, no Structure shall be located closer than 50 feet from a Structure on an abutting Lot or 15 feet from an accessory Structure on the same Lot. With public water service, no Structure shall be located closer than 25 feet from a Structure on an abutting Lot or 15 feet from an accessory Structure on the same Lot. These internal Building separations may be reduced by the Planning Board if alternative fire protection measures are proposed which provide comparable protection and which meet the approval of the Fire Chief.

8. Open Space Requirements:

a. The total area of the Open Space within the Cluster Development shall equal or exceed the sum of the areas by which individual Lots are reduced below the minimum Lot area normally required in the Zone District. For example, if in lieu of 20 two acre conventional Lots, a Cluster Development proposes 20 one acre Lots, then the remaining 20 acres shall be preserved as Open Space

b. The plan for a Cluster Development shall provide a continuity of Open Space throughout the tract. Pedestrian and bicycle paths are desirable. The Open Space shall be accessible from individual Dwelling Units, internal pedestrian paths, and/or internal Streets.

c. Open Space shall be held, managed, and maintained by the developer until completion of all improvements such as trails and Recreation Facilities, where upon the developer shall transfer the ownership, management and maintenance responsibilities to one or a combination of the following which will insure that the Open Space land will be held in perpetuity as Open Space:

1) By a Homeowners or Condominium Association or similar form of common ownership set up by the developer and made a part of the deed for each Lot or Dwelling Unit;

2) By a Conservation Trust or private nonprofit organization such as the Ausbon Sargent Land Preservation Trust, the Society for the Protection of New Hampshire Forests or the Audubon Society; and/or

3) By a public body (for example, the Town) which shall maintain the land as Open Space for the benefit of the general public of New London.

d. All agreements, covenants, deed restrictions, articles of incorporation, by-laws, and organizational provisions for any of the above forms of ownership, management and maintenance of the Open Space land shall be subject to the review and the approval of the Planning Board prior to final approval of the Cluster Development;

e. In cases where the proposed Cluster Development results in areas or project features of common ownership, there shall be established procedures and responsibilities for perpetual maintenance of Open Space, private Streets and utilities by the inclusion of covenants running with the land in the deeds; and

1) Obligating purchasers to participate in a Homeowners' Association, Condominium Association or similar form of common ownership (which participation shall be automatic upon conveyance of title or lease to individual Dwelling Units), and to support maintenance of all common elements including the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments;

2) Obligating such an association to maintain the open areas and any private Streets and utilities;

3) Empowering the Town, as well as other purchasers in the Development, to enforce the covenants in the event of failure of compliance;

4) Providing for agreements that, if the Town is required to perform any maintenance work pursuant to Item 3 above, Lot owners would pay the cost thereof and that the same shall be a lien upon their properties until said cost has been paid.

f. In the event that a Cluster Development proposes, wholly or partially, the Development of prime agriculture land, the Planning Board may waive the requirements of this section to provide for the protection of these lands, whereby the Open Space area for the Use of the residents of the Development may be reduced in favor of setting aside and permanently restricting the Development of these prime agriculture areas. If required by the Planning Board, this land shall be protected in a fashion described in Section B.8.c.1-3 above and permanently restricted for agricultural Uses and may be sold or leased subject to the approval of the Planning Board.

C. Procedure:

Subdivision approval by the New London Planning Board is required for all Cluster Development Proposals. A Cluster Development proposal shall be processed concurrently with the required Subdivision application. A Cluster Development proposal shall include the following information in addition to the submittal requirements for the Subdivision application:

1. Location, size and type of proposed Structures including delineation of Building setbacks and separations;

2. Typical elevations and floor plans;

3. Location of driveways, parking areas, wastewater disposal systems, and water supply systems;

4. Delineation of natural vegetation to be retained and proposed landscaping to be added; and

5. A plan for the Open Space including location, any proposed improvements and the proposed arrangement for maintenance and ownership. All agreements, covenants, deed restrictions, articles of incorporation, by-laws and organizational provisions for the ownership and maintenance of the Open Space must be approved by the Planning Board prior to final approval of the Cluster Development.

D. Review Criteria:

The Planning Board shall not approve any Cluster Development unless it shall first make the following findings:

1. Approval of the Cluster Development proposal would result in a more desirable environment than would be possible through a conventional Subdivision that strictly conforms to requirements of the Zoning Ordinance;

2. The proposed Cluster Development will harmoniously integrate into the surrounding neighborhood in such a way that the visual qualities of scale, size, color(s) and exterior material(s) of Building(s) between existing land Use(s) and the Cluster Development are complementary;

3. The location, size, nature and topography of the open areas make them suitable for Use as common areas for park, recreational purposes, conservation purposes, buffer areas and/or agricultural purposes;

4. The Cluster Development proposal conforms to the requirements for Cluster Developments as detailed in Section B;

5. The Cluster Development proposal complies with all applicable requirements of the Subdivision Regulations and the Zoning Ordinance; and

6. The Cluster Development proposal preserves to the maximum extent feasible the scenic Open Space on the property, particularly that which is visible from the public road system.

ARTICLE XIX
PLANNED UNIT DEVELOPMENT

A. Purpose:

The purpose of the Planned Unit Development provisions is to encourage flexibility in the design and Development of land in order to promote the most efficient Use of land and to preserve natural features and Open Space.

The objectives of this Planned Unit Development Ordinance are to:

1. Preserve Open Space and natural resources such as, but not limited to, scenic vistas, historic resources, Wetlands, water bodies, and agricultural lands;

2. Encourage a less sprawling form of Development which makes more efficient Use of the land, requires shorter networks of Streets and utilities and fosters less consumption of rural and/or agricultural land;

3. Provide a procedure which can insure appropriate, high quality design and site planning and a high level of environmental amenities;

4. Avoid Development of portions of sites which have poor soil conditions, contain Wetland soils, high water tables, are subject to Flooding, or have excessively steep slopes; and

5. Provide a variety of housing opportunities for a wide range of ages and needs.

B. General Requirements:

1. Minimum Land Area for Planned Unit Development: The gross land area of a parcel of land proposed for a Planned Unit Development must include a minimum of 5 contiguous acres.

2. Permitted Uses: Uses permitted in a Planned Unit Development include: (Amended May 2014 to include new item (d)-Retirement Care Community.

    a. All Uses permitted in the underlying Zone District(s);
    b. Dwelling Units in single Family detached, single Family attached, two Family or multi-Family dwellings or appropriate mixes thereof; and
    c. Accessory Uses customarily incidental to residential Uses such as garages and recreational facilities.
    d. Retirement Care Community (RCC).

3. Density: The number of Dwelling Units permitted within a Planned Unit Development shall not exceed the number allowed by the underlying Zone District(s). The applicable provisions of the Wetlands Conservation Overlay District (Article XIII of the Zoning Ordinance) and the applicable provisions of the Steep Slopes Overlay District (Article XIV of the Zoning Ordinance) shall be accounted for in calculating the permitted number of units. The Planning Board may permit the transfer of density from one part to another within the Planned Unit Development so long as the total number of dwellings permitted does not exceed the number allowed by the underlying Zone District(s).

4. Permissible Zone Districts: Permissible Zone Districts: A Planned Unit Development may be permitted by the Planning Board in those portions of the C - Commercial District, R-1 - Urban Residential District, R-2 - Residential District, ARR- Agricultural and Rural Residential District and Hospital Institutional District that are located within the Planned Unit Development Overlay District as shown on the Zoning Map. (Amended May 2014 to include ARR and the Hospital Institutional District).

5. A Planned Unit Development may be permitted by the Planning Board in those portions of the C - Commercial District, R-1 - Urban Residential District, R-2 - Residential District, that are located within the Planned Unit Development Overlay District.

5. Lot Size and Frontage Requirements: In those instances where single Family detached units are proposed, the Planning Board may reduce the minimum Lot size to 12,000 sq. ft. and may reduce the minimum Lot Frontage to 70 ft.

6. Buffer Strip: A buffer strip having a minimum of 75 feet shall be provided between any proposed Structure within the Development and the perimeter of the tract. No dwelling, accessory Structure, or parking area shall be permitted within the buffer strip. The buffer strip may be included as part of the common Open Space. Wherever feasible the buffer strip shall consist of existing, natural vegetation. In the absence of existing vegetative cover, new landscaping shall be planted to buffer the Planned Unit Development from abutting properties. This landscaping buffer shall consist of deciduous Trees at least 2 ½ inches in caliper measured 6 inches above finished Grade and/or conifer Trees a minimum of 8 feet in Height spaced 20 feet apart within the buffer strip in addition to lower lying bushes and Shrubs. The Planning Board at its discretion may reduce or waive portions of the buffer strip due to topography, increased Building setbacks, preservation of scenic open land, and/or to provide reasonable exposure for Commercial Uses if permitted.

7. Setbacks/Building Separations:

   a. Perimeter Setback: No Structure shall be located closer than 75 feet to the perimeter of the tract.

   b. Internal Setback: Front: No Structure shall be located closer than 20 feet from the Right-of-Way of a proposed public Street or from the edge of the travel surface of a proposed private road.

   c. Internal Building Separations: No Structures shall be located closer than 25 feet from a Structure on an abutting Lot or 15 feet from an accessory Structure on the same Lot. These internal Building separations may be reduced by the Planning Board if alternative fire protection measures are proposed which provide comparable protection and which meet the approval of the Fire Chief.

8. Open Space Requirements:

   a. A minimum of 50 percent of the parcel utilized for a Planned Unit Development shall be preserved as Open Space.

   b. The plan for a Planned Unit Development shall provide a continuity of Open Space throughout the tract. Pedestrian and bicycle paths are desirable. The Open Space shall be

accessible from individual Dwelling Units, internal pedestrian paths and/or from internal Streets within the Development.

c. Open Space shall be held, managed, and maintained by the developer until completion of all improvements such as trails and Recreation Facilities, whereupon the developer shall transfer the ownership, management and maintenance responsibilities to one or a combination of the following which will insure that the Open Space land will be held in perpetuity as Open Space:

1) By a Homeowners or Condominium Association or similar form of common ownership set by the developer and made a part of the deed for each Lot or Dwelling Unit;

2) By a Conservation Trust or private nonprofit organization such as the Ausbon Sargent Land Preservation Trust, the Society for the Protection of New Hampshire Forests or the Audubon Society;

3) By a public body (for example, the Town) which shall maintain the land as Open Space for the benefit of the general public of New London.

d. All agreements, covenants, deed restrictions, articles of incorporation, by-laws, and organizational provisions for any of the above forms of ownership, management and maintenance of the Open Space land shall be subject to the review and approval of the Planning Board prior to final approval of the Planned Unit Development;

e. In cases where the proposed Planned Unit Development results in areas or project features of common ownership, there shall be established procedures and responsibilities for perpetual maintenance of Open Space, private Streets and utilities by the inclusion of covenants running with the land in the deeds; and

(1) Obligating purchasers to participate in a Homeowners' Association, Condominium Association or similar form of common ownership (which participation shall be automatic upon conveyance of title or lease to individual Dwelling Units), and to support maintenance of all common elements including the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments;

(2) Obligating such an association to maintain the open areas and any private Streets and utilities;

(3) Empowering the Town, as well as other purchasers in the Development, to enforce the covenants in the event of failure of compliance;

(4) Providing for agreements that, if the Town is required to perform any maintenance work pursuant to Item 3 above, Lot owners would pay the cost thereof and that the same shall be a lien upon their properties until said cost has been paid.

f. In the event a Planned Unit Development proposes, wholly or partially, the Development of prime agriculture land, the Planning Board may waive the requirements of this section to provide for the protection of these lands, whereby the Open Space area for the use of the

residents of the Development may be reduced in favor of setting aside and permanently restricting the Development of these prime agriculture areas. If required by the Planning Board, this land shall be protected in a fashion described in Section B.8.c.1-3 above and permanently restricted for agricultural Uses and may be sold or leased subject to the approval of the Planning Board.

9. Water and Sewer Service: All Planned Unit Developments shall be served by the New London/Springfield Water Precinct for domestic use and fire protection purposes and by the New London Sewer Commission for sewage disposal.

10. Design Guidelines: The Planned Unit Development shall conform to the following design guidelines:

    a. The Planned Unit Development should be harmoniously integrated into the surrounding neighborhood in such a way that the visual qualities of scale, size, color(s) and exterior material(s) of Building(s) between existing land Use(s) and the Planned Unit Development are complementary.

    b. The design of the Planned Unit Development shall be directed toward establishing a sense of place. Inward oriented placement of Buildings, Streets, Open Space and recreational facilities is desired.

    c. The plan for the Planned Unit Development shall preserve existing prominent natural features, especially scenic open land.

