ORDINANCES

OF THE

TOWN OF WESTMORELAND

NEW HAMPSHIRE

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Official copies of documents are only available from the Town Office.)

Introduction

The Zoning Ordinance establishes the land use regulations adopted by the Town. It includes the full set of provisions that govern how land may be used and developed, along with definitions and procedures to support their application.

To improve usability, certain terms appear in blue underlined text. In digital versions, these terms function as hyperlinks that direct users to related definitions or applicable sections within the ordinance. In printed copies, these terms appear in the same format. Print users are encouraged to consult the Table of Contents or the list of terms at the end of the booklet for additional reference.

The Zoning Ordinance was reorganized in 2026 to improve clarity, consistency, and usability. The Zoning Crosswalk, located at the end of this booklet, provides a side-by-side comparison of the current and former section numbers. This tool is intended to help users familiar with the previous format navigate the updated structure more easily. It also serves as a reference to confirm that all previously adopted content has been retained and appropriately relocated in the new organizational format.

For questions or assistance with using the ordinance, contact the Land Use Administrator or Town Administrator.

ZONING ORDINANCES

of the

TOWN OF WESTMORELAND, NEW HAMPSHIRE

Adopted: June 1988

Amended: March, 1989, 1990, 1991, 1992, 1997, 1999,

2001, 2002, 2004, 2006, 2007, 2011, 2012, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2026

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ARTICLE 1. ENACTMENT, INTENT, AND DEFINITIONS

1.1 ENACTMENT

In accordance with the authority conferred by Chapter 674, Sections 16-21, New Hampshire Land Use Regulations RSA 1984, there are hereby established Zoning Regulations for the Town of Westmoreland, New Hampshire, which are set forth in the text and map that constitute these regulations. These regulations shall be known and cited as the "Town of Westmoreland Zoning Ordinance".

1.2 INTENT

It is the intent of this Zoning Ordinance to provide for orderly community growth and to further the purposes established under New Hampshire RSA 674:17.

1.3 APPLICATION OF REGULATIONS

Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located. Any use not permitted by these Regulations shall be deemed prohibited.

1.4 SEVERABILITY CLAUSE

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

1.5 EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption.

1.6 AMENDMENTS

This Ordinance and its accompanying maps may be amended in accordance with the provisions of the applicable statutes of the State of New Hampshire.

1.7 VALIDITY

Whenever the provisions of this Ordinance or rulings made under the authority hereof differ from those of other ordinances or regulations of the Town, that provision or ruling which imposes greater restriction or higher standard will govern.

1.8 REPEAL

Upon the valid adoption of this Zoning Ordinance, the existing Zoning Ordinance and all amendments thereto are hereby repealed. In the event that the "Zoning Ordinance of the Town of Westmoreland, New Hampshire," is not adopted, then the existing Zoning Ordinance, Revised 1983, and all amendments thereto shall continue to be in full force and effect.

1.9 DEFINITIONS

Except where specifically defined herein, all words used in these Regulations and certain terms or words shall carry their customary meanings. Words used in the present tense include the future, and the singular

includes the plural; the word “lot” includes “plot”; the word “building” includes “structure”; the word “shall” is mandatory; “occupied” or “used” shall be considered as though followed by “or intended, arranged or designed to be used or occupied”; “person” includes individual partnership, association, corporation, company or organization. The Board of Adjustment shall clarify doubt as to the precise meaning of any word used in these Regulations.

ARTICLE 2. ADMINISTRATION AND ENFORCEMENT

2.1 ENFORCEMENT

The Selectmen shall enforce this Ordinance. If any building or use of land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Land Use Administrator shall inform the Selectmen. The Selectmen shall institute in the name of the Town, any appropriate action, injunction or other proceeding to prevent, restrain, correct, or abate any violation of this ordinance.

2.2 LAND USE ADMINISTRATOR

The administrative officer for this Ordinance shall be known as the Land Use Administrator who shall be hired or appointed by the Board of Selectmen. The Land Use Administrator shall administer the Zoning Ordinance literally and shall not have the power to permit any use of land or buildings, which is not in conformance with this Ordinance.

2.3 PENALTY

Any person who violates this ordinance may be fined to the maximum amount provided by law. No action may be brought under this provision unless the alleged offender has had at least seven days' notice by certified mail that a violation exists.

2.4 LAND USE PERMIT

2.4.1 Need for Permit

Written application for a land use permit must be filed with the Town of Westmoreland for any of the following, except as provided for in the Revised Statutes, Annotated, of the State of New Hampshire. Until a land use permit has been obtained from the Land Use Administrator (or, if the permit is denied, until the Zoning Board of Adjustment has directed that a permit be issued), none of the following shall commence:

A. The erection or use of any new building, exterior sign, or other structure.

B. The alteration, restoration, moving or demolition of any building, structure, exterior sign or part thereof, excluding, however, alterations constituting normal maintenance.

C. Any use of premises which would constitute a departure from the terms of this ordinance, including, without limiting the generality of the foregoing, a change in the nature of the use of any building or premises to a non-conforming use from any lawful prior use, the expansion of any existing lawful non-conforming use, or any change in lot size or shape which would result in a violation of area or dimensional regulations.

2.4.2 Application Requirements

Application for a land use permit shall be upon an appropriate form to be prescribed by the Town and shall be accompanied by such of the following as the Land Use Administrator may require:

A. Plans, drawn to scale, showing the actual shape, dimensions, and location of the lot to be used, of existing buildings upon it, of alterations proposed for existing buildings and of proposed new buildings.

B. Information as to the existing and intended use of each building, lot, or part thereof, and as to the number of families, lodgers, or other occupants that any building upon the premises is designed to accommodate.

C. Any other information with respect to the lot and applicant's proposed use thereof, as well as their relation to other lots in the neighborhood which, in the judgment of the Land Use Administrator, is necessary to determine whether the action or use for which a permit is sought is a conforming action or use under the terms of the Ordinance.

2.4.3 Approval or Denial

The Land Use Administrator shall determine whether an application for permit is in compliance with a permitted use or permitted action as defined in this Ordinance. If the Land Use Administrator determines that it is, the application for permit shall be granted. If the Land Use Administrator determines that it is not, the application shall be denied. The Land Use Administrator shall act upon any application within thirty days after it has been filed.

2.4.4 Scope of Permit

Issuance of a land use permit pursuant to this Ordinance constitutes approval by the Town of the proposed use only under the requirements of this Zoning Ordinance.

2.4.5 Building Permit

The issuance of a land use permit for any use for which it is required shall precede or be in conjunction with the issuance of a building permit.

2.4.6 Extension of Permit

A land use permit shall become void if a building permit is not issued and construction is not begun thereunder within twelve months from the date of issuance of the permit, or, if no building permit is required, a land use permit shall become void if the rights conferred thereby are not exercised within twelve months from the date of issue of the land use permit. Land use permits may be extended for no more than an additional twelve months by the Land Use Administrator on receipt of a written request for extension at least fourteen days prior to the expiration of the original permit.

2.4.7 Transferability

Permits issued hereunder shall be transferable to a subsequent owner.

Variances or Special Exceptions for non-residential uses are transferable to the subsequent owner provided that land use does not change and further provided that the new owner certifies that there is no change in the previously permitted land use on a town form furnished by the Land Use Administrator.

2.4.8 Date of Issuance of Land Use Permit

On approval by the Zoning Board of Adjustment of a variance or special exception, the Land Use Administrator shall issue a land use permit as of the date of approval of the Zoning Board of Adjustment.