C. Procedure:

Subdivision and Site Plan Review approval by the New London Planning Board is required for all Planned Unit Development proposals. A Planned Unit Development proposal shall be processed concurrently with the required Subdivision and Site Plan Review applications. A Planned Unit Development shall include the following information in addition to the submittal requirements for the Subdivision and Site Review applications:

1. Delineation of the natural vegetation to be retained or the limits of clearing;

2. A plan for the Open Space including the location of any proposed improvements and the proposed arrangement for maintenance and ownership. All agreements, covenants, deed restrictions, articles of incorporation, by-laws and organization provisions for the ownership and maintenance of the Open Space must be approved by the Planning Board prior to final approval of the Planned Unit Development.

D. Review Criteria:

The Planning Board shall not approve a Planned Unit Development unless it shall first make the following findings:

1. Approval of the Planned Unit Development proposal would result in a more desirable environment than would be possible through a conventional Subdivision which strictly conforms to requirements of the Zoning Ordinance.

2. The location, size, nature and topography of the Open Space makes it suitable for use as common areas for park, recreational purposes, conservation purposes, buffer areas and/or agricultural purposes.

3. The Planned Unit Development proposal conforms to the requirements for Planned Unit Development as outlined in Section B.

4. The Planned Unit Development proposal complies with all applicable requirements of the Subdivision Regulations, Site Plan Review Regulations, and the Zoning Ordinance.

MAP OF PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT,
A SUB-MAP OF THE ZONING DISTRICT BOUNDARIES OF

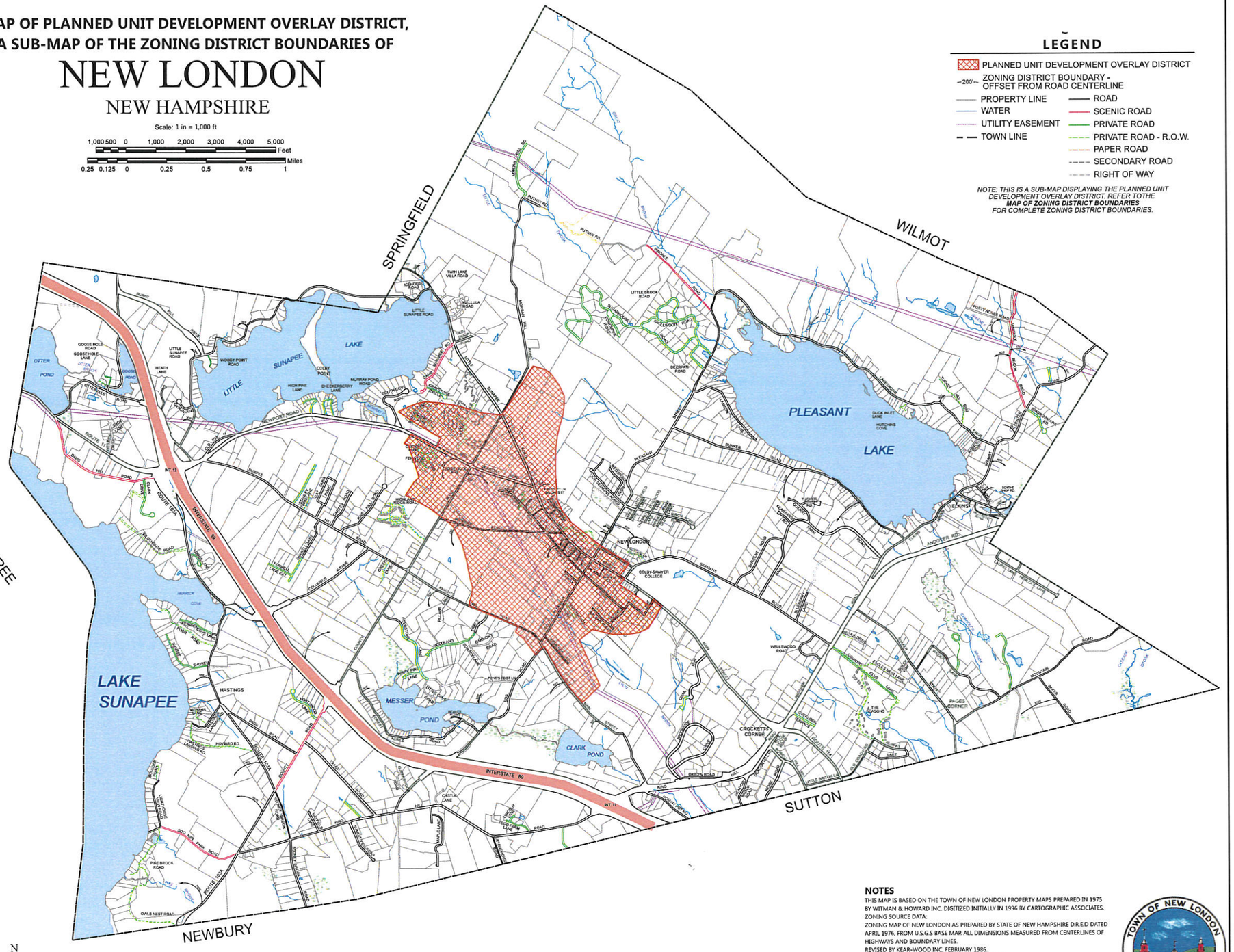
NEW LONDON

NEW HAMPSHIRE

Scale: 1 in = 1,000 ft

1,000 500 0 1,000 2,000 3,000 4,000 5,000 Feet

0.25 0.125 0 0.25 0.5 0.75 1 Miles



LEGEND

- PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
- ZONING DISTRICT BOUNDARY - OFFSET FROM ROAD CENTERLINE (200')
- PROPERTY LINE
- WATER
- UTILITY EASEMENT
- TOWN LINE
- ROAD
- SCENIC ROAD
- PRIVATE ROAD
- PRIVATE ROAD - R.O.W.
- PAPER ROAD
- SECONDARY ROAD
- RIGHT OF WAY

*NOTE: THIS IS A SUB-MAP DISPLAYING THE PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT. REFER TOTHE **MAP OF ZONING DISTRICT BOUNDARIES** FOR COMPLETE ZONING DISTRICT BOUNDARIES.*

NOTES

THIS MAP IS BASED ON THE TOWN OF NEW LONDON PROPERTY MAPS PREPARED IN 1975 BY WITMAN & HOWARD INC. DIGITIZED INITIALLY IN 1996 BY CARTOGRAPHIC ASSOCIATES.
ZONING SOURCE DATA:
ZONING MAP OF NEW LONDON AS PREPARED BY STATE OF NEW HAMPSHIRE D.R.E.D DATED APRIL 1976, FROM U.S.G.S BASE MAP. ALL DIMENSIONS MEASURED FROM CENTERLINES OF HIGHWAYS AND BOUNDARY LINES.
REVISED BY KEAR-WOOD INC. FEBRUARY 1986.
REVISED BY TOWN OF NEW LONDON, NH MARCH 2009.
REVISED BY CARTOGRAPHIC ASSOCIATES, INC, APRIL 2015
REVISED BY UPPER VALLEY LAKE SUNAPEE REGIONAL PLANNING COMMISSION, APRIL 2016
MAP IS INTENDED FOR REFERENCE AND PLANNING PURPOSES ONLY.
PROPERTY LINES CURRENT TO JULY 2015
ZONING BOUNDARIES CURRENT TO MARCH 2016

TOWN OF NEW LONDON NEW HAMPSHIRE

ARTICLE XX
LEGAL NONCONFORMING USES, LEGAL NON-CONFORMING BUILDINGS AND STRUCTURES, AND LEGAL NON-CONFORMING LOTS

A. Legal Nonconforming Uses: Any Legal Nonconforming Use may be continued indefinitely subject to the following limitations:

1. Resumption after Discontinuance: When a Legal Nonconforming Use of land, Structures or Buildings has been discontinued for one year, then the land, Structures and Buildings shall be used thereafter only in conformity with this Ordinance.

2. Change or Expansion: Any Legal Nonconforming Use shall not be changed to another Nonconforming Use. Any Legal Nonconforming Use shall not be expanded.

3. Superseded by a Conforming Use: If a Legal Nonconforming Use is superseded by a conforming Use, then it shall thereafter conform to the Use regulations of this Ordinance, and the Nonconforming Use may not thereafter be resumed.

4. Restoration, Reconstruction and/or Replacement of Buildings containing a Legal Nonconforming Use: Nothing herein shall prevent the restoration, reconstruction and/or replacement within 3 years of a Building containing a Legal Nonconforming Use destroyed in whole or in part by fire or other natural disaster so long as this Use does not result in a new or expanded Nonconforming Use.

B. Legal Nonconforming Buildings and Structures: Any Legal Nonconforming Building or Structure may be continued indefinitely and may be altered, expanded, restored, reconstructed and/or replaced subject to the following limitations:

Any Nonconforming Building or Structure located entirely or partly within the Waterfront Buffer of all lakes and ponds over 10 acres in size may be continued indefinitely, Altered and/or expanded provided it complies with the following applicable provisions:

1. If the Nonconforming Building or Structure is located entirely within the Waterfront Buffer, then alteration or repair of the Building or Structure is governed by the following:

   a. Alteration or repair of the Building or Structure is only permitted within the existing footprint and outside dimensions, consistent with the provisions of Article XX, Section B, 3, provided the result is a functionally equivalent use. No footprint change or vertical expansion of the existing structure shall be allowed. Any expansion that increases the sewerage load to an on-site septic system, or changes or expands the use of a septic system shall require approval by the NH Department of Environmental Services.

   b. Existing decks and porches located entirely within the Waterfront Buffer may not be covered, enclosed or expanded upward or outward beyond the footprint of the existing deck or porch.

   c. Improvements may include a new foundation, provided that all of the following conditions are met:

      (1) The new foundation shall be constructed from a vantage point entirely outside the Waterfront Buffer, or from within the structure itself, in a manner that does not

disturb any part of the Waterfront Buffer beyond the footprint of the existing building.

(2) No living space or basement area is added as a result of the new foundation.

(3) No change in the footprint (drip line) of the structure (within the Waterfront Buffer) will result from the new foundation.

2. If the Nonconforming Building or Structure straddles the Waterfront Buffer, then alteration or expansion of the Building or Structure is governed by the following:

a. Alteration or expansion of that portion of the Building or Structure located within the Waterfront Buffer is governed by the provisions outlined in section B.1., above.

b. Alteration or expansion of that portion of the Building or Structure located beyond the first 50 feet inland from the Reference Line level is governed by the following:

(1) Alteration or expansion is permitted upward, and outward to the side or rear of the Structure away from the lake.

(2) Existing, covered porches located beyond the Waterfront Buffer may be enclosed and converted to habitable space and may be expanded upward beyond the footprint of the existing porch.

(3) Existing decks located beyond the Waterfront Buffer may be expanded, covered, enclosed and/or converted to habitable space.

3. Building Height: Nonconforming Structures located within the Waterfront Buffer in the Shore Land Overlay District shall not exceed 25 feet in Height above Grade.

4. Alterations and Expansions of all other Legal Nonconforming Buildings and Structures: Any Other Legal Nonconforming Building may be Altered or expanded provided, however, that such alteration or expansion does not make any existing Legal Nonconforming Building a more Nonconforming Building within the terms of this Ordinance and provided that all other standards of this Ordinance are met. For example, if an existing Structure does not comply with the Front Yard setback requirement, then this Structure could not be expanded to result in a Structure with less Front Yard setback unless a Variance was approved by the Zoning Board of Adjustment. However, the Structure could be expanded upward or to the side along the existing Nonconforming setback provided that the expanded Structure complies with all other standards of this Ordinance. If the expansion constitutes a Substantial Improvement, then the resulting Structure is permitted only if it complies with all of the standards of this Ordinance including the aspect that makes the existing Legal Nonconforming Building or Structure Nonconforming.

5. Substantial Improvement, Restoration, Reconstruction and/or Replacement of Legal Nonconforming Buildings or Structures:

a. Legal Nonconforming Building or Structure destroyed by Fire or Other Natural Disaster: Nothing herein shall prevent the restoration, reconstruction and/or replacement within 3 years of a Legal Nonconforming Building or Structure destroyed in whole or in part by fire or other natural disaster so long as the new Structure is a functionally equivalent use (with

regard to number of Bedrooms and Dwelling Units), does not result in a Substantial Improvement (when compared to the original structure), and does not result in a more Nonconforming Building than was originally at the site.

b. Voluntary Replacement or Substantial Improvement of a Legal Nonconforming Building or Structure:

1. For use with ARTICLE XV Floodplain Overlay District: The Substantial Improvement or voluntary replacement of a Legal Nonconforming Building or Structure within the boundaries of the 100-Year Floodplain is permitted only if it complies with all of the standards of this Ordinance including the aspect that makes the existing Building or Structure Nonconforming. This section does not include Building Maintenance within the types of work that comprise Substantial Improvement.