2.5 Zoning Board of Adjustment

There shall be a Zoning Board of Adjustment, as provided by the Statutes of the State of New Hampshire, whose members shall be appointed by the Board of Selectmen.

2.5.1 Powers of the Zoning Board

The Zoning Board of Adjustment shall have the following powers, as well as any other power conferred upon such Boards by the Statutes of the State of New Hampshire:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Land Use Administrator in enforcement of this Ordinance.

B. Special Exceptions. The Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards as determined by the Board, grant a permit for a Special Exception. All Special Exceptions shall be made in harmony with the general purpose and intent of the Zoning Ordinance. The Board, in acting on an application for a Special Exception must find that the proposed use meets the following conditions:

(1) The specific site is an appropriate location for such use.

(2) Such approval would not reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood.

(3) There will be no nuisance or hazard to vehicles or pedestrians.

(4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

C. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where owing to special conditions a literal unnecessary hardship and so that the spirit of the Ordinance will result in observed and substantial justice done. In so doing, the Zoning Board of Adjustment may attach such conditions and safeguards, as it deems necessary to protect the neighborhood and community.

D. In exercising the above-mentioned powers, the Zoning Board of Adjustment may, in conformity with the powers granted to it under RSA Chapter 674, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the Land Use Administrator from whom the appeal is taken.

2.5.2 Rules Governing Proceedings

A. All appeals and applications to the Board of Adjustment shall be in writing, on forms prescribed by that Board. Every appeal or application shall refer to the specific provisions of the Ordinance involved, and shall set forth the interpretation, the special exception, or the variance for which application is made.

B. Whenever a notice of appeal is filed for a variance or an application is made for a special exception, the Board of Adjustment shall hold a public hearing, and notice shall be given as follows:

The appellant and all the abutters shall be notified of the hearing by certified mail, stating the time and place of the hearing, and such notice shall be given not less than five (5) days before the date fixed for the hearing of the appeal. A public notice of the hearing shall be placed in a newspaper of general circulation in Westmoreland not less than five (5) days before the date fixed for the hearing of the appeal. The public hearing shall be within thirty (30) days of the receipt of the notice of appeal. Any person may appear in person or by agent or attorney at the hearing of an appeal.

In addition to the notice sent as described above, the Board shall also send such notice to the Planning Board and the Board of Selectmen, and either Board shall be a proper party to appear and to be heard upon any such appeal or application. Upon the entry of any decision, report, or order in such a proceeding, the Board of Adjustment shall cause a copy to be sent

to the Planning Board. In those proceedings before the Board of Adjustment at which the Planning Board submits its recommendations, such recommendations shall be in the same format as that required of the Board of Adjustment in reporting its decision. The Board of Adjustment shall state in writing its reason in sufficient detail as to the granting or denial of a Special Exception or Variance with particular reference to the standards or conditions applicable thereto.

C. The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Adjustment and shall be a public record.

D. The Board of Selectmen shall establish such appropriate fees as will compensate the Town for the cost of processing and reviewing all appeals and applications submitted to the Board of Adjustment. The applicant shall pay the established fee upon submission of the appeal or application.

E. The provisions contained herein are intended to comply with applicable provisions of RSA Chapter 674 as amended. Any such amendment shall constitute a similar amendment herein without further action.

2.6 VARIANCE

2.6.1 Standards and Requirements

The Board of Adjustment may, on an appeal, grant a Variance from the provisions of this Ordinance, if the Board of Adjustment finds the following facts and such finding in specified in its decision:

A. No diminution in value of surrounding properties would be suffered.

B. Granting the permit would be of benefit to the public interest.

C. Denial would result in unnecessary hardship to the owner seeking it because of the unique features of the land.

D. By granting the permit, substantial justice would be done.

E. The use would not be contrary to the spirit of the Ordinance.

2.6.2 Limitations of a Variance

In authorizing a variance, the Board of Adjustment may attach such conditions and safeguards, as it deems necessary to protect the neighborhood and the community, including but not limited to a time limit when the Variance will expire if not utilized.

2.6.3 Specialized Variances

The Board of Adjustment may, on appeal, grant a Variance for the protection of flood plains and water bodies, as follows:

A. No Variance shall be issued within the floodway if any increase in flood levels during the base flood discharge would result.

B. A Variance may be issued for new construction and substantial improvements to be erected on a pre-existing lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level in conformity with the procedures

of subsections C, D, E, and F set forth below, but must meet the lot area requirements of the district in which the building is to be located.

C. A Variance shall be issued only upon a showing of good and sufficient cause, a determination that failure to grant the Variance would result in exceptional hardship to the applicant and a determination that the granting of the Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or a victimization of the public, or conflict with any other applicable existing Town Ordinance.

D. A Variance shall be issued only upon a determination by the Board that the Variance is the minimum necessary considering the flood hazard to afford relief.

E. The Land Use Administrator shall notify the applicant in writing that the issuance of a Variance to construct the structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions.

F. The Land Use Administrator shall maintain a record of all Variance actions including justification for the issuance and shall report such Variances issued in an annual report to be submitted to the Administrator of the Federal Insurance Administration.

ARTICLE 3. ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

3.1 ESTABLISHMENT OF DISTRICTS

The Town of Westmoreland is hereby divided into the following Zoning Districts as shown on the Town Zoning Map:

C/I	Commercial/Industrial
VC	Village Center
MDR	Medium Density Residential
RR	Rural Residential
FR	Forestry Residential

3.2 PURPOSE

The purpose of each of the districts listed herein is as follows:

A. Commercial/Industrial District ("C/I")

This district allows for the establishment of manufacturing employment opportunities in the community. An area must be provided for this type of development taking into consideration truck access and the availability of utilities. Research and development and other high-density employment, along with wholesale activities, should be concentrated in this area.

B. Village Center District ("VC")

This is a district in the center of subcommunities, and is designed to continue the New England character providing services and shopping opportunities to the residents of that subcommunity. It is a district that is designed to promote the pleasant residential characteristics of a neighborhood, the density of which is permitted at (1) one family per acre.

C. Medium Density Residential District ("MDR")

This principal residential area is designated for land where no central water and sewer facilities are available, but where the installation of these facilities could become feasible. Residential and other compatible and complementing uses are permitted in this district. This district is intended to house the majority of the community's permanent residents in areas and at densities consistent with the utilities provided.

D. Rural Residential District ("RR")

This area is limited to agricultural, forestry, and certain other non-intensive land uses in addition to low-density residential use. Related uses are permitted in cases where it would not be inconsistent with the Master Plan. The purpose of this district is to retain certain areas for non-intensive uses, to prevent development where it would be a burden on the community, and to retain areas for open space. A density of one (1) family per five (5) acres is permitted. Accessory dwelling units are allowed by special exemption. See Accessory Dwelling Units.

E. Forestry Residential District ("FR")

F. This district allows for open space, conservation, forested areas, and occasional residential use. These are areas in the community unserved with adequate facilities and utilities, of subsoil conditions that cause problems in development to the community and should be conserved

because of their scenic values in order to obtain the community's goal by keeping this an attractive community allowing adequate open space. A maximum density of development is permitted with one family per ten acres.

3.3 ZONING MAP

The districts as established in Section 3.1 are shown on the map on file in the office of the Town Clerk of the Town of Westmoreland, which map is hereby made a part of this ordinance, together with all future amendments.

3.4 DISTRICT BOUNDARIES

If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Map, the Board of Adjustment shall determine the location of such boundary.

3.5 DISTRICT OBJECTIVES AND LAND USE CONTROL

The following tables set forth the objectives of each of the districts hereby established and the provisions of the regulations that apply respectively in each district.