2. For use with all remaining ARTICLES of the Zoning Ordinance: The voluntary replacement or relocation of a Legal Nonconforming Building or Structure, or Alterations to a Legal Nonconforming Building or Structure that result in a 50% increase in the square footage of useable floor area (including decks, porches, basements, garages and attics, in addition to finished floor area) of that Structure is permitted only if it complies with all of the standards of this Ordinance including the aspect that makes the existing Building or Structure Nonconforming. For the purposes of this Section, additions to the square footage of floor area of any Structure shall be cumulative beginning with first improvement following the date of the adoption of this amendment.

C. Legal Nonconforming Lots:

1. All Legal Nonconforming Lots: Any Lot with less area or frontage than required which is lawfully established, recorded and taxed as a Lot of Record before the enactment or amendment of this Ordinance, shall be deemed a conforming Lot.

ARTICLE XXI
BOARD OF ADJUSTMENT

A. Authorization: The Zoning Board of Adjustment shall be authorized and established in accordance with the laws of the State of New Hampshire, Chapter 673 & 674, Revised Statutes Annotated and any amendments thereto.

B. Method of Appointment: The Selectmen shall appoint the members of the Zoning Board of Adjustment in accordance with the laws of the State of New Hampshire, Chapter 673, Revised Statutes Annotated and any amendments thereto.

C. Powers: The Zoning Board of Adjustment shall have the powers provided in RSA 674:33 and 674:33-a or as amended.

D. Public Notice Requirements: Notice of a public hearing by the Zoning Board of Adjustment shall comply with the requirements as provided in RSA 676:7 or as amended. Hearings on appeals, proposals and requests shall be conducted as follows:

1. Prior to exercising its power to grant an administrative appeal, Special Exception, Variance or equitable waiver of dimensional requirement, the Zoning Board of Adjustment shall hold a public hearing. The public hearing shall be held within 30 days of the receipt of the application requesting consideration by the Board.

2. Notice must be sent by certified mail to all Abutters not less than 5 days before the date of the hearing.

3. Notice shall be published in a newspaper of general circulation not less than 5 days before the date of the hearing and shall indicate what relief is being sought. Where possible, there should be a reference to the Ordinance sections under which an administrative appeal is being taken, a Special Exception is being sought, a Variance is being sought or under which an equitable waiver of dimensional requirement is being sought.

E. Appeals to the Zoning Board of Adjustment: If it is alleged that an error has been made, any aggrieved person, officer, department, board or bureau of the Town affected by the decision of the administrative officer may appeal to the Board. Such appeals shall be taken within a reasonable time of the administrative decision by filing with the Board a notice of appeal specifying the grounds for appeal. Work may not continue during an appeal unless the administrative officer states that work stoppage will cause imminent peril to life and property.

F. Administrative Appeal: To grant an administrative appeal, the Board must apply the strict letter of the law. It must find the administrative officer correctly or incorrectly interpreted a particular provision of the Ordinance. If it finds that the Ordinance was properly interpreted, it cannot grant relief (unless a request has been made for a Variance or Special Exception) even if it feels relief might be in order. The Board may reverse, or reaffirm, completely or in part, any administrative decision from which an appeal is sought.

G. Special Exceptions:

1. Requirements and Standards: The Board of Adjustment may grant a Special Exception when it finds, upon application to it, that the proposed Structure and/or Use meets the following requirements and standards:

a. The location and size of the site and its Use, the size and design of the Structure, the nature and intensity of the operation involved and the location of the site with respect to existing or planned public highways and rights-of-way giving access to it, shall be such that it will be in harmony with the surrounding area.

b. The location, nature, design and Height of the Structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the Use, shall not have an adverse effect on the environment nor discourage the appropriate and orderly Development and Use of land and Buildings in the neighborhood, impair the value thereof, or otherwise be detrimental or injurious to the neighborhood by reason of a tendency to produce noise, vibration, light, dust, smoke, fumes, odor, unsightliness, refuse matter or other detrimental condition.

c. The Use is specifically allowed as a Special Exception under the terms of this Ordinance;

d. Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage and other necessary public or private services, are approved or assured, to the end that the Use will be capable of proper operation. This requirement may be waived if review of the same subject matter by the Planning Board lies within its jurisdiction and appears assured.

e. The Use will not be detrimental to vehicular and pedestrian traffic movement in the neighborhood nor cause traffic congestion.

f. The proposed Special Exception conforms to all other requirements of the Zoning Ordinance.

g. That the Use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation or undue violation of the character of the neighborhood;

h. The proposed Structure and/or Use shall be compatible with the spirit and intent of this Zoning Ordinance.

2. Conditions and Safeguards: In granting any Special Exception the Board may prescribe reasonable conditions and safeguards deemed necessary to prevent nuisance and promote harmony with the neighborhood, and the disregard of any condition or safeguard when made part of the terms under which a Special Exception is granted shall be a violation of this Ordinance. Conditions and safeguards which the Board may impose in addition to the applicable requirements of this Ordinance, include, but not limited to the following:

a. Front, side or rear setbacks greater than the minimum requirements of this Ordinance;

b. Screening of parking areas or other parts of the premises from adjoining premises or from the Street by walls, fences, planting or other devices;

c. Footprint or Lot coverage;

d. Modification of the exterior features or appearance of the Building;

e. Limitation of size, number of occupants, method of time or operation or extent of facilities;

f. Regulation of number, design, and location of drives or other traffic features;

g. Off-street parking or loading spaces beyond the minimum requirements; or

h. Control of the number, size, and location of lighting and signs.

3. Completion of Project: In the case of a Special Exception involving a large construction project, which would be a blight on the neighborhood if not completed as represented to the Board, a condition may be imposed requiring the applicant to demonstrate reasonable financial ability or financial responsibility to carry the project to completion, as represented, and in compliance with any other conditions imposed by the Board, prior to the issuance of a Building permit.

4. Special Exception Uses: All Special Exception Uses and expansion of Special Exception Uses shall be permitted only after approval following a public hearing before the Board of Adjustment. The following are the Special Exception Uses which must meet the criteria listed above, plus additional requirements as indicated in particular types of cases:

a. Publicly owned, privately owned tax exempt and/or privately owned, noncommercial recreational facilities in the R-1, R-2 and ARR Districts.

b. Bed & Breakfasts in the Residential and Agricultural and Rural Residential Districts. The facility must provide at least one off-street parking space per unit.

c. Filling stations, automobile repair garages, car washes, and Uses incidental thereto in the Commercial District. These must not create local traffic congestion.

d. Sawmill operations in the Conservation and Forest Conservation Districts. These shall be temporary operations, not to exceed 12 months, and the enterprises shall demonstrate that they will (1) except for a driveway be at least 60 feet from the edge of any right-of-way, and not less than 100 feet from each side and rear boundary, and (2) upon completion of the operation the appearance of the area will not have an adverse effect on neighboring property by reason of abandoned sawdust piles or other debris.

e. Light industry and wholesale establishments in the Commercial District.

f. Hospitals, sanatoriums, nursing homes, convalescent homes, churches, religious institutions, Private Schools and other private educational institutions in the Commercial District. Churches, Private Schools and other private educational institutions in the Residential and Agricultural & Rural Residential Districts.

g. Historical Village Use in the Residential District.

h. Additional College facilities and activities in the Institutional Zone consistent with the provisions of Article X, A 1.

i. Additional hospital activities not enumerated as health related in the Hospital Institutional District which are consistent with the provisions of Article XII, A.

j. A Home Business Use, including either a new Home Business proposal or expansion of an existing Home Business, which does not comply with the area limitation of 35% of the total finished floor area of the Dwelling Unit or a maximum of 1,000 square feet, whichever is less, may apply to the Zoning Board of Adjustment for approval of a Use by Special Exception to permit a Home Business to occupy a maximum of 1,250 square feet or 35% of the total finished floor area of the Dwelling Unit whichever is less.

k. Water storage facilities, Structures for publicly-owned recreational facilities, privately-owned tax exempt recreational facilities available to the public, Structures for wildlife refuges, and Home Businesses in the Forest Conservation District.

l. All of the Special Exception Uses specified in Article XIII Wetlands Conservation Overlay District, Section E. Special Exceptions.

m. All of the Uses Permitted by Special Exception specified in Article XXII Streams Conservation Overlay District, Paragraph G. Uses Permitted by Special Exception.

n. Kennels as a Commercial Use for the breeding, boarding, grooming and sale of cats and dogs

H. Equitable Waiver of Dimensional Requirement:

1. When a Lot or other division of land, or Structures thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by this Zoning Ordinance, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver of dimensional requirement, if and only if the Board makes ALL of the following findings:

a. That the violation was not noticed or discovered by the owner, former owner, owner's agent or representative, or municipal official, until after a Structure in violation had been substantially completed, or until after a Lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;

b. That the violation was not an outcome of ignorance of the law or Ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent, or representative, but was instead caused by either a good faith measurement or calculation made by an owner, owner's agent, or by an error in Ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;

c. That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future Uses of any such property; and

d. That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

2. In lieu of the findings required by the Board under subparagraphs H.,1.,a. and H., 1., b., the owner may demonstrate to the satisfaction of the Board that the violation has existed for 10 years or more,

and that no enforcement action, including written notice of the violation, has been commenced against the violation during that time by the municipality or any person directly affected.

3. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from Use restrictions. An equitable waiver granted under this section shall not be construed as a Nonconforming Use, and shall not exempt future Use, construction, reconstruction, or additions on the property from full compliance with the Ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

I. Variance: The Board may, on an appeal, grant a Variance from the provisions of this Ordinance, if ALL the following facts are found by the Board:

1. No diminution in value of surrounding properties would be affected;

2. Granting the permit would be of benefit to the public interest;

3. Denial of the permit would result in unnecessary hardship to the owner seeking it;

4. By granting the permit substantial justice would be done; and

5. The Use must not be contrary to the spirit of this Ordinance.

J. Action by the Board: After a public hearing, the Board may grant the application, deny the application or refer the application back to the applicant for modification.

1. An action taken by the Board to deny an application must be accompanied by a written statement as to how the application fails to fulfill the requirements and conditions specified above.

2. The Board may impose such conditions and restrictions as deemed necessary to meet the objectives of this Ordinance on any application granted under the terms of this Ordinance.

3. If denied, the Board shall issue a final written decision on an application. This decision shall be filed in the Town Office within 72 hours after the decision has been made. If the application is denied, all of the reasons for denial shall be indicated in the denial letter and the record.

4. If any application is denied, then there must be a material change of circumstances affecting the merits of the application or the application be for a Use that materially differs in nature and degree from its predecessor in order for the Board of Adjustment to hear the application.

K. Rehearings: A rehearing of a decision of the Zoning Board of Adjustment may be sought if the petitioner wishes to call to the attention of the Board any errors that it may have made so as to allow the Board to correct those errors. A rehearing must be requested within 20 days of the recording and filing of the decision in the Town Clerk's Office and its being made available for public inspection. Unless actually filed later, for purposes of rehearing requests, such decisions shall be presumed to have been filed in accord with statutory requirements at the end of the third business day following the Board meeting at which the decision was made. (See RSA. 676:3; RSA. 677:2; RSA. 677:3). Any party to the action or proceeding, or any person directly affected thereby, or the Selectmen, may apply for a rehearing. Upon the filing of a

motion for a rehearing, the Board shall within 10 days either grant the order of the original application or suspend that order or decision pending further consideration (RSA 677:3).

L. Board of Adjustment involvement in other provisions of the Zoning Ordinance: In addition to the above, the Board of Adjustment is involved in the administration of various other provisions of this Ordinance as covered in previous sections. A listing of these provisions, with reference to the applicable article and section, is given below:

1. Excess Height of Structures– Article II, Section 5.

2. Water recreation and water storage facilities– Article II, Section 13.

3. Establishing district boundary lines when not clear– Article IV, Section C.

4. Uses Permitted by Special Exception as outlined in Article XIII Wetlands Conservation Overlay District, Paragraph E.

ARTICLE XXII
STREAMS CONSERVATION OVERLAY DISTRICT

A. Authority: Pursuant to the authority granted by RSA 674:16 and RSA 674:21, this Ordinance is adopted by the Town of New London in order to protect the public health, safety, and general welfare.

B. Purpose: This Ordinance establishes standards for the Use of shorelands adjacent to Streams, as defined herein, for the purpose of minimizing degradation of shorelands and assuring retention of the benefits provided by such shorelands. These benefits include: maintenance of safe and healthy conditions of the Streams; prevention and/or control of water pollution; protection of important fish, bird and wildlife habitat; reduction or elimination of Flooding and accelerated erosion; maintenance of water quantity and related Stream flows during low flow periods; protection of shoreland cover as a means of maintaining water quality and cooler water temperatures; and the conservation and protection of the natural beauty and the scenic qualities which are critical attributes of the town, as they are throughout the State.

C. Overlay District Boundaries: The Streams Overlay District is an Overlay District which places additional land Use controls to those existing underlying zone districts. The boundaries of the Streams Conservation Overlay District include all Streams and stream buffer areas described as follows:

(1) All Streams as defined by the Ordinance and as shown on the New London Streams and Wetlands Protection Map dated March 13, 2001. This map is available for viewing in the Board of Selectmen's Office.