3.5.1 Commercial / Industrial District Table of Uses

"C/I" – Commercial/Industrial	
Site plan approval is required for any use beyond one-family residential.	
Permitted Uses	
1.	One-Family Dwelling must meet requirements of Areas & Dimensions as set forth in Table 3.5.4– Rural Residential.
2.	Home Based Occupation

Allowed by Special Exception	
1.	Community Center/Private Club
2.	Public Utility
3.	Bank
4.	Office
5.	Places of public assembly, entertainment and recreation
6.	Hotel/Motel
7.	Gas station/Car wash
8.	Drive-Through/Drive Up Establishments
9.	Restaurant, Bar
10.	Service Establishment

Allowed by Special Exception	
11.	Retail store or services
12.	Agriculture and Forestry use
13.	Mortuary
14.	Motor vehicle, mobile home, trailer, farm implement, contractor's equipment sales & service.
15.	Freight or trucking terminal
16.	Commercial parking lot
17.	Enclosed manufacturing industry
18.	Enclosed warehouse or wholesale use
19.	Mine, quarry, sand or gravel pit
20.	Animal hospital, clinic or kennel, provided that any structures for the housing of animals be at least 200' from any residential property lines
21.	Accessory Use
22.	Stables, Commercial
23.	Home Business
24.	Other commercial uses, upon the finding by the Planning Board that such use is of the same general character as those permitted, and which will not be detrimental to the other uses within the district or to the adjoining land uses
25.	Commercial Indoor Recreation
26.	Commercial Outdoor Recreation

Areas and Dimensions

Minimum Lot Size: 2 acres Frontage: 200' Depth: 150'

Minimum Yard Setback in Feet: Front Yard: 30' Each Side Yard: 20' Rear: 20'

Maximum Lot Coverage in Percent: 75%

Maximum Height in Feet: 35'

3.5.2 Village Center District Table of Uses

Uses

"VC" – Village Center District			
Site plan approval is required for non-residential, two-family residential and multi-family residential uses			
Permitted Uses		Allowed by Special Exception	
1.	One-Family Dwelling	1.	Other neighborhood retail business upon the finding by the Planning Board that such use is of the same general character as those permitted, and which will not be detrimental to the other uses within the district or to the adjoining land uses
2.	Two-Family Dwelling*	2.	Home Business
3.	Accessory Use	3.	Multi-Family Dwelling*
4.	School (Public)	4.	Agriculture and Forestry use
5.	Home Based Occupation	5.	Retail Store and Services
		6.	Religious Institution
		7.	Mortuary, Funeral Home
		8.	Business Office
		9.	Professional Residence – Office
		10.	Public Indoor Recreation
		11.	Commercial Indoor Recreation

Areas and Dimensions

Minimum Lot Size: 1 acre Frontage: 200' Depth: 200'

Minimum Yard Setback in Feet: Front Yard: 50' Each Side Yard: 20' Rear: 20'

Maximum Lot Coverage in Percent: 25%

Maximum Building Height: 35'

*Provided there is one (1) acre allowed for each dwelling unit

3.5.3 Medium Density Residential Table of Uses

Uses

"MDR" – Medium Density Residential			
Site plan approval is required for non-residential, and two-family dwelling			
Permitted Uses		Allowed by Special Exception	
1.	Agricultural & Forest Uses	1.	Public Utility Substation
2.	One-Family Dwelling	2.	Mobile Home Park
3.	School	3.	Home Business
4.	Accessory Use	4.	Stable, Commercial
5.	Home Based Occupation	5.	Professional Residence - Office
6.	Mobile Home	6.	Public Outdoor Recreation
		7.	Commercial Outdoor Recreation
		8.	Camping Area
		9.	Religious Institution
		10.	Two-Family Dwelling*

Areas and Dimensions

Minimum Lot Size: 2 acres Frontage: 300' Depth: 200'

Minimum Yard Setback in Feet: Front Yard: 50' Each Side Yard: 20' Rear: 20'

Maximum Lot Coverage in Percent: 15%

Maximum Building Height: 35' or 3 stories, whichever is less.

Accessory building – 15'

*Two-Family Dwelling units must provide 500' frontage and 4 acres of land, and meet all other requirements

3.5.4 Rural Residential Table of Uses

Uses

"RR" – Rural Residential			
Site plan approval is required for non-residential			
Permitted Uses		Allowed by Special Exception	
1.	One-Family Dwelling	1.	Quarry
2.	Agricultural and Forest Use	2.	Mobile Home Park
3.	Accessory Use	3.	Stable, Commercial
4.	Home Based Occupation	4.	Professional Residence - Office
5.	Mobile Home	5.	Tourist Home &/or Boarding House
6.	Wildlife Refuge	6.	Religious Institution
		7.	School
		8.	Public Outdoor Recreation
		9.	Home Business

Areas and Dimensions

Minimum Lot Size: 5 acres Frontage: 500' Depth: 200'

Minimum Yard Setback in Feet: Front Yard: 50' Each Side Yard: 20' Rear: 20'

Maximum Lot Coverage in Percent: 15%

Maximum Building Height: 35'

No height limit for agricultural uses

3.5.5 Forestry Residential Table of Uses

Uses

"FR" – Forestry Residential			
Site plan approval is required for non-residential			
Permitted Uses		Allowed by Special Exception	
1.	Agricultural & Forest Uses	1.	Public Utility
2.	Wildlife Refuge	2.	Stable, Commercial
3.	Accessory Use	3.	Professional Residence – Office
4.	One-Family Dwelling	4.	Home Business
5.	Home Based Occupation	5.	Public Outdoor Recreation
		6.	Public Indoor Recreation
		7.	Commercial Indoor Recreation
		8.	Reservoir

Areas and Dimensions

Minimum Lot Size: 10 acres Frontage: 500' Depth: 400'

Minimum Yard Setback in Feet: Front Yard: 50' Each Side Yard: 20' Rear: 20'

Maximum Lot Coverage in Percent: 15%

Maximum Building Height: 35'

No height limit for agricultural use

ARTICLE 4. GENERAL REGULATIONS

The provisions of this Ordinance shall be subject to such additions, modifications, or exceptions as herein provided by the following general regulations:

4.1 CONSTRUCTION APPROVED PRIOR TO ADOPTION OR AMENDMENT TO REGULATIONS

Nothing contained in these Regulations shall require any change in plans or construction of a non-complying structure for which a building permit has been issued.

4.2 LOT AND YARD STANDARDS

4.2.1 Existing Small Lots

Any legal lot of record in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this Ordinance may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one acre and has a minimum of 100 feet of road frontage. All other requirements for the district in which the lot is located must be met.

4.2.2 Required Area or Yards

Space required under these regulations to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

4.2.3 Calculation of Required Lot Area

In calculating the required lot area, lot width, depth and yards, existing or proposed rights-of-way shown on the Zoning Map shall not be considered.

4.2.4 Reduction of Lot Area

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of this Ordinance shall be less than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

4.2.5 Building Coverage, Open Porches, Carports and Garages

In determining the percentage of building coverage of a lot or the size of yards, porches or carports open at the sides but roofed, and all principal and accessory buildings shall be included.

4.2.6 Required Frontage on Public Roads

No land development may be permitted on lots, which do not have required frontage on a public road, which is Class V, or better.

4.2.7 Front Yard Setback

Notwithstanding provisions for front yards elsewhere in this Ordinance, the front yard setback will be measured from the edge of the street right-of-way.