(2) Stream buffers, as described below in Paragraph D. Natural Woodland Buffer.

D. Natural Woodland Buffer:

(1) Purpose: The purpose of a Natural Woodland Buffer is to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy Tree canopy and understory, preserving fish, bird and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

(2) Width of Buffer: Where existing, a Natural Woodland Buffer shall be maintained within 100 feet inland from the Ordinary High Water Mark of all Streams as defined by this Ordinance.

(3) Cutting and Removal of Natural Vegetation: The preservation of natural vegetation along the Streams is important for the protection of the water quality and temperature, for preservation of wildlife habitat and corridors, for controlling soil erosion and for the preservation of the aesthetics and rural character.

a. A cutting or clearing plan shall be approved by the Planning Board for any cutting of Trees or removal of natural vegetation within 100 feet inland from the Ordinary High Water Mark of all Streams as defined by this Ordinance except as provided in subparagraph b. below. The Planning Board shall request the Conservation Commission to review the plan and make recommendations.

b. A Natural Woodland Buffer 100 feet in depth shall be maintained from the Ordinary High Water Mark of all Streams as defined by this Ordinance except that:

1. Trees less than 4 inches in caliper measured 4.5 feet above ground may be cut; and

2. Normal trimming, pruning, and thinning is permitted;

c. Dead or diseased Trees are an important part of the forest ecosystem providing a valuable source of food. Dead or diseased Trees which pose a safety hazard to Structures or to landowners using outdoor spaces such as patios, decks or walkways may be removed if a cutting plan is approved by the Planning Board as per Section a. above.

d. Stumps and their root systems located within 100 feet of the center of all Streams as defined by this Ordinance shall be left intact in the ground.

E. Prohibited Uses: Prohibited Uses within the Overlay District include:

(1) Erection or construction of any new Structures;

(2) Altering the natural surface configuration by the addition of fill or by dredging;

(3) Establishment or expansion of:

a. Salt storage sites;

b. Junk yards; and/or

c. Solid or hazardous waste facilities;

(4) Use of fertilizer, except lime and/or wood ash, on lawns or areas with grass;

(5) Bulk storage of chemicals;

(6) Sand and gravel excavations as defined in RSA 155-E;

(7) Processing of excavated materials;

(8) Dumping or disposing of snow and/or ice collected from roadways or parking areas outside the district; and

(9) Use for any component of an on-site subsurface waste disposal system including septic system tank and leach fields;

F. Permitted Uses: Permitted Uses are those which will not require the erection or construction of any Structures or Buildings; will not alter the natural surface configuration by addition of fill or by dredging; and Uses that are otherwise permitted by the Zoning Ordinance. Such Uses include the following:

(1) Forestry-Tree farming using best management practices in order to protect Streams from damage and prevent sedimentation;

(2) All agricultural activities and operations as defined by RSA 21:34-a and as governed by Title XL provided such activities and operations are in conformance with the most recent best management

practices as determined by the U.S. Department of Agriculture Natural Resource Conservation Service.

(3) Wildlife refuges;

(4) Parks and recreation Uses consistent with the purpose and intent of this Ordinance;

(5) Conservation areas and nature trails;

(6) Open Spaces as permitted or required by the Subdivision regulations or the Zoning Ordinances.

(7) Dry hydrants or fire ponds which are constructed to permit unobstructed flow of water.

(8) Alteration, expansion or improvement of existing Nonconforming Structures and Buildings, consistent with the provisions of Article XX of this Ordinance, and with cutting, clearing and erosion control plans approved by the Planning Board.

G. Uses Permitted by Special Exception: The following Uses may be permitted by Special Exception by the Zoning Board of Adjustment:

(1) Any crossing of a Stream with an access way, driveway or Street, regardless of width, and/or utility lines. In addition to the usual criteria used by the Zoning Board of Adjustment in evaluating an application for a Special Exception, the applicant must demonstrate to the Zoning Board of Adjustment that there is not a layout of the access way, driveway, Street or utility line which conforms to the Town of New London's regulations, which does not cross a Wetland, and that the proposed crossing would create the least impact on the Wetland compared with other possible Wetland crossing locations.

(2) Proposals to alter or relocate a watercourse shall comply with the following:

a. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Department of Environmental Services and submit copies of such notification to the Zoning Board of Adjustment, in addition to the copies required by the RSA 483-A:1-b. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Zoning Board of Adjustment, including notice of all scheduled hearings before the Wetlands Board and the Zoning Board of Adjustment.

b. The applicant shall submit to the Zoning Board of Adjustment certification provided by a registered professional engineer assuring that the Flood carrying capacity of an altered or relocated watercourse can and will be maintained.

c. The Zoning Board of Adjustment shall obtain, review, and reasonably utilize any Floodway data available from Federal, State or other sources as criteria for requiring that all Development located in Zones A and AE 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."

d. Along watercourses that have not had a Regulatory Floodway designated or determined by a federal, state or other source: no new construction, Substantial Improvements, or other Development (including fill) shall be permitted within zones AE on the FIRM, unless it can be demonstrated by the applicant that the cumulative effect of the proposed Development, when combined with all existing and anticipated Development, will not increase the Water Surface Elevation of the Base Flood more than one foot at any point within the community.

(3) A reduction of the depth of the Stream buffer described above in Paragraph D. Natural Woodland Buffer.

H. Overlapping Regulations: In all cases where the Streams Conservation Overlay District is superimposed over another Zone District in the Town of New London, that district whose regulations are more restrictive shall apply. Furthermore, where any provision of this district differs from those of other ordinances or regulations of the Town or State, then that provision or ruling which imposes the greater restriction or higher standard shall govern.

I. Erosion and Sedimentation Control Plan:

a. Erosion and sedimentation control plans shall be required for all construction, filling, grading, dredging, and other activities requiring land disturbance within the first 100 feet inland from the Ordinary High Water Mark of all Streams as defined by this Ordinance. Erosion and sedimentation control plans shall describe the nature and purpose of the land disturbing activity; the amount of grading involved; and a description of the soils, topography, vegetation, and drainage. For minor land disturbances such as utility line or stairway construction, the Board of Selectmen may reduce the amount of detail needed in an erosion and sedimentation control plan.

b. Erosion and sedimentation control plans shall be developed in conformity with guidelines of the U.S.D.A. Soil Conservation Service and with guidelines of the N.H. Water Supply and Pollution Control Division of the Department of Environmental Services under RSA 485-A:17.

c. The Board of Selectmen shall review and decide to approve or deny all plans before issuing a Building permit. The Board of Selectmen shall request the Conservation Commission to review the plan and make recommendations.

d. The Board of Selectmen may require the applicant to post a bond or other security to assure conformance with approved plans. The security shall not be released until the Board of Selectmen has certified completion of the required improvements in accordance with the plan.

e. Erosion control measures shall be installed before construction and grading.

ARTICLE XXIII
TELECOMMUNICATIONS FACILITIES ORDINANCE

A. Authority:

This Article is adopted by the Town of New London on May 9, 2012 in accordance with the authority as granted in New Hampshire Revised Statutes Annotated 674:16 and 674:21 and procedurally under the guidance of 675:1, II.

B. Purpose and Goals:

This Article is enacted in order to establish general guidelines for the siting of telecommunications Towers and antennas and to enhance and fulfill the following goals:

1) Preserve the authority of New London to regulate and to provide for reasonable opportunity for the siting of Telecommunications Facilities, by enhancing the ability of providers of telecommunications services to provide such services to the community.

2) Minimize adverse impacts such facilities may create, including, but not limited to impacts to the following: aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through protection of property values.

3) Provide for Co-location and minimal impact siting options through an assessment of technology, current locational options, future available locations, innovative siting techniques including stealth Telecommunications Facilities, and siting possibilities beyond the political jurisdiction of the Town.

4) Permit the construction of new Towers only where all other reasonable opportunities have been exhausted, and to encourage the users of Towers and antennas to configure them in a way that minimizes the adverse visual impact of the Towers and antennas.

5) Strike a balance between the positive benefits and negative impacts of Co-location versus dispersal of Telecommunications Facilities.

6) Provide constant maintenance and safety inspections for any and all Telecommunications Facilities.

7) Provide for the removal of abandoned Telecommunications Facilities and ones that are no longer inspected for safety concerns and code compliance. Provide a mechanism for removal of these abandoned or uninspected Telecommunications Facilities to protect the citizens from imminent harm and danger.

C. Applicability:

1) Principal or Secondary Use:

Telecommunications Facilities may be considered either principal or secondary Uses. Subject to this Article, Telecommunications Facilities may be permitted as a secondary Use on a parcel that has an existing primary Use. A different existing Use or an existing Structure on the same Lot shall not preclude the installation of Telecommunications Facilities on such Lot.

For purposes of determining whether the installation of a Tower or antenna complies with district Development regulations, including but not limited to set-back requirements, Lot-coverage requirements, and other such requirements, the dimensions of the entire Lot shall control, even though the antennas or Towers may be located on leased parcels within such Lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Ordinance, shall not be deemed to constitute the expansion of a Nonconforming Use or Structure. Such facilities shall not be deemed to be an Accessory Use.

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

3) Essential Services & Public Utilities: Telecommunications Facilities shall not be considered infrastructure, Essential Services, or public utilities, as defined or used elsewhere in the Town's ordinances and regulations. Siting for Telecommunications Facilities is a Use of land, and is addressed by this Article.

D. Locational, Height and Siting Requirements:

1) Zone Districts: Telecommunications Facilities shall be permitted in all Zone Districts.

2) Yard Requirements: equipment, Buildings, guide wires and other Structures shall conform to the minimum front, side and rear setbacks for the Zone Districts in which they are to be located. Towers must be set back a distance equal to 125% of the Height of the Tower from all property lines.

3) Height Standard: Subject to any stricter standards as set forth below, a Telecommunications Facility shall not exceed one hundred fifty (150) feet in Height.

a. Telecommunications Facilities in Wood Areas: In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for a Telecommunications Facility, shall not exceed twenty (20) feet above the Average Tree Height of the five (5) tallest trees within one hundred fifty (150) feet above the facility. Notwithstanding the twenty (20) foot limitation described above, an additional height may be approved upon a finding by the Planning Board as part of their review, that the additional height is necessary in order to provide adequate coverage to create an appropriate Fresnel Zone or to provide for co-location, and that the additional height will not have adverse visual impact on the scenic character or appearance of the area. A Telecommunications Facility shall only be the minimum height necessary to achieve the coverage required.

An alternative tower structure or other camouflaging device shall be used that effectively conceals the presence of the tower and antennae. Appropriate camouflaging for wooded areas include: ranger or forest fire water towers of a size typically found in the State of New Hampshire, Monopole Towers effectively disguised as trees, or other structures acceptable to the Planning Board.

b. Telecommunications Facilities in Fields or Agricultural Areas. A Telecommunications Facility located in a field or other open area without a tree canopy shall be adequately camouflaged. Appropriate camouflaging for fields or open areas includes agricultural silos, windmills, or other structures acceptable to the Planning Board and of a size typically found in the State of New Hampshire.

c. Telecommunications Facilities in or on Existing Structures. A Telecommunications Facility may be located on or within an existing building or structure provided that such facilities are adequately camouflaged and shall be architecturally compatible with the host building or structure as acceptable to the Planning Board.

d. Telecommunications Facilities in New Structures. A Telecommunications Facility may be located in a new building or structure provided that such building or structure (a) shall not exceed the maximum building height in the district where a Telecommunications Facility is proposed, and (b) shall be architecturally compatible with the buildings in the immediately surrounding area as acceptable to the Planning Board.

E. Permitting Regulations:

1) Telecommunications Facilities Located on an Existing Structure or Preexisting Tower (Co-location):

The applicant must obtain approval of a Site Plan Review by the Planning Board. In addition to the standards and requirements specified in the Site Plan Review Regulations, an applicant for a Site Plan Review for Telecommunications Facilities shall comply with Section F. Additional Requirements for Site Plan Review.

2) Telecommunications Facilities Located on a New Tower:

The applicant must obtain approval of a Conditional Use Permit and Site Plan Review by the Planning Board, demonstrating compliance with all the provisions of this Article.

a) Applicants seeking approval for Telecommunications Facilities shall first evaluate existing Structures for the siting of Telecommunications Facilities (Co-Location). Only after finding that there are no suitable existing Structures for Co-location, shall a provider propose a new ground mountain facility.

b) Burden of Proof: The applicant shall have the burden of proving that there are no existing Structures that are suitable to locate its proposed Telecommunications Facilities and/or transmit or receive radio signals.

F. Additional Requirements for Site Plan Review: Each applicant requesting a Site Plan Review for a Telecommunications Facility under this Article shall submit the following information:

1) Telecommunications Facility Application Form

2) Letter of Authorization: A letter of authorization from the landowner is required if the applicant is not the landowner.