4.2.8 Front Yard Exceptions

Where front yards in any zoning district have been established for more than fifty (50) percent of the frontage in any block at a depth greater than the minimum required for the district, the depth of required front yards shall be increased to comply with such established average depth. In no case shall the depth of the required front yard be less than that specified for the zoning district in which it is located.

4.2.9 Yards on Corner Lots

Any yard adjoining a street shall be considered a front yard for the purposes of this Ordinance. Only one front yard is required to comply with the minimum depth requirement, all other front yards shall equal the minimum, or be at least 25 feet in depth, whichever is less.

4.2.10 Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such district boundary line is adopted, the regulations for either district of such lot shall extend not more than thirty feet into the more restricted district, provided the lot has frontage on a Class V or better road in the less restricted district.

4.2.11 Dwellings on Lots

There shall be only one residential building on a lot.

4.3 Access, Parking and Loading Standards

4.3.1 Location of Driveways

All driveways are to be located at least 100 feet from a street line intersection for all uses, except one and two-family residential uses, and shall be subject to approval by the appropriate road authority. All driveways must be accessed from the frontage of a Class V or better road. No driveway can be closer than 10 feet from a boundary line.

4.3.2 Shared Driveways

Shared Driveways are allowed for a maximum of two adjoining and conforming lots in all zones. Access agreements shall be deeded on both lots. Shared driveways may cross side setbacks. A permit from the appropriate road authority must be obtained. The house numbers for all residences are to be placed at the end of the common driveway and the individual house number is to be placed at the entrance to each private driveway.

4.3.3 Access and Safety

The Planning Board may require changes or additions in relation to yards, driveways, driveway entrances and exits, and landscaping, and the location and height of buildings and enclosures to ensure safety, to minimize traffic difficulties, and to safeguard adjacent properties.

4.3.4 Obstruction of Vision

In all districts, on a corner lot, within the triangular area formed by the intersection of two street property lines and a third line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.

4.3.5 Off-Street Parking

For every building hereafter erected, altered, extended, or changed in use, there shall be provided year-round off-street parking spaces at least as set forth below, unless a Special Exception is granted. A required driveway shall be at least twenty feet clear in width, except for one- and two-family uses where width is not specified. Additional parking may be set by the Planning Board based upon documentation in the application of clientele served per hour.

SEE TABLE ON NEXT PAGE.

Use		Parking Spaces Required
A.	One- and two-family dwelling units	1 for every unit
B.	Multi-family dwelling units	1 for every unit
C.	Professional, business and medical office	2 spaces, plus 1 additional space for every 200 sq. ft. of office space
D.	Hotel, motel, tourist home, boarding home	1 space per each guest room plus one space per each employee on the largest shift
E.	Commercial, business, and unspecified uses	1 space for each business vehicle, plus 1 space for each employee on the largest shift
F.	Restaurant, eating, & drinking establishments	1 space for every table plus one space for each employee on the largest shift
G.	Industrial, wholesale, storage, freight & trucking uses	1 space for each business vehicle, plus 1 space per employee on the largest shift
H.	Outdoor recreation	As required by the Planning Board
I.	Places of Public Assembly	As required by the Planning Board

4.3.6 Off-Street Loading Space Requirements (in addition to parking)

For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade, or industry there shall be provided paved off-street space for loading and unloading of vehicles as set forth below.

A. Hotels, motels, hospitals, commercial, business, service and industrial establishments: 1 off-street loading space for every 10,000 sq. ft. of floor area.

B. Wholesale, warehouse, freight and trucking uses: 1 off-street loading space for every 7,500 sq. ft. of floor area.

4.3.7 Special Parking and Loading Space Requirements

A. The Planning Board may require additional off-street parking and loading space for any use if they find that minimum spaces are not sufficient.

B. With the approval of the Planning Board, parking spaces may be provided by the applicant on other property, provided such land lies within 300 feet of an entrance to the principal building with documentation showing permission from the landowner of land to be used.

C. Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another at the same time, except upon approval of the Planning Board.

D. Where any non-residential district or use abuts a residential district or use, the parking or loading space shall be no closer than 150 feet to the property line abutting the residential district, and the spaces shall be suitably screened and landscaped.

4.3.8 Debris Removal

No person is allowed to rake, blow or place brush, leaves, grass, other debris onto any part of a sidewalk, street or highway, including the right of way of such street – unless they have

permission from the road agent and the property owner whose land the debris would be placed on.

4.3.9 Snow Removal

No person is allowed to shovel, plow, blow, or place snow or ice across the road or onto any part of a sidewalk, street, or highway that people travel on – unless permission from the road agent and the property owner whose land the snow or ice should be placed upon, under specific conditions such as placing snow and ice along the edges of roads or sidewalks as a normal part of clearing them.

4.4 Height Exceptions

Nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bell, clock, government related towers such as fire towers, and essential public utility structures.

4.4.1 Height Exceptions by Special Exception

No radio, cell or television tower, wind turbine, water or cooling tower, oil or gas holder, elevator bulkhead, chimney, or similar structures in excess of thirty-five feet may be erected unless approved by the Zoning Board after a public hearing has been held.

4.5 Multi-Family Dwelling Units Below Grade

The finished floor level of all habitable rooms in every multi-family dwelling unit shall be not more than one foot below finished grade level measured at a point ten feet outside and at right angles to each window lighting each habitable room.

4.6 Abandonment of Structures

Within six months after work on an excavation for a building has begun or within six months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

4.7 Temporary Uses and Structures

Temporary permits may be issued by the Land Use Administrator for a period not exceeding one year for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

4.8 Accessory Buildings in Residential Districts

Outbuildings, garages, carports, storage sheds, greenhouses and all similar accessory use buildings are permitted in a residential district.

4.8.1 Portable and Small Structures

Portable and small structures (as defined under Terms) must have at least a 20 feet setback from side and back yards and must meet all other regulations, including front setbacks, for the zone in which they are placed. These shall not be used as a dwelling.

4.9 PERFORMANCE STANDARDS

In all districts, the following performance standards together with all applicable state standards must be met. The Planning Board shall decide whether proposed or existing uses meet the standards.

4.9.1 Noise

No permanent use shall emit noise in excess of seventy (70) decibels. This shall not apply to agriculture, farms, and farming which are following best practices but does apply to agritourism

4.9.2 Odor

No permanent use shall emit any odor that is considered offensive.

4.9.3 Dust or Dirt

No permanent use shall emit dust or dirt that is considered offensive.

4.9.4 Smoke

No permanent use shall emit any smoke in excess of Ringlemann Chart No. 2.

4.9.5 Noxious Gases

No permanent use shall emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business, or vegetation.

4.9.6 Vibration

No permanent use shall cause, as a result of normal operations, a vibration that creates displacement of 0.002 of 1".

4.9.7 Vision Impairment

No permanent use shall create glare from lighting or signs, which could impair the vision of a driver of any motor vehicle.

4.9.8 Fire, Explosion or Safety Hazard

No permanent use shall cause a fire, explosion or safety hazard.

4.9.9 Harmful Wastes

No permanent use shall cause wastes to be discharged into the sewer system, streams, other bodies of water or neighboring properties. Effluent disposal shall comply with the local and state health standards.

4.10 GRADING

No grading, cut or fill shall be carried out in any district, which leaves the slope of the finished grade in excess of one to two.

4.11 NON-CONFORMING USES

The following provisions shall apply to all buildings and uses existing on the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these Regulations.

Any non-conforming use of structures or land except those specified below may be continued indefinitely, but:

A. Shall not be moved, enlarged, altered, extended, reconstructed, or restored except by Special Exception by the Zoning Board of Adjustment using the criteria established herein for the consideration of Special Exceptions, and provided further that such enlargement, alteration, extension, reconstruction or restoration shall not increase the non-conforming use or size of the structure by more than 20 percent from the original building(s) foundation, and provided further with respect to setbacks, the enlargement, alteration, extension, reconstruction or restoration shall not encroach any further than the existing building into the setback area.