3) Telecommunications Facility Application Fee: As outlined in the Town land use permit fee schedule.

4) Third-Party Review: The Planning Board shall have the application reviewed by and request the technical assistance of a consultant. Cost for this review shall be borne by the applicant in accordance with 676:4. The applicant shall establish an escrow account with

the Town Finance Officer for the professional review. The applicant shall maintain an adequate balance in the escrow account at all times or the Planning Board will suspend further consideration of the application until the escrow account has an adequate balance. Any balance remaining in the escrow account after the Planning Board has made a decision on the final Site Plan Review application and the professionals have been reimbursed in full shall be refunded to the applicant.

5) Regional Notification List and Fee: Pursuant to RSA 12:K, in addition to the notification of direct Abutters, the Planning Board shall notify by letter the governing body of any municipality located within 20 miles of the boundaries of New London of the pending application and publish a public notice in a newspaper serving the area not less than 7 and not more than 21 days prior to the public hearing date. The applicant shall pay for the cost of regional notification.

6) Site Plan Requirements: All the application requirements as specified in Article IX of the Site Plan Review Regulations including a scaled plan in accordance with the requirements of the Site Plan Review Regulations and further information including:

   a. All proposed Telecommunications Facilities including any Tower(s), antenna(s) and accessory Structures;
   b. Setbacks;
   c. Fencing; and
   d. Adjacent uses (up to 200' away).

7) Radio Frequency (RF) Exposure: The applicant shall submit written proof that the proposed Use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.

8) FCC License: Carriers must provide the Planning Board with a copy of their Federal license from the FCC proving that they, or their contracted client, are eligible to deploy their systems under the Federal Communications Act of 1996.

9) Inventory of Existing Telecommunications Facilities and Structures: Each applicant for Telecommunications Facilities shall provide the Planning Board an inventory of existing Telecommunications Facilities and Structures that are within the jurisdiction of the Town and those within two miles of the border thereof. This shall include mapping these existing Telecommunications Facilities and Structures on a U.S.G.S. Topographical Map and shall include specific information about the location, height, design of each Telecommunications Facilities, as well as economic and technological feasibility for co-location on the inventoried Telecommunications Facilities.

   The Planning Board may share such information with other applicants applying for approvals or Conditional Use permits under this Ordinance of other organizations seeking to locate antennas within the jurisdiction of the governing authority. By sharing such information, however, the Planning Board is not in any way representing or warranting that such sites are available or suitable.

10) Compliance with Sections H-K: The applicant shall demonstrate compliance with the requirements of the following sections of this Ordinance:

a. Section H: Design/Construction Standards
b. Section I: Bonding, Security & Insurance
c. Section J: Inspections
d. Section K: Abandonment Or Discontinuance of Use and Removal

G. Conditional Use Permits:

1) General: If required by Section E. Permitting Regulations, an applicant for Telecommunications Facilities shall obtain approval of a Conditional Use Permit from the Planning Board. All applicants under this Ordinance shall apply to the Planning Board for Site Plan Review, in accordance with the requirements as provided for in the Town's Site Plan Review Regulations.

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

3) Application Requirements: Each applicant requesting a Conditional Use Permit under this Article shall submit the following information:

a) Engineering Information: The applicant shall submit the engineering information detailing the size and coverage required for the facility location including the justification for Height proposals.

b) Use of Alternative Telecommunication Sites: If the applicant is proposing to build a new Telecommunications Facilities, the applicant shall submit written evidence demonstrating that no existing Telecommunications Facilities or other Structure can accommodate the applicant's proposed Telecommunications Facilities. This evidence can consist of:

1. Substantial Evidence that no existing Telecommunications Facilities or Structures are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.

2. Substantial Evidence that existing Telecommunications Facilities are not of sufficient Height to meet the applicant's engineering requirements, and why.

3. Substantial Evidence that the existing Telecommunications Facilities or Structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4. Substantial Evidence that the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing Telecommunications Facilities or Structures, or the antenna on the existing Telecommunications Facilities or Structures would cause interference with the applicant's proposed antenna.

5. Substantial Evidence that fees, costs, or contractual provisions required by the owner in order to share the existing Telecommunications Facilities or Structure are unreasonable. Costs exceeding new Tower Development are presumed to be unreasonable.

6. Substantial Evidence that the applicant can demonstrate other limiting factors that render existing Telecommunications Facilities and Structures unsuitable.

c) Environmental Evaluation (EA or EIS for NEPA): The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Board prior to the beginning of the Federal 30 day comment period, and the Town process, shall become part of the application requirements.

d) Visualization of Proposed Facility: Computer-generated photo simulations of the proposed facility showing the facility from all public rights-of-way from which it may be visible. Each photo shall be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos shall show the color of the facility and the method of screening. The photo simulations shall be completed for summer (leaf-on) and winter (leaf-off) visualization.

e) Visual Analysis: A written visual analysis with supporting illustrations demonstrating the visual impact of the proposed facility, including photographs of the balloon test and elevation views of the facility from public roads, public recreation areas and abutting properties. The visual analysis must also document and describe the visual impacts on view sheds, ridgelines, and other impacts by means of the Telecommunications Facility's location. Tree and foliage clearing and placement of incidental Structures

For the balloon test, the applicant shall fly or raise a five-foot-diameter balloon (painted black or dark blue) at the maximum height of the proposed facility at a location within 50 horizontal feet of the center of the proposed facility. At least ten days prior to the balloon test, the applicant shall provide written notice to the Planning Board of the date and time of the test, and notice of the balloon test shall be published in a paper of general circulation in the municipality and shall be posted in at least two public places. The sole purpose of this test is to identify the location and height of the proposed facility and not its visual impact.

f) Co-location Declaration: The applicant proposing to build a new Tower, shall submit a declaration with the Town that allows for the maximum allowance of Co-location upon the new Structure. Such statement shall become a condition to any approval. This declaration shall, at a minimum, require the applicant to supply available Co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such a declaration is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned Development of New London, and shall be grounds for a Denial.

g) Fees: As outlined in the Town land use permit fee schedule, and

h) Other Information: Any other information deemed necessary by the Planning Board to assess compliance with this Ordinance.

4) Referral of Application: The applicant shall refer any application for a Height Variance to the regional office of the FAA and the owners of private airstrips located within 5 miles.

5) Factors Considered in Making Decisions:

a) Height of proposed Tower or other Structure.

b) Proximity of the Telecommunications Facilities to residential Development or zones.

c) Nature of Uses on adjacent and nearby properties.

d) Surrounding topography.

e) Surrounding Tree coverage and foliage.

f) Design of the Telecommunications Facilities, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

g) Proposed ingress and egress to the site.

h) Availability of suitable preexisting Towers and other Structures as discussed in Section G, 3, b.

i) Visibility from public roads, public recreation areas and abutting properties. Visual impacts on view sheds, ridgelines, and other impacts by means of Telecommunications Facilities' location, Tree and foliage clearing and placement of incidental Structures.

j) Visual impacts on view sheds, ridgelines, and other impacts by means of Telecommunication's Facilities' location, Tree and foliage clearing and placement of incidental Structures

k) Availability of alternative siting locations.

7) Criteria for Decisions on Conditional Use Permits:

a) Existing Structures and preexisting Towers have been used whenever feasible after considering all the alternative siting locations.

b) The Tower or antenna extends the minimum Height to obtain coverage.

c) The telecommunication site has been designed to minimize the visual obtrusiveness through Use of Alternative Tower Structures, and the use of materials, colors, textures, screening and landscaping that blends the Telecommunications Facilities with the natural setting and built environment.

d) The applicant has demonstrated compliance with all of the Location Requirements in Section D., Permitting Regulations in Section E., and Construction/Design Standards in Section H.

e) The applicant has satisfied the security and insurance requirements in Section G.

f) The applicant has provided the Co-location declaration required by Section G.3(f).

g) The applicant has submitted written proof that the proposed Use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.

h) The applicant has submitted written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules.

i) The applicant has demonstrated that the application is consistent with the Purpose and Goals of this Article as outlined in Section B.

8) Decisions:

Possible decisions rendered by the Planning Board include Approval, Approval with Conditions, or Denial. All decisions shall be rendered in writing, and a Denial shall be in writing and based upon substantial evidence contained in the written record.

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

H. Design/Construction Standards: The construction/design standards in this section shall apply to all Telecommunications Facilities and the installation of all Antennas.

1. Aesthetics:

a) In addition to camouflaging and architectural compatibility requirements listed in Section D.3.a-d. Telecommunications Facilities shall be painted a neutral color to blend in with natural setting and built environment, subject to any applicable standards of the FAA, so as to reduce visual obtrusiveness.

b) At a Telecommunications Facilities' site, the design of the Buildings and related Structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunications facilities with the natural setting and built environment. These Buildings and facilities shall also be subject to all other Site Plan Review Regulation requirements.

c) If an Antenna is installed on a Structure other than a Tower, the Antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting Structure so as to make the Antenna and related equipment as visually unobtrusive as possible.

2. Lighting: Towers and Antennas shall not be artificially lighted, unless required by the FAA or other applicable authority. If other lighting is required for the Telecommunications Facilities, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views, be shielded to minimize glare, and shall be directed downward and inward towards the facility and not towards neighboring properties to the extent reasonable;

3. Safety Standards: To ensure the structural integrity of Towers and Antennas, the owner of a Tower shall ensure that is maintained in compliance with standards for Towers that are published by the Electronic Industries Association, as amended from time to time. If the Town concludes that the Tower fails to comply with such standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the Tower, the owner shall have 30 days to bring such Tower into full compliance with such standards. If the owner fails to bring such Tower into compliance within 30 days, such action shall constitute an abandonment and is grounds for the removal of the Tower, in accordance with Section J, at the owner's expense through execution of the posted security.

4. Security Fencing: Telecommunications facilities shall be enclosed by security fencing not less than 6 feet in Height and shall also be equipped with an appropriate anti-climbing device.

5. Landscaping:

   a) Telecommunications Facilities shall be landscaped with a buffer of plant materials that screens the view of the Tower compound from adjacent residential property, public roads and public recreation areas to the maximum extent practicable. The standard buffer shall consist of a landscaped strip at least 50 feet wide outside the perimeter of the compound. Retention of existing vegetation is preferred.

   b) Existing mature Tree growth and natural land forms on the site shall be preserved to the maximum extent possible as determined by the Planning Board. Retention of existing mature natural vegetation is preferred over new plantings as a means to screen telecommunication sites.

6. Signage: Signs shall be limited to those needed to identify the property and the owner and warn of any danger. Otherwise, Towers shall not contain any permanent or temporary Signs, writing, symbols, or any graphic representation of any kind. Signs shall conform to the Sign Regulations specified in Section 10 of Article II General Provisions.

7. Equipment Shelters: Equipment Shelters for Telecommunications Facilities located on or within Buildings in a village area or visible from public roads, public recreation areas or abutting properties shall be concealed or Camouflaged so that the shelter either is not visible at Grade or appears to be a part of the original Structure.

8. Historic Buildings: Any Telecommunications Facilities located on or within a Historic Structure shall not alter the character-defining features, distinctive construction methods, or original historic characteristics of the Building. Any alteration made to a Historic Structure to accommodate Telecommunications Facilities shall be fully reversible. Telecommunications Facilities authorized by this subsection shall be concealed within or behind existing architectural features, and shall be located so that they are not visible from public roads, public recreation areas or abutting properties.

9. Access Road and Above Ground Utilities: If available, existing entrances and driveways shall be utilized to serve a Telecommunications Facilities site, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic, and environmental impact. New driveways to serve a Telecommunications Facilities site shall obtain an access permit from the New Hampshire Department of Transportation if accessing a state highway or from the New London Road Agent if accessing a town road. New driveways shall not exceed 12 feet in width. Where new wireless communication facilities require construction of, or improvement to, access roads, to the

extent practicable, roads shall follow the contour of the land and shall be constructed or improved within existing forest or forest fringe areas and not in open fields. Utility or service lines shall either be installed underground or be designed and located so as to minimize or prevent disruption of the scenic character or beauty of the area.

10. Federal Requirements: All Towers must meet current standards and regulations of the FAA, FCC and any other agency of the federal government with the authority to regulate Towers and Antennas. If such standards and regulations are changed, then the owners of the Towers and Antennas governed by this Ordinance shall bring such Towers and Antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring Towers and Antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with Section K., of the Tower or Antenna as abandoned, at the owner's expense through the execution of the posted security.

I. Bonding, Security and Insurance: Recognizing the extremely hazardous situation presented by abandoned and unmonitored Towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned Towers in the event that the Tower is abandoned and the Tower owner is incapable or unwilling to remove the Tower in accordance with Section K. Bonding and surety shall be consistent with Section IV-A.,3,j. of the Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

J. Inspections: Recognizing the extremely hazardous situation presented by abandoned and unmonitored Towers, quarterly reports based on on-site inspections of the structural integrity of the Tower shall be submitted to the Board of Selectmen by the owner of the Tower. If the Board of Selectmen does not receive a report in any given six month time period, lack of such report shall be grounds to initiate abandonment proceedings.

K. Abandonment or Discontinuation of Use and Removal:

1) Notification: At such time that a carrier plans to abandon or discontinue operation of Telecommunications Facilities, such carrier will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a carrier fails to give such notice, the Telecommunications Facilities shall be considered abandoned upon such discontinuation of operations.

2) Removal: Upon abandonment or discontinuation of Use, the owner of the facility shall physically remove the Telecommunications Facilities within 90 days from the date of abandonment or discontinuation of Use. "Physically remove" shall include, but not be limited to:

a. Removal of Antennas, Tower, Mount, Equipment Shelters and security barriers from the subject property.

b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

c. Restoring the location of the Telecommunications Facilities to its natural condition, except that any landscaping and grading shall remain in the after-condition.

3) Completion of Removal: Only when removal of the Telecommunications Facilities is completed to the satisfaction of the Planning Board will the security be returned to the carrier.

4) Failure to Remove: If the owner fails to remove the facility the Board of Selectmen shall have the authority to issue a declaration of abandonment after holding a public hearing with notice to the owners and Abutters. The owner of the facility shall dismantle and remove the facility within 90 days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within 90 days, the Town may execute the security to pay for this action.

L. Administration, Enforcement and Penalties:

1) Enforcement: It shall be the duty of the Board of Selectmen, or its appointed representative, to enforce the provisions of this Ordinance. The Selectmen may appoint a Telecommunications Facilities inspector to carry out all or any such specific duties as the Selectmen might determine. The Selectmen are authorized to institute in the name of the Town any legal action by way of injunctive relief or otherwise to enforce this Ordinance or to restrain, prevent or abate any violations thereof, as authorized by RSA 676:15, shall further be entitled to all of the reimbursement and restitutionary relief and penalties granted to municipalities by RSA 676:17, shall further be entitled to issue cease and desist orders per RSA 676:17-a., and any other provision of the law.

2) Penalties: Penalties for violation of this Ordinance shall be as set forth in RSA 676:17.

3) Building Permit: All Structures related to Telecommunications Facilities shall obtain approval of a Building Permit from the Board of Selectmen subsequent to all required approvals by the Zoning Board of Adjustment and the Planning Board prior to construction.

ARTICLE XXIV
IMPACT FEE ORDINANCE

A. Purpose: This Ordinance is enacted pursuant to RSA 674:21, and in order to:

1. Promote the public health, safety and welfare and prosperity;

2. Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of New London;

3. Prevent scattered or premature Development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;

4. Provide for the harmonious Development of the municipality and its environs;

5. Ensure the proper arrangement and coordination of Streets; and,

6. Ensure Streets of sufficient width to accommodate existing and prospective traffic.

B. Authority to Assess Impact Fees: The Planning Board is hereby authorized to assess Impact Fees, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this Ordinance.

C. Assessment Methodology:

1. The amount of any Impact Fee shall be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the Development, and to the benefits accruing to the Development from the capital improvements financed by the fee.

2. 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. Administration of Impact Fees:

1. Each Impact Fee shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the governing body, and shall be used solely for the capital improvements made in anticipation of the needs for which fees are collected to meet.

2. All Impact Fees shall be assessed prior to, or as a condition for, the issuance of a Building permit or other appropriate permission to proceed with Development.

3. Between the date of assessment and collection, the Planning Board may require developers to post security, in the form of a cash bond, letter of credit or performance bond so as to guaranty future payment of assessed Impact Fees.

4. Impact Fees shall be collected as a condition for the issuance of a Certificate of Occupancy; provided however, in projects where off-site improvements are to be constructed simultaneously with a project's Development, and where the Town has appropriated the necessary funds to cover

such portions of the work for which it will be responsible, the Town may advance the time of collection of the Impact Fee to the issuance of a Building permit.

5. The Planning Board and the assessed party may establish an alternate, mutually acceptable schedule of payment of Impact Fees.

E. Return of Impact Fee:

1. If the full Impact Fee assessed under this Ordinance is not encumbered or otherwise legally bound to be spent for the purpose for which it was collected within six years, the fee shall be refunded to the assessed party, with any accrued interest.

2. Whenever the calculation of the Impact Fee has been predicated upon some portion of capital improvement costs being borne by the Town, a refund shall be made upon the failure of the Town Meeting to appropriate the Town's share of the capital improvement costs within six (6) years from the date of payment thereof.

F. Applicability: This Ordinance shall not be deemed to affect the existing authority of the Planning Board over Subdivisions and site plans, including, but not limited to the authority to declare a Development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II(a).

ARTICLE XXV
SMALL WIND ENERGY SYSTEMS

A. Purpose: This Small Wind Energy Systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate Small Wind Energy Systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for Small Wind Energy Systems to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for Review:

1. Building Permit: Small wind energy systems and Meteorological Towers are an accessory use permitted in all zoning districts where structures are allowed. No Small Wind Energy System shall be erected, constructed, or installed without first receiving a building permit pursuant to ARTICLE XXVII Enforcement. A building permit shall be required for any physical Modification to an existing Small Wind Energy System. Meteorological Tower s that receive a building permit shall be permitted on a temporary basis not to exceed 3 years from the date the building permit was issued.

2. Application: Applications submitted to the Board of Selectmen, or its designee, shall contain a site plan with the following information:

   a. Property lines and physical dimensions of the applicant's property.
   b. Location, dimensions, and types of existing major structures on the property.
   c. Location of the proposed Small Wind Energy System, foundations, guy anchors and associated equipment.
   d. Wind Tower foundation blueprints or drawings.
   e. Wind Tower blueprint or drawings.
   f. Setback requirements as outlined in this ordinance.
   g. Any Right-of-Way that is contiguous with the property.
   h. Any overhead utility lines.
   i. Certification by the manufacturer or NH licensed engineer of the required Small Wind Energy System specifications including manufacturer, model, rotor diameter, Wind Tower Height, Wind Tower type, nameplate generation capacity.
   j. Small wind energy systems that will be connected to the Power Grid shall include a copy of the application for interconnection with their electric utility provider.
   k. Sound level analysis prepared by the Wind Generator manufacturer or qualified engineer.
   l. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the requirements of PSNH.
   m. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
   n. List of abutters to the applicant's property.

3. Abutter and Regional Notification: In accordance with RSA 674:66, the Board of Selectmen, or its designee, shall notify all abutters by certified mail at the applicant's expense upon application for a building permit to construct a Small Wind Energy System. The public will be afforded 30 days to submit comments to the Board of Selectmen prior to the issuance of the building permit. The Board of Selectmen shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Board of Selectmen shall follow the procedures set forth in RSA 36:57, IV.

C. Standards:

1. The Board of Selectmen, or its designee, shall evaluate the application for compliance with the following standards;

a. Setbacks: The setback shall be calculated by multiplying the minimum setback requirement number (see table below) by the System Height and measured from the center of the Wind Tower base to property line, public roads, and nearest point on the foundation of an occupied building.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

(1) Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.

(2) Guy wires used to support the Wind Tower are exempt from the Small Wind Energy System setback requirements.

b. Wind Tower Height: The maximum Wind Tower Height shall be the minimum height necessary for the system to function at its rated capacity over the estimated lifespan of the device, as certified by either the Small Wind Energy System manufacturer or, if hired, an engineer licensed in the state of New Hampshire. In no situation shall the Wind Tower Height exceed 150 feet.

c. Sound Level: The Small Wind Energy System shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

d. Shadow Flicker: Small wind energy systems shall be sited in a manner that does not result in significant Shadow Flicker impacts. Significant Shadow Flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the Shadow Flicker will not have significant adverse impact on neighboring or adjacent uses. Potential Shadow Flicker will be addressed either through siting or mitigation measures.

e. Signs: All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the Small Wind Energy System, except for manufacturer identification or appropriate warning signs one (1) square foot or smaller in size and having no advertising material.

f. Aviation: The Small Wind Energy System shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

g. Visual Impacts: It is inherent that Small Wind Energy Systems may pose some visual impacts due to the Wind Tower Height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

(1) The applicant shall demonstrate through project site planning and proposed mitigation that the Small Wind Energy System's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, Wind Generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground.

(2) The color of the Small Wind Energy System shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

(3) A Small Wind Energy System shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide the Board of Selectmen with a copy of the FAA determination to establish the required markings and/or lights for the Small Wind Energy System.

h. Approved Wind Generators: The manufacturer and model of the Wind Generator to be used in the proposed Small Wind Energy System must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

i. Utility Connection: If the proposed Small Wind Energy System is to be connected to the Power Grid through Net Metering, it shall adhere to RSA 362-A:9.

j. Access: The Wind Tower shall be designed and installed so as to preclude step bolts or a ladder being readily accessible to the public for at least the first 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

k. Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the Small Wind Energy System and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Abandonment:

1. At such time that a Small Wind Energy System is scheduled to be abandoned or discontinued, the applicant will notify the Board of Selectmen by certified U.S. mail within ninety (90) days of the proposed date of abandonment or discontinuation of operations.

2. Upon abandonment or discontinuation of use, the owner shall physically remove the Small Wind Energy System within 90 days from the date of abandonment or discontinuation of use. This period

may be extended at the request of the owner and at the discretion of the Board of Selectmen. "Physically remove" shall include, but not be limited to:

a. Removal of the Wind Generator and Wind Tower and related above-grade structures, including obtaining a permit for demolition from the Board of Selectmen.

b. Restoration of the location of the Small Wind Energy System to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the Board of Selectmen may issue a Notice of abandonment to the owner of the Small Wind Energy System. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the Board of Selectmen shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the Board of Selectmen shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

4. If the owner fails to respond to the Notice of Abandonment or if, after review by the Board of Selectmen, it is determined that the Small Wind Energy System has been abandoned or discontinued, the owner of the Small Wind Energy System shall remove the Wind Generator and Wind Tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the Small Wind Energy System after the Notice of Abandonment procedure, the Board of Selectmen may pursue legal action to have the small wind energy system removed at the owner's expense.

E. Violation: It is unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this ordinance.

F. Penalties: Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17.

ARTICLE XXVI
WORKFORCE HOUSING OVERLAY DISTRICT

A. Purpose: The purpose of this Article is to provide reasonable opportunities for the development of Workforce Housing within New London for both home ownership and rental opportunities. The Town recognizes the importance and benefit to the community and its citizens in the establishment of suitable opportunities for Workforce Housing. The Town recognizes that there are some situations in which normal Zoning, Site Plan Review and/or Subdivision requirements may be waived without sacrificing public health, safety and welfare so long as proper safeguards are maintained. Accordingly, it has been deemed advisable to adopt Workforce Housing in accordance with 674:58-61.

This Article was established in order to meet the goals related to Workforce Housing section of the Housing Chapter in the New London Master Plan. Additionally, in implementing this article New London has considered the region's Affordable housing needs as defined in the Upper Valley Lake Sunapee Regional Planning Commission Housing Needs Assessment dated January 1, 2006.

B. Authority: This Workforce Housing Article is adopted under the authority of RSA 674:58-61 and RSA 674:21.

C. Applicability: This article applies to Workforce Housing developments proposed under RSA 674:58-61.

D. Conditional Use Permit Requirement: Development of a Workforce Housing project in accordance with the provisions of this article is permitted through a Conditional Use Permit administered by the Planning Board.

E. Permitted Zone Districts: Development of a Workforce Housing project in accordance with the provisions of this article is permitted through a Conditional Use Permit for the following uses within a Workforce Overlay District that encompasses all or part of the following zone districts in this Zoning Ordinance:

Permitted Types of Residential Uses by Zone District				
Zone District	Single Family Dwelling	Manufactured Home	Two-Family Dwelling	Multi-Family Housing
Urban Residential (R-1)	X	X	X	X
Residential (R-2)	X	X	X	
Agricultural & Rural Residential	X	X	X	
Commercial				X

F. Overlay District Boundaries: The boundaries of this overlay district are shown on the map entitled Workforce Housing Overlay District dated March 10, 2009.

G. Incentives for Workforce Housing: After considering all cost factors including, but not limited to, land, subdivision improvements for roads, utilities & drainage, marketing, insurance, labor, building materials, and profit to identify a total gross cost of the project and per unit gross costs, the Planning Board may approve one or more of the following incentives only if the applicant demonstrates the Town's land use ordinances and regulations induce a cost prohibitive project.

a. Density Increase: The Planning Board may approve a density increase.

b. Lot Size Reductions: The Planning Board may allow a decrease of the minimum lot size.

c. Road Frontage Reductions: The Planning Board may allow a decrease in road frontage.

d. Setback Reductions: The Planning Board may set minimum setbacks on each lot. Perimeter setbacks shall be sufficient to buffer and protect adjacent properties and the street from encroachment. At a

minimum there shall be a fifty (50) foot setback from the property line around the perimeter of the property.

e. Open Space Reduction: The Planning Board may approve a reduction in open space. Open space shall be sufficient to accommodate the needs of the proposed occupants of the project.

f. Waiver of Application Fees: Planning Board application fees for Site Plan Review, Subdivision, and Conditional Use Permit applications may be waived except the direct cost of notice to abutters, the applicant and any easement holders during the planning process and the fees for any independent consultants.