B. Shall not be changed to another non-conforming use except by Special Exception by the Zoning Board of Adjustment, and then only to a use which, in the opinion of the Board, is of the same or of a more restricted nature.

C. Shall be re-established only by Special Exception of the Zoning Board of Adjustment if such use has been discontinued for a period of six months, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

D. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not actively under construction within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged part of the building.

4.12 NON-COMPLYING BUILDINGS

Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non-compliance.

ARTICLE 5. TEMPORARY AND ACCESSORY RESIDENTIAL USES

5.1 ACCESSORY DWELLING UNITS (ADU)

Definition: Pursuant to the authority granted under RSA 674:74,2, as used in this ordinance, "accessory dwelling unit" means a residential living unit that is within or attached or detached to a single-family dwelling on a one family residential lot, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Purpose

For the purpose of providing expanded housing opportunities and flexibility in household arrangements to accommodate family members or non-related people of a permitted, owner occupied, one family dwelling.

One Accessory Dwelling Unit (ADU) shall be permitted on a one family residential lot providing the following conditions are met:

A. The ADU shall be located within the primary dwelling or a new or existing, attached or detached accessory building that also has a non-residential, accessory purpose.

B. An ADU shall be secondary and accessory to a one family dwelling.

C. The person or persons who own the lot shall reside in either the **accessory dwelling unit** or the primary dwelling; except for temporary absences.

D. Two means of egress from the ADU are recommended. If the ADU is in the primary dwelling, it shall have an independent entrance/exit or one through a common space (is shared hallway) shared with the principal dwelling unit. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.

E. The area of an ADU shall not be less than 300 square feet or be greater than 950 square feet.

F. Adequate provisions shall be made for water supply and sewage disposal to the ADU. The existing or proposed septic system must be certified by a licensed septic designer or engineer as adequate to support the ADU and primary dwelling unit in accordance with New Hampshire RSA 485-A:38. State septic approval required.

G. Adequate off-street parking shall be provided to serve the combined needs of the primary dwelling unit and the ADU. One additional parking space shall be provided for an ADU.

H. Adequate provision must exist or be made for motor vehicle ingress or egress and turning of vehicles within the site.

I. A building permit for an ADU must be approved and issued prior to its construction. An ADU shall have an interconnected fire alarm system and shall meet all fire safety and building codes.

J. Accessory Dwelling Unit Certificate of Occupancy: If a property containing an approved ADU is conveyed and the new owner wishes to maintain the accessory unit, the new owner shall apply for a Certificate of Occupancy for the ADU. The purpose of this section is to ensure that one of the two dwelling units is owner-occupied.

5.2 CAMPING TRAILERS

It shall be unlawful to park an occupied recreation vehicle on any public or private property for more than thirty (30) days in any 12-month period, except in accordance with this Ordinance as follows:

A. In an approved trailer camp.

B. Unoccupied, in an approved camping trailer sales lot.

C. The owner of a recreation vehicle may park on his own property, in the rear or side yards, provided that the recreational vehicle is parked behind the front face of the principal building and no closer than 6' to any lot line. A recreation vehicle so parked shall not be used as living quarters with the following exception. A recreation vehicle parked on the owner's property shall not be hooked up to any utilities for more than thirty (30) days in any 12-month period. Each such recreation vehicle shall have adequate and readily accessible toilet, lavatory disposal facilities and kitchen facilities. Recreation vehicles not suited or converted for overnight occupancy shall not be permitted in any zoning district under any circumstances for overnight occupancy.

5.3 HOME BASED OCCUPATION AND HOME BUSINESS

Shall both be considered an accessory use as long as such activity does not have a detrimental effect on the residential character of the neighborhood, is clearly secondary to the use of the premises for dwelling purposes and does not cause obnoxious or excessive noise, smoke, odor or other objectionable conditions that are detectable at the boundary of the property.

5.3.1 Home-Based Occupation

Nothing in this ordinance shall prevent a resident from using a minor portion of the principal or accessory structure(s) for a Home-Based Occupation. A Home-Based Occupation shall:

A. Be carried on only by residents of the premises

B. Involve only a service provided or a product produced by those residents on the premises.

C. Be operated entirely within a minor portion of a principal or accessory structure.

D. Result in no external evidence of the occupational activity, including no signage.

E. Be considered a residential use.

F. Be limited to one client visit at a time.

5.3.2 Home Business

Business activity exceeding the standards of a Home-Based Occupation shall obtain a Special Exception from the Zoning Board of Adjustment and a site plan review from the Planning Board.

A Home Business shall:

A. Be carried on by residents of the premises and not more than two additional on-premise employees.

B. Be operated within a principal or accessory structure and not have external storage of supplies and equipment visible form an adjacent highway or dwelling unit.

C. Provide parking for employees and customers. Required parking must be accommodated off street, and must be screened from view of abutters and from public ways (streets or pedestrian ways) utilizing plantings, fencing, and or topography when possible. Parking areas shall be located in the side or rear of the residence or accessory buildings.

D. The activity must not change the character of the premises or surrounding neighborhood. There shall be no window display or other features not normally associated with residential use such as noise, light, dust, fumes, and other pollutants or safety and health hazards.

E. Be allowed to have a sign limited to 6 sq. ft. in area of a design approved by the Planning Board, with no lighting. See 8.2.

5.4 PRIVATE SWIMMING POOL

A private swimming pool shall be installed and maintained in a manner sufficient to meet the standards established by the provisions of the State of New Hampshire Health Code.

5.5 SPECIAL PUBLIC EVENTS

Pursuant to NH RSA 286, the Select Board may require a special event permit for any gathering open to the public that are advertised via print, social media or other media and/or for which there is any form of revenue gathering. The following exceptions apply:

A. Properties with an approved site plan for event hosting.
B. Community events sponsored by the Town of Westmoreland, Westmoreland School, or churches located in Westmoreland

Any property owner who violates this ordinance shall be subject to:

A. A civil penalty up to $500 per violation, and/or
B. Suspension of the event by law enforcement or other authorities.
C. Each day of a violation constitutes a separate offense.

ARTICLE 6. OTHER USE REGULATIONS

6.1 AGRICULTURAL & ANIMAL

6.1.1 Animals

The raising or harboring of livestock including, but not limited to, horses, cattle, hogs, fowl or fur bearing animals, but excluding kennels, shall be permitted within all districts.

6.1.2 Roadside Agricultural Stands

Temporary roadside stands for the sale of agricultural or forestry products raised on the property may be erected in any district as long as its location and parking does not create a public hazard.

6.2 STORAGE

In any district, no land may be used as a dump or junkyard with the exception of an approved junkyard or town-operated sites.

6.2.1 Unregistered Vehicles

In any residential district, no more than one unregistered vehicle or two inoperable motor vehicles may be parked on a lot.

6.2.2 Vehicles as Dumps

In any residential district, no motor vehicle, truck body, trailer or similar cargo vehicle may be used as a dump.

6.2.3 Junkyards

Junkyards are not allowed in any zone except by special exception.

6.2.4 Abandoned Vehicles

In any residential district all inoperable motor vehicles, machinery or parts thereof in excess of items covered under 6.2.1, parked or stored outside for a period exceeding 6 months shall be considered abandoned. The owner of any such motor vehicles, machinery or parts thereof shall be directed by the Board of Selectmen to remove these items.