H. Assurance of Continued Affordability:

1. The housing initially constructed and offered for sale or rent shall meet the definition of Workforce Housing as defined in ARTICLE III Definitions of the Zoning Ordinance.

2. In order to qualify as Workforce Housing under this Article, the developer shall make a binding commitment that the Workforce Housing units will remain Affordable for a period of 30 years. The developer shall ensure this by securing a third party Administrator approved by the Planning Board and paid for by the developer to administer, monitor and enforce this binding commitment as provided in Section O. Acceptable third parties include a local, state or federal housing authority or other non-profit housing trust or agency. For the 30-year term, this binding obligation must make the following commitments for continued affordability:

   a. Affordable housing rental units shall limit annual rent increases to the percentage increase in the Merrimack County median income.

   b. Resale of Owner-Occupied Housing shall be to a family that qualifies for a Workforce Housing unit that is Affordable.

3. Deed restrictions, restrictive covenants, or contractual arrangements related to Dwelling Units established under this Article must be documented on all plans filed with the New London Planning Board and the Registry of Deeds and in all deeds to individual units.

I. Documentation of Eligibility for Workforce Housing: To ensure that only eligible households purchase/rent the designated Workforce Housing, the purchaser/renter of a Workforce Housing unit must submit copies of their last three years' federal income tax returns and written certification verifying their annual household income level does not exceed the maximum level as established by the applicable definitions in ARTICLE III of the terms used in this Article. Prior to the transfer of title, the tax returns and written certification of household income must be submitted to the Administrator and the developer of the housing units, or the developer's agent. The Administrator shall determine whether the purchaser/renter qualifies for Workforce Housing.

J. Conditional Use Permit Application: A complete application for a Conditional Use Permit includes the materials listed below *in addition to an application for a Site Plan Review and/or a Subdivision*. An application for a Conditional Use Permit can be processed concurrently with the application for a Site Plan Review and/or a Subdivision, as required for the specific project.

1. An application form.

2. The applicant shall file a written statement indicating the applicant's intent to develop land that is intended to qualify as Workforce Housing under RSA 674:58-61.

3. List and mailing address of the abutters, the applicant and any easement holders on the property in question.

4. Fees for notifying abutters, the applicant and any easement holders.

5. An application under this article must include, but is not limited to the following data to ensure project affordability:

   a. Calculation of the number of units provided under this Article and how it relates to its provisions.

   b. A project cost estimate including, but not limited to all costs for land; costs for constructing subdivision improvements including roads, utilities and drainage; financing; profit; sales & marketing; insurance; labor; building materials; and other cost factors. A gross total project cost and gross cost per housing unit shall be identified.

   c. Description of each unit's size, type, estimated cost and other relevant data.

   d. Documentation of household eligibility as required in Section J.6 of this Article.

   e. All agreements established as part of Section H Assurance of Continued Affordability of this Article.

   f. List of required variances, Conditional Use Permits, and special exceptions including justification of their necessity and effectiveness in contributing to affordability.

   g. Cost savings associated with any written waiver request to the application submittal requirements or the standards outlined in the Site Plan Review Regulations or the Subdivision Regulations.

6. Written requests for waivers from any of the application submittal requirements or standards outlined in the Site Plan Review Regulations or the Subdivision Regulations.

K. Conditional Use Permit Criteria: The applicant needs to demonstrate to the Planning Board that the application for Workforce Housing meets the following criteria:

1. The Planning Board must determine that the type and density of proposed Workforce Housing units is compatible with or provides a compatible transition to the use and density of any neighboring residential areas and that the project will be designed in a manner that is harmonious with neighboring developments, natural surroundings, and housing context (the housing type, density and land use in the surrounding area).

   Workforce Housing projects with Multi-Family Housing shall:

   a. Have a landscaped buffer one hundred (100) feet in width around the perimeter of the project;

   b. Have direct access to a paved street; and

   c. Be served by public water and sewer service.

2. The housing proposed shall qualify as Workforce Housing as defined in ARTICLE III Definitions.

3. The project shall comply with all Zoning Ordinance, Site Plan Review Regulations and/or Subdivision Regulations, other than those standards relaxed under section F or section L. 3. (b).

4. In determining the minimum lot size in areas served by on-site water and sewer systems, the minimum lot size shall comply with the New Hampshire Department of Environmental Services minimum lot sizing based on soil type and slope.

L. Conditional Use Permit Procedure:

1. Any person who applies to the Planning Board for approval of a development that is intended to qualify as Workforce Housing under this subdivision shall file a written statement of such intent as part of the application. See Section J.2. The failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61, but shall not preclude an appeal under other applicable laws. In any appeal where the applicant has failed to file the statement required by this paragraph, the applicant shall not be entitled to a judgment on appeal that allows construction of the proposed development, or otherwise permits the proposed Workforce Housing development to proceed despite its nonconformance with the Town's ordinances or regulations.

2. If the Planning Board approves an application to develop Workforce Housing subject to conditions or restrictions, it shall notify the applicant in writing of such conditions and restrictions and give the applicant an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The Planning Board's notice to the applicant of the conditions and restrictions shall constitute a conditional approval solely for the purpose of complying with the requirements of RSA 676:4, I(c)(1). It shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period.

3. Upon receiving notice of conditions and restrictions under paragraph 2 and in the event the applicant objects to any conditions and restrictions, they shall, submit evidence to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed by the Planning Board, which shall not be less than 30 days.

   (a) Upon receipt of such evidence from the applicant, the Planning Board shall allow the applicant to review the evidence at the Planning Board's next regular business meeting for which ten days of public notice can be provided. Ten (10) days notice by certified mail shall be given to abutters, the applicant and the holders of any easements on the subject property. The general public shall be given ten (10) days notice by posting the public notice in two public places. At such meeting, the Planning Board may also receive and consider evidence from other sources.

   (b) The Planning Board may affirm, alter, or rescind any or all of the conditions or restrictions of approval after such meeting. The Planning Board is authorized to consider relaxing or waiving one or more of the standards in the Town's land use ordinances and regulations to make the housing units in the project Affordable as provided in Paragraph G, Incentives for Workforce Housing.

   (c) Subject to subparagraph (d), the Planning Board shall not issue its final decision on the application before such meeting, unless the applicant fails to submit the required evidence within the period designated by the Planning Board, in which case it may issue its final decision any time after the expiration of the period.

   (d) If an applicant notifies the Planning Board in writing at any time that the applicant accepts the conditions and restrictions of approval, the Planning Board may issue its final decision without further action under this paragraph.

M. Appeals Procedure (as specified in RSA 674:58-61, as amended):

1. Any person who has filed the written notice required by RSA 674:60, and whose application to develop Workforce Housing is denied or is approved with conditions or restrictions which have a substantial adverse effect on the viability of the proposed Workforce Housing development may

appeal the Town's action to the superior court under RSA 677:15 seeking permission to develop the proposed Workforce Housing. The petition to the court shall set forth how the denial is due to the Town's failure to comply with the Workforce Housing requirements of RSA 674:59 or how the conditions or restrictions of approval otherwise violate such requirements.

2. A hearing on the merits of the appeal shall be held within 6 months of the date on which the action was filed unless counsel for the parties agree to a later date, or the court so orders for good cause. If the court determines that it will be unable to meet this requirement, at the request of either party it shall promptly appoint a referee to hear the appeal within 6 months. Referees shall be impartial, and shall be chosen on the basis of qualifications and experience in planning and zoning law.

3. In the event the decision of the court or referee grants the petitioner a judgment that allows construction of the proposed development or otherwise orders that the proposed development may proceed despite its nonconformance with local regulations, conditions, or restrictions, the court or referee shall direct the parties to negotiate in good faith over assurances that the project will be maintained for the long term as Workforce Housing. The court or referee shall retain jurisdiction and upon motion of either party affirming that negotiations are deadlocked, the court or referee shall hold a further hearing on the appropriate term and form of use restrictions to be applied to the project.

N. Limitation on Improvements: Repairs, remodeling, additions, expansions, restorations, reconstructions, Alterations, and the addition of Accessory Buildings are allowed provided:

1. The Workforce Housing unit continues to be Affordable. The resale price of units shall consider cost recovery for basic necessary capital improvements such as for the heating system, the water system, the sewer or septic system and the roof. The depreciated cost for any of these capital improvements shall be added onto the future value of the Affordable unit which is based on the latest median household income data for Merrimack County based on family size. For Workforce Housing rental apartment buildings, a portion of the rents shall be allocated to a capital improvement fund for basic necessary capital improvements identified above. The details of these capital programs will be spelled out in the regulations implementing the terms of this ordinance as provided in Section O.6, below; and

2. The improvements comply with the required setbacks.

O. Administration, Professional Reviews, Compliance and Monitoring

I. Applications for a Conditional Use Permit under this Article shall be made to the Planning Board and shall be part of the submission of an application and notice for Site Plan Review and/or Subdivision approvals as needed.

I. The Planning Board may require the developer to pay the cost of a professional review of various parts or of the whole of the proposed Workforce Housing project upon such terms and conditions as the Planning Board deems to be appropriate. By way of example, the Planning Board may request professional reviews by a civil engineer, attorney, financial analyst, environmental consultant, soil scientist, wetland scientist, wildlife biologist, etc. The Planning Board shall select the professional(s). For each professional review required by the Planning Board on a particular application, the Planning Board shall determine an amount to be placed in an escrow account with the Town for the estimated cost of the scope of services to be provided by the consultant chosen by the Planning Board. The developer must deposit this amount with the Town to establish this escrow account before the consultant will begin his/her review for the Planning Board and before the application will proceed in the review process.

/. Workforce Housing projects approved under this Article shall be administered, monitored and enforced by the Administrator as provided in Section H. above.

4. No certificate of occupancy shall be issued for a Workforce Housing unit without written

confirmation from the Administrator of the:

a. Income eligibility of the tenant or buyer of the Affordable housing unit; and

b. Confirmation of the rent or price of the Affordable housing unit as documented by an executed lease or purchase and sale agreement by the Administrator.

5. The Administrator shall be responsible for the ongoing responsibility of monitoring compliance with resale and rental restrictions on Affordable units.

6. The owner of a project containing Affordable units for rent shall prepare an annual report, due at the end of December each year certifying that the gross rents of Affordable units and the household income of tenants of Affordable units have been maintained in accordance this Article. Such reports shall be submitted to the Administrator. The annual report shall list the contract rent and occupant household incomes of all Affordable housing units for the calendar year.

7. The Planning Board has authority to adopt regulations implementing the terms of this ordinance.

P. Effective Date:

1. This ARTICLE XXVI of the New London Zoning Ordinance will become effective on July 1, 2009 unless the required effective date of RSA 674:58-61 is postponed by the New Hampshire Legislature as provided in Section P. 2 of this Article.

2. If the New Hampshire Legislature enacts legislation postponing the required effective date of RSA 674:58-61, then this ARTICLE XXVI of the New London Zoning Ordinance shall not become effective until the required effective date provided in such legislative amendment.