6.2.5 Storage of Flammable Liquids

The storage of any highly flammable liquid in tanks above ground with unit capacity greater than 550 gallons shall be prohibited, unless such tanks up to and including 10,000-gallon capacity are placed not less than 80 feet from all property lines, and unless all such tanks of more than 10,000-gallon capacity are placed not less than 200 feet from all property lines.

All tanks having a capacity greater than 550 gallons shall be properly retained with dikes having a capacity not less than 1½ times the capacity of the tanks surrounded.

6.2.6 Landfill

In any district, dumping of refuse, waste material, or land fill is prohibited, except that loam, rock, stone, gravel, sand, cinders and soil may be used for landfill to grades approved by the Land Use Administrator after approval by the Planning Board.

6.2.6.1 Applicability

Section 6.2.6 shall also apply to commercial and industrial zones unless otherwise permitted.

6.3 SCREENED SERVICE AREA REQUIREMENT

In any district, area designated, used or intended to be used as service areas for any building or land use, other than one-family and two-family dwelling units, shall be screened from view with either a wall, a solid fence or a fence and evergreens to a height of at least 5 feet above grade level on each side adjacent to a residential district or residential use.

ARTICLE 7. STANDARDS FOR SELECTED NON-RESIDENTIAL USE

7.1 DRIVE-THROUGH/DRIVE-UP ESTABLISHMENTS

Plans for the erection or structural alteration of any drive-through facility or business shall be submitted to the Planning Board for Site Plan approval. The Board may require such changes or additions in relation to yards, driveways, driveway entrances and exits, and landscaping, and the location, height and exterior sketches of buildings and enclosures to ensure safety, to minimize traffic or difficulties, and to safeguard adjacent properties, including but not limited to noise and lights.

7.2 GASOLINE STATIONS

In all districts where permitted, gasoline or motor vehicle service stations shall comply with the following:

A. A gasoline station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library, or religious institution.

B. Lot size shall be at least 20,000 square feet.

C. Lot frontage shall be at least 150 feet.

D. Lot depth shall be at least 125 feet.

E. Pumps, lubricating and other service devices shall be located at least 50 feet from the front lot line and side and rear lot lines.

F. All fuel and oil shall be stored at least thirty-five feet from any property lines.

G. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building.

H. Signs shall not extend beyond the pumps, nor exceed 15 feet in height.

I. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be 40 feet.

J. A suitably curbed landscaped area shall be maintained at least 5 feet in depth along all street frontage not used as driveway.

7.3 LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL USES

7.3.1 Forms of Landscaping

Under this Ordinance, landscaping required in all districts for nonresidential use will be installed and maintained in front, side and rear yards, and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas, and ground cover.

7.3.2 Trees and Shrubs

One shade tree at least ten feet in height and at least two inches in diameter measured at a point six inches above finished grade level, shall be planted no nearer than five feet to any lot line for each three hundred square feet of required landscaped area; and one deciduous shrub or evergreen shall be planted for each two hundred square feet of required landscaped area.

7.3.3 Maintenance

All such landscaping shall be maintained in a healthy, growing condition, with ground cover or grassed areas.

7.3.4 Minimum Landscaping Requirements

A. Where any land use in non-residential districts abuts land in any residential district, a strip of land at least twenty-five feet in width shall be maintained as a landscape and utility area in the front yard, side yards and rear yard which adjoin these other districts.

B. Where any non-residential land use in a residential district abuts any land use in a residential district, a strip of land at least fifteen feet in width shall be maintained as a landscape and utility area in front yard, side yards, and rear yard which adjoin these uses.

C. In any commercial/industrial district, a strip of land at least fifteen feet in width shall be maintained as a landscape and utility area in the front, side and rear yards.

ARTICLE 8. SIGNAGE

8.1 GENERAL PROVISIONS

A. Signage not covered below or not in compliance may be allowed by special exception.

B. Temporary sign not to exceed 6 sq feet an unlit is allowed in any district for a period not to exceed 180 days.

C. An open flag or banner may be displayed during business hours.

D. No signs or billboards shall be permitted in any district except as specifically permitted herein.

8.2 SIGNS IN RESIDENTIAL DISTRICTS

Signage visible from public ways or abutters shall be allowed for permitted or approved non-residential uses on the immediate property where the use occurs. The combined area of all signs shall not exceed 18 square feet for all uses and shall not be contiguous with the primary sign.

A. No signs shall be larger than 6 square feet.

B. Signs shall not exceed 6 feet from ground level.

C. Additional signage may be approved by the Planning Board

8.3 SIGNS IN COMMERCIAL/INDUSTRIAL DISTRICTS

The following signs are permitted when located on the immediate property:

A. When one business exists:

   A. One business sign not larger than 32 square feet.

   B. Additional signage pertaining to permitted uses where the use occurs provided the combined area of all signs does not exceed 64 square feet.

B. When more than one business exists on a property:

   (1) One directory sign not larger than 32 square feet, plus an additional 6 square feet per additional business listing the name of each business on site.

   (2) One sign per business not larger than 16 sq feet located on or immediately adjacent to each business.

   (3) One additional banner sign not larger than 12 sq ft located on or immediately adjacent to each business.

8.4 COMPUTATION OF PERMISSIBLE SIGN AREA

When computing the total permissible sign area for any use:

A. Existing signs shall be included.

B. The total area of all signs shall not exceed the requirements as set forth in this Ordinance.

C. Signs, consisting of free-standing letters, numerals or other devices shall include any intervening spaces between them.

D. Only the larger face area of double-faced or v-type sign shall be used.

E. Back-to-back signs may be counted as one sign.

F. Open flags are not counted in the computation of permissible sign area.

8.5 TRAFFIC HAZARD, SAFETY AND OBSTRUCTIONS

Every sign shall be designed and located in such a manner as to:

A. Not impair public safety.

B. Not be confused with any traffic sign or signal.

8.6 ILLUMINATED AND FLASHING SIGNS

A. A steady light may illuminate signs, provided that such lighting will not illuminate or reflect onto other properties or onto a public road.

B. Flashing, oscillating, and revolving signs shall not be permitted, unless necessary for public safety or welfare.

ARTICLE 9. ENERGY PRODUCTION & DISTRIBUTION

9.1 PHOTOVOLTAIC SYSTEMS

The purpose of this section is to align with the Master Plan goal of preserving the town's rural character while permitting photovoltaic technology as an accessory use.

9.1.1 Photovoltaic Systems are allowed as noted below:

A. All photovoltaic systems shall conform to applicable building, electrical and fire codes and permits.

B. Roof or building mounted systems are allowed in all zones.

C. Ground mounted systems up to 50 panels are allowed in all zones.

9.2 SMALL WIND ENERGY SYSTEMS

9.2.1 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. Small wind energy systems shall be permitted by Special Exception granted by the Zoning Board of Adjustment in the Rural Residential and Forestry Residential zones on lots that are 10 acres or larger.

9.2.2 Definitions

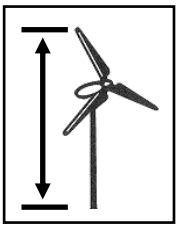
Meteorological tower (met tower). Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit 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, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

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.

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.

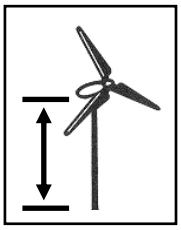
Power grid. The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

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.



Small wind energy system. A wind energy conversion system consisting of a wind generator, a 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.

System height. The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.



Tower. The monopole, guyed monopole or lattice structure that supports a wind generator.

Tower height. The height above grade of the fixed portion of the tower, excluding the wind generator.

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

9.2.3 Procedure for Review

A. Building Permit

Small wind energy systems and met towers are an accessory use permitted by Special Exception in rural residential and forestry residential zones on lots that are 10 acres or larger where structures of any sort are allowed. No small wind energy system shall be erected, constructed, or installed without first receiving a special exception from the Zoning Board and a building permit from the building inspector. A building permit shall be required for any physical modification to an existing small wind energy system. Met towers 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.

B. Application

Applications submitted to the Zoning Board shall contain a site plan with the following information:

(1) Property lines and physical dimensions of the applicant's property.

(2) Location, dimensions, and types of existing major structures on the property.

(3) Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.

(4) Tower foundation blueprints or drawings.

(5) Tower blueprints or drawings.

(6) Setback requirements as outlined in this ordinance.

(7) The right-of-way of any public road that is contiguous with the property.

(8) Any overhead utility lines.

(9) Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.

(10) 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.

(11) Sound level analysis prepared by the wind generator manufacturer or qualified engineer.

(12) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.

(13) Evidence of compliance or non-applicability with Federal Aviation Administration requirements

(14) List of abutters to the applicant's property.

C. Abutter and Regional Notification

In accordance with RSA 674:66, the Zoning Board shall notify all abutters and the local governing body by certified mail upon application for a special exception to construct a small wind energy system. The public will be afforded 30 days to submit comments to the Zoning Board prior to the issuance of the special exception. The Zoning Board shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Zoning Board shall follow the procedures set forth in RSA 36:57, IV.

9.2.4 Standards

The Zoning Board shall evaluate the application for compliance with the following standards;

A. Setbacks: The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or 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 tower are exempt from the small wind energy system setback requirements.

B. Tower: The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the 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.

F. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

G. 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.

H. Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the 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, except when the financial costs are prohibitive.

(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 a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

I. 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.

J. 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.

K. Access: The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

L. 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.

9.2.5 Abandonment

A. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

B. 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 building inspector. "Physically remove" shall include, but not be limited to:

(1) Removal of the wind generator and tower and related above-grade structures.

(2) 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.

C. 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 building inspector 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 building inspector 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 building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

D. If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, 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 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 building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

9.2.6 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. Small wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the small wind energy system.

9.2.7 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.

9.3 PUBLIC UTILITY SUBSTATIONS

Public utility substations and similar utility structures, where permitted, shall comply with the following:

A. Where public safety would be a concern, a fence set back from the property line in conformance with the regulations for front, side, and rear yards shall surround the facility.

B. A landscaped area at least twenty-five feet wide shall be maintained in front, rear, and side yards.

ARTICLE 10. SPECIAL FLOOD HAZARD, FLOOD-PRONE AND WETLAND AREA REGULATIONS

10.1 PURPOSE AND INTENT

A. To maintain the quality of surface water and groundwater of Westmoreland by preserving the ability of wetland to filter pollution, trap sediment and retain and absorb chemicals and nutrients.

B. To protect the areas which provide the natural flood storage and protection, recharge of groundwater supply and the augmentation of stream flow during dry periods.

C. To provide wildlife habitat and feeding areas thereby supporting the food chain.

D. To protect unique and unusual natural areas.

E. To prevent the expenditure of municipal funds for the purpose of providing and maintaining essential services, utilities and repairs which might be required as the result of the misuse or abuse of these unique areas.

10.2 DEFINITIONS

Special Flood Hazard Area: Land in the flood-prone area subject to a one-percent or greater possibility of flooding in any given year. The area is designated as Zone A on the Flood Hazard Boundary Map (FHBM) and is designated on the Flood Insurance Rate Map (FIRM) and available in the Westmoreland town office.

Flood-prone Area: Any land area susceptible to being inundated by water from any source. This includes a general or temporary condition of partial or complete inundation of normally dry land areas from:

A. the overflow of inland waters

B. the unusual and rapid accumulation or runoff of surface waters from any source.

The areas identified by historical reference and the Soil Survey of Cheshire County available in the town office.

Wetland Area: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. For purposes of this ordinance, wetlands include swamps, marshes, bogs, ponds and streams as well as soils subject to a seasonal high-water table and those defined as poorly or very poorly drained by the Natural Resource Conservation Service and the most recent Soil Survey of Cheshire County approved by the National Cooperative Soil Survey available in the town office.

10.3 GENERAL PROVISIONS

A. Boundary Appeals: In the case of a question of the boundaries of the special flood hazard, flood-prone or wetland areas that cannot be satisfied by the Planning Board, Zoning Board of Adjustment, town officials or the applicant, questions of applicability will be determined by a high-intensity soils survey prepared by a qualified NH licensed soil scientist at the

applicant's expense. In the case of an abutter petition for review, the cost will be borne by the petitioner.

B. Other Zoning Districts: In all cases where the designated special flood hazard, flood-prone and wetland areas are superimposed over zoning districts in the town of Westmoreland, the regulations that are most restrictive shall apply.

10.4 SPECIAL FLOOD HAZARD AREAS

10.4.1 Purpose and Intent

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Westmoreland Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Westmoreland Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provisions 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 Rate Maps dated May 23, 2006 which are declared to be a part of this ordinance and are hereby incorporated by reference.

10.4.2 Definition of Terms

The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Westmoreland:

"Area of Special Flood Hazard" is the land in the floodplain within the Town of Westmoreland subject to a one-percent or greater possibility of flooding in any given year. The area designated as Zone A on the FHBM and is designated on the FIRM as Zone A.

"Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.

"Basement" means any area of a building having its floor subgrade on all sides.

"Building" – see "structure".

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

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.

B. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means 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 Westmoreland.

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

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

"Floodway" – see "Regulatory Floodway".

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

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

"Historic Structure" means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of Interior, or

(2) Directly by the Secretary of Interior in states without approved programs.

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

"Manufactured Home" means a structure, transportable in one of more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles place on site for greater than 180 days.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

"100-year flood" – see "base flood".

"Recreational Vehicle" - Refer to Terms

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.

"Special flood hazard area" means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E. (See – "Area of Special Flood Hazard").

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

"Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

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

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

10.4.3 Building Inspector Review

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

A. be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,

B. be constructed with materials resistant to flood damage,

C. be constructed by methods and practices that minimize flood damages,

D. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, & other service facilities that are designed &/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

10.4.4 New or Replacement Water and Sewer Systems

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

10.4.5 New or Substantially Improved Structures

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the Building Inspector:

A. The as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.

B. If the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed.

C. Any certification of floodproofing.

The Building Inspector shall maintain for public inspection and shall furnish such information upon request.

10.4.6 Building Permit

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

10.4.7 Alteration of 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 Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Board.

B. The applicant shall submit to the Building Inspector, 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 Building Inspector 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 meet the following floodway requirement:

"No encroachments, including fill, new construction, substantial improvements, and other developments are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

10.4.8 Unnumbered A Zones

In unnumbered A zones, the Building Inspector 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).

10.4.9 Elevation Determination

The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in Zone A that:

A. all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation;

B. that 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 floodproofed so that below the 100-year flood elevation the 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;

10.4.10 Manufactured Homes

All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the 100-year flood elevation; and be securely anchored to resist floatation, 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.

10.4.11 Recreational Vehicles

Recreational vehicles placed on sites within Zone A1-A30, AH, and AE shall either:

A. be on the site for fewer than 180 consecutive days,

B. be fully licensed and ready for highway use, or

C. 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.

10.4.12 Improvements Below Lowest Floor

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:

A. the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;

B. the area is not a basement;

C. shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must

either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) 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.

(2) the bottom of all openings shall be no higher than one-foot above grade.

(3) openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

10.4.13 Variances and Appeals

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

B. 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:

(1) that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

(2) that it the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

(3) that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. The Zoning Board of Adjustment shall notify the applicant in writing that:

(1) 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

(2) 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.

D. The community shall:

(1) maintain a record of all variance actions, including their justification for their insurance, and

(2) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

10.5 FLOOD-PRONE AREAS

10.5.1 Permitted Uses

A. Directly in and within 50 feet of the outer limits of the flood-prone areas –

Structures and uses are limited to those related to agriculture, forestry and recreation.

B. Within 50 feet and 100 feet of the outer limits of the flood-prone areas – Any structure, building, water or sewer facility to be erected that is not related to the uses referred to in 452.2 1. must:

(1) have approval of the Planning Board of the site development plan which shall show

i. existing contours at 1' intervals

ii. proposed elevations of the lowest floor of all buildings, structures and facilities

iii. soils map based on the Soils Survey of Cheshire County or a high intensity soil survey prepared by a qualified NH licensed soil scientist

iv. Total area of all structures covering no more than 10% of the lot area

(2) have written approval from the NH Department of Environmental Services for any water and sewer facilities

(3) have written approval and permits from any other local, state or federal agency as needed

10.5.2 Prohibited Uses

A. Directly in and within 50 feet of the outer limits of the flood-prone areas –

All buildings intended for human occupancy are prohibited.

B. Within 100 feet of the outer limits of the flood-prone areas –

All dumps, junkyards, excavation sites, and storage of hazardous materials as defined by the NH Department of Environmental Services are prohibited.

10.6 WETLAND AREAS

10.6.1 Permitted Uses

A. Activities such as forestry tree farming, wildlife habitat improvement and refuges, parks and recreational uses, conservation areas and nature trails.

B. Water impoundments, wells, dry hydrants, and ponds approved by the NH Department of Environmental Services1.

10.6.2 Provisions

A. No structures, buildings or water and sewer facilities shall be erected or located in or within 75 feet of the defined edge of a wetland area.

B. No septic tank or leach field may be located within 100 feet of a wetland.

C. No impact to wetlands is to be allowed or even considered for approval until the applicant has submitted a site plan of the proposed project with sufficient detail so that it leaves no doubt as to the precise location of the project and its likely impact.

ARTICLE 11. MOBILE HOMES

11.1 MOBILE HOMES

It shall be unlawful for any person to park a mobile home on any public or private property, except in accordance with this Ordinance as follows:

A. In an approved mobile home park.

B. In an approved mobile home sales lot.

C. Approval for locating a mobile home on the construction site of a new residence for a period not to exceed six months can be granted only by the Selectmen.

D. In a district permitting the use of mobile homes as living accommodations, provided each mobile home meets all residential requirements including lot size.

11.2 MOBILE HOME PARK PERMITS

A. No person shall construct or operate a mobile home park without first obtaining site plan approval from the Planning Board and a permit from the Land Use Administrator. Before such a permit may be issued, there must be a favorable recommendation by a majority of the Planning Board. Before issuing a Land Use permit, the Planning Board shall require a performance bond from the operator of the park to assure that the park is constructed and maintained in a satisfactory manner.

B. Application for a mobile home park site plan approval shall be made to the Planning Board. The application shall be accompanied with a site plan and drawings prepared by a licensed surveyor or professional engineer, showing the property lines and area of the park, a contour map showing the proposed grading of the park, a layout of the roads, walkways, mobile homes lots, parking areas, water lines, sanitary sewer and storm sewer drainage facilities, garbage collection stations and electrical distribution.

C. The Planning Board may accept the proposed plans, accept the proposed plans with recommended changes or reject the plans. The Board shall submit the application and the plans to the Land Use Administrator together with the Board's action regarding the Site Plan Application.

D. The Planning Board may require any other improvements and facilities before approving the mobile home park Site Plan, in the interest of public safety, health, and welfare.

11.3 MOBILE HOME PARK STANDARDS

The following regulations shall apply with respect to all mobile homes and mobile home parks:

11.3.1 Area and Density of Park

A mobile home park shall have an area of not less than ten acres, and a density as provided for in the district in which the proposed park is located.

11.3.2 Layout

Mobile home parks shall provide for individual mobile home lots, access driveways, parking, and recreation open space.

11.3.3 Area of Mobile Home Space

Each mobile home space shall be at least 7,200 square feet in area, and at least sixty feet wide by at least one hundred and twenty feet in depth, and shall front on an access road.

11.3.4 Driveways and Walkways

A. Each mobile home shall have a driveway that meets current town driveway standards and provides at least one parking space.

B. All access roads within a mobile home park must be at least twenty feet in width and meet town road standards.

C. All-weather walkways shall be provided.

11.3.5 Recreation and Other Open Space Purposes

At least 10 percent of the total area of each mobile home park shall be reserved for recreation and other open space purposes.

11.3.6 Concrete Pad

Each mobile home lot shall be situated on a 4" thick concrete slab on a compacted base at least 15' x 20' in size.

11.3.7 Water Supply Attachment

Each mobile home space shall have an attachment for water supply. The New Hampshire Department of Health must approve the water supply source.

11.3.8 Sewage Disposal Attachment

Each mobile home space shall have an attachment for sewage disposal. The method of sewage disposal must be in compliance with the State Department of Health Regulations.

11.3.9 Proximity of Mobile Home to Public Street Right-of-Way or Park Property Line.

No mobile home shall be closer than eighty feet to a public street right-of-way line, nor closer to a property line than fifty feet.

11.3.10 Landscaping

A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all mobile home park property lines.

11.3.11 Siting a Mobile Home

No mobile home or any additions shall be located on the mobile home lot closer than ten feet to any other lot line in the mobile home park and each mobile home shall have a 20' front setback.

11.3.12 Additions

No additions shall be made to a mobile home except a canopy and/or porch open on three sides, or an addition made by the mobile home manufacturer.

ARTICLE 12. TRAILER CAMP STANDARDS

12.1 TRAILER CAMP PERMITS

A. No person or persons shall construct or operate a trailer camp without first obtaining site plan approval from the Planning Board and a permit from the Land Use Administrator. Before such a permit may be issued, there must be a favorable recommendation by a majority of the Planning Board. Before issuing a trailer camp permit, the Planning Board shall require a performance bond from the operator of the Camp to assure that the Camp is maintained in a satisfactory manner.

B. Application for a trailer camp site approval shall be made to the Planning Board. The application shall be accompanied with a site plan and drawings prepared by a professional engineer, showing the property lines and area of the camp, a contour map, a layout of the roads, walkways, trailer lots, parking areas, garbage collection stations, electrical distribution, water lines, sanitary sewer facilities and storm drainage facilities.

C. The Planning Board may accept the proposed plans, accept the proposed plans with recommended changes or reject the plans.

12.2 GENERAL REQUIREMENTS

The following regulations shall apply with respect to all trailer camps:

12.2.1 Area Requirements

A trailer camp shall have an area of not less than three acres.

12.2.2 Provisions

A trailer camp shall provide for individual trailers, access driveways, and parking.

12.2.3 Lot Area

Each trailer lot shall be at least 4,500 square feet in area, at least 50 feet in width, and have a compacted gravel surface at least 20 feet in width.

12.2.4 Access Road Requirements

All access roads within a trailer camp must be at least thirty feet in width and have a compacted gravel surface at least twenty feet in width.

12.2.5 Water Source

Each trailer lot shall have an attachment for water supply. The State Department of Health must approve the water supply