MAP OF THE WORKFORCE HOUSING OVERLAY DISTRICT,
A SUB-MAP OF THE ZONING DISTRICT BOUNDARIES OF

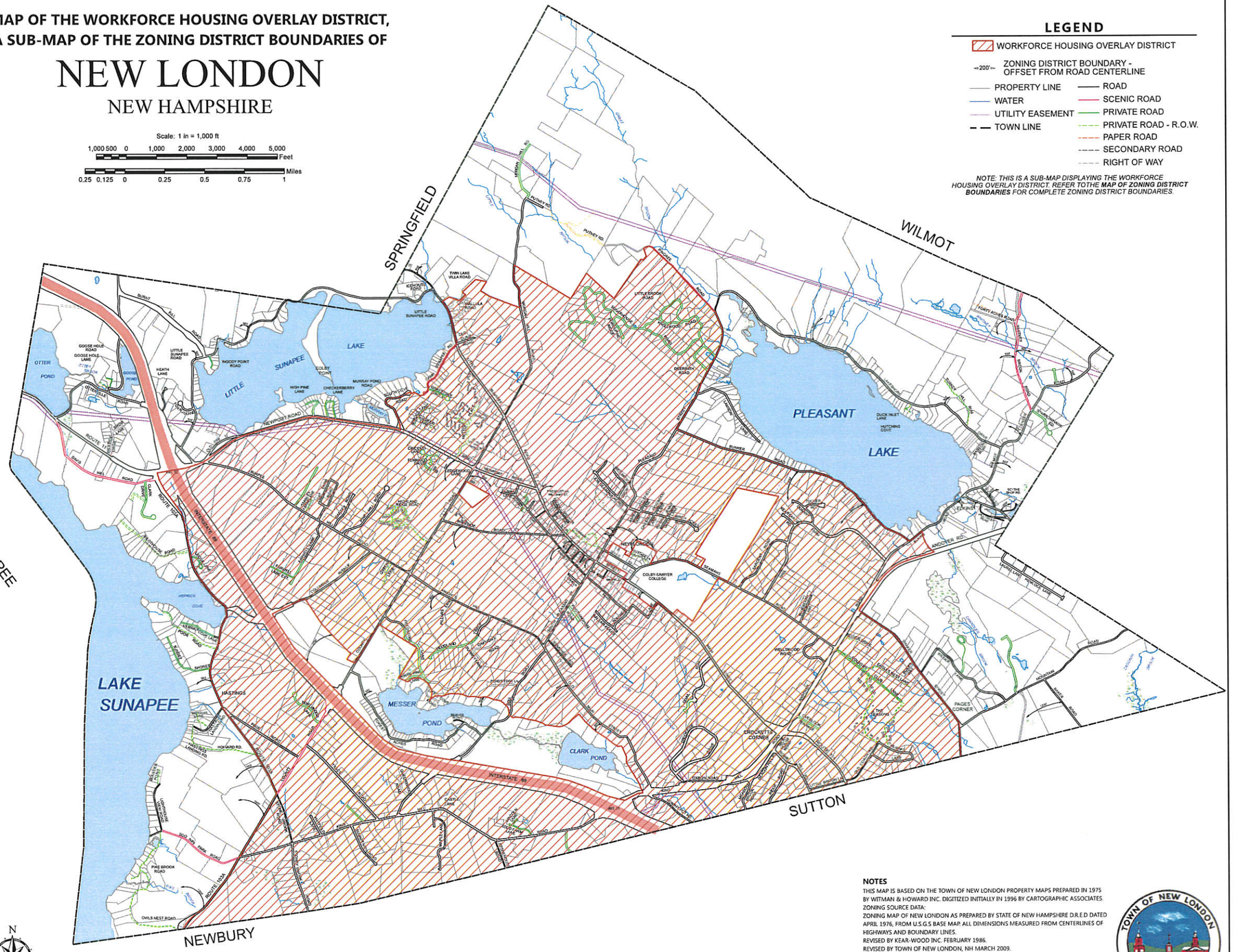
NEW LONDON

NEW HAMPSHIRE

Scale: 1 in = 1,000 ft

1,000 500 0 1,000 2,000 3,000 4,000 5,000 Feet

0.25 0.125 0 0.25 0.5 0.75 1 Miles



LEGEND

- WORKFORCE HOUSING OVERLAY DISTRICT
- 200' ZONING DISTRICT BOUNDARY - OFFSET FROM ROAD CENTERLINE
- PROPERTY LINE
- WATER
- UTILITY EASEMENT
- TOWN LINE
- ROAD
- SCENIC ROAD
- PRIVATE ROAD
- PRIVATE ROAD - R.O.W.
- PAPER ROAD
- SECONDARY ROAD
- RIGHT OF WAY

*NOTE: THIS IS A SUB-MAP DISPLAYING THE WORKFORCE HOUSING OVERLAY DISTRICT. REFER TO THE **MAP OF ZONING DISTRICT BOUNDARIES** FOR COMPLETE ZONING DISTRICT BOUNDARIES.*

NOTES

THIS MAP IS BASED ON THE TOWN OF NEW LONDON PROPERTY MAPS PREPARED IN 1975 BY WITMAN & HOWARD INC. DIGITIZED INITIALLY IN 1996 BY CARTOGRAPHIC ASSOCIATES.
ZONING SOURCE DATA:
ZONING MAP OF NEW LONDON AS PREPARED BY STATE OF NEW HAMPSHIRE D.R.E.D DATED APRIL 1976, FROM U.S.G.S BASE MAP. ALL DIMENSIONS MEASURED FROM CENTERLINES OF HIGHWAYS AND BOUNDARY LINES.
REVISED BY KEAR-WOOD INC. FEBRUARY 1986.
REVISED BY TOWN OF NEW LONDON, NH MARCH 2009.
REVISED BY CARTOGRAPHIC ASSOCIATES, INC. APRIL 2015
REVISED BY UPPER VALLEY LAKE SUNAPEE REGIONAL PLANNING COMMISSION, APRIL 2016
MAP IS INTENDED FOR REFERENCE AND PLANNING PURPOSES ONLY.
PROPERTY LINES CURRENT TO JULY 2015
ZONING BOUNDARIES CURRENT TO MARCH 2016

TOWN OF NEW LONDON NEW HAMPSHIRE

ARTICLE XXVII
ENFORCEMENT

A. Authority

1. It shall be the duty of the Board of Selectmen, and the Board is hereby given power and authority, to enforce the provisions of this Ordinance. The Board is further authorized to delegate its power and authority, at its discretion, to the Town Administrator and/or the Zoning Administrator to the extent it deems necessary to assist it in the exercise of its duty to enforce Zoning Ordinance provisions. The Administrators shall keep the Board advised of enforcement activities in a timely manner. The Board shall maintain oversight over efforts to enforce the provisions of the Zoning Ordinance. The Board shall maintain its right to revoke its delegated power and authority at any time and without notice.

2. The Board of Selectmen or their designee shall issue any and all Building permits requested when the Building for which the permit is sought will be in accordance with the provisions of this Ordinance.

3. Permits:

   a. After passage of this Ordinance, it shall be unlawful to erect, relocate any Building, Sign or Structure, or Alter any Building without first obtaining a Building permit from the Board of Selectmen or their designee. The application for a permit for any new Structure or addition other than a Sign must include a plan designating size of Lot, location of Structure on Lot and disposal of sewage and other waste waters.

   b. Following issuance of a Building permit the exterior of the Building must be completed within one year from the date of the issuance of the Building permit. For good cause shown, the Board of Selectmen may permit an extension of the time frame for completion of the exterior of the Building.

4. It shall be the duty of the Planning Board to review and approve or disapprove site plans for the Development of tracts for nonresidential Use whether or not such Development includes a Subdivision or re-subdivision of the site as set forth in RSA 674:43, Power to Review Site Plans.

5. Upon any well-founded information that this Ordinance is being violated, the Board of Selectmen shall take immediate steps to enforce the provisions of this Ordinance by seeking Injunctive Relief as provided in RSA 676:15, Fines and Penalties as provided in RSA 676:17, Cease and Desist Orders as provided in RSA 676:17-a, and Local Land Use Citations as provided by RSA 676:17-b including any amended statutory provisions.

6. Any person who violates any of the provisions of this title (Title LXIV, RSA 676:17, I), or any local ordinance, code or regulation adopted under this title, or any provision or specification of any application, plat or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of $275 for the first offense and $550 for subsequent offenses for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier, (or as specified in RSA 676:17, as amended).

ARTICLE XXVIII
AMENDMENTS

This Ordinance may be amended in accordance with the procedure provided by Chapter 675:3 and 675:7, N.H. Revised Statutes Annotated, 1955, 1967, 1984.

ARTICLE XXIX
SAVING CLAUSE

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

ARTICLE XXX
NUMBERING

The Planning Board shall have the authority to renumber the Ordinance after amendments have been passed, so as to make the numbering consistent.

ARTICLE XXXI
VALIDITY OF OVERLAPPING REGULATIONS

Whenever the provisions of this Ordinance or rulings made under the authority hereof differ from those of other ordinances or regulations of the Town or State, then that provision or ruling which imposes the greater restriction or higher standard shall govern.

ARTICLE XXXII
WHEN EFFECTIVE

This Ordinance shall take effect upon its passage.

QUICK REFERENCE [1] TO: SIGN SIZE & NUMBER BY ZONE DISTRICT

Zone District	Permanent or Temporary Sign	Purpose of Sign	Section of Sign Regs.	Type of Sign	Size Permitted	Number Permitted	Permit Needed
R-1, R-2,ARR, Con. & residential uses in Inst. Dist.	Permanent	Name Identification	d.(1)	Building Mounted or Free Standing	Max. combined size of 4 sq. ft.	N.A.	No
Commercial District: Single Business	Permanent	Advertising Business	g.(1)(a)	1 Free Standing & 1 Building Mounted, or 2 Building Mounted	Max. 15 sq. ft. for each sign	Two	Yes
Commercial District: Multiple Businesses	Permanent	Advertising Business	g.(1)(b)	Free Standing	Max. 25 sq. ft. for all businesses	One for all businesses	Yes
				Building Mounted	Max. 15 sq. ft.	One	Yes
Institutional Districts	Permanent	Name Identification	g.(3)	By Site Plan Review	Max. 15 sq. ft. per sign	By Site Plan Review	Yes
All Zone Districts	Permanent	Name of Development	f.(1)(b)	Building Mounted or Free Standing	As per zone district	One	Yes
	Temporary	Sale of Property	d.(2)	Building Mounted or Free Standing	Max. 4 sq. ft.	One	No
	Temporary	Advertising Contractor	d.(3)	Building Mounted or Free Standing	Max. 4 sq. ft.	One	No
	Temporary	Yard Sale	d.(13)	Building Mounted or Free Standing	Max. 4 sq. ft.	One	No
	Temporary	Tent/Sidewalk Sale	f.(2)(a)	Building Mounted or Free Standing	Max. 4 sq. ft.	One	Yes
	Temporary	Auction	f.(2)(b)	Building Mounted or Free Standing	Max. 4 sq. ft.	One	Yes
	Temporary	Events for Nonprofits	d.(12)(a)	On-site: Any Type	As per zone district	One	No
	Temporary	Events for Nonprofits	d.(12)(b)	Off-site: Any Type	Max. 1 sq. ft.	No Limit	No

1 Note: This "Quick Reference" is not intended as a substitute for the Sign Regulations outlined in Article II, Section 10 of the Zoning Ordinance. Please refer to the specific section cited in the Sign Regulations for details on a specific type of sign.

QUICK REFERENCE TO THE NEW LONDON ZONING ORDINANCE[1]

Zone District	Frontage		Lot Depth	Minimum Lot Area**	Density[2]	Yard/Setback Requirements				
	Road	Lake				Front Setback	Rear Setback	Side Setback	Corner Lot Setback	Lake Setback
R-1 with water & sewer	100 ft.	-	100 ft.	20,000 SF	1 family/10,000 SF	25 ft.	15 ft.	15 ft.	25 ft. from each ROW	-
R-1 w/o water & sewer	150 ft.	-	-	2 ac.	1 family/acre	25 ft.	15 ft.	Min. 20 ft. for one side; Aggregate 50 ft. for both sides	25 ft. from each ROW	-
R-2	150 ft.	-	-	2 ac.	1 family/2 acres	25 ft.	15 ft.	Min. 20 ft. for one side; Aggregate 50 ft. for both sides	25 ft. from each ROW	-
R-2 - Shoreland Overlay	150 ft.	200 ft.	-	2 ac.	1 family/2 acres	25 ft.	15 ft.	Min. 20 ft. for one side; Aggregate 50 ft. for both sides	25 ft. from each ROW	50 ft.
ARR	200 ft.	-	-	4 ac.	1 family/4 acres	50 ft.	25 ft.	25 ft.	50 ft. from each ROW	-
ARR - Shoreland Overlay	200 ft.	200 ft.	-	4 ac.	1 family/4 acres	50 ft.	25 ft.	25 ft.	50 ft. from each ROW	50 ft.
Conservation	200 ft.	-	-	10 ac	1 family/10 acres	50 ft.	50 ft.	50 ft.	50 ft. from each ROW	-
Conservation - Shoreland Overlay	200 ft.	300 ft.	-	10 ac.	1 family/10 acres	50 ft.	50 ft.	50 ft.	50 ft. from each ROW	50 ft.
Forest Conservation	400 ft.	-	-	25 ac.	1 family/25 acres	50 ft.	50 ft.	50 ft.	50 ft. from each ROW	
Commercial	Min. = to width of structure	-	-	-	1 family/10,000 SF	30 ft.	10 ft.	10 ft.	30 ft. from each ROW	-
Institutional	-	-	-	Same as adjacent Residential District		25 ft.	Same as adjacent Residential District			-
Hospital Institutional	-	-	-	-	-	25 ft.	25 ft.	25 ft.	25 ft. from each ROW	-
Inst./Rec.	-	-	-	-	-	25 ft.	25 ft.	25 ft.	25 ft. from each ROW	-

1 Note: this "quick reference" is not intended as a substitute for the full zoning ordinance.

2 The number of dwellings per parcel may be limited by more than that shown under "Minimum Lot Area" and "Density" above due to provisions in specific sections of the Zoning Ordinance or Subdivision Regulations. Property owners should make no decisions based on this quick reference guide but should consult with the Zoning Administrator or Town Planner for further guidance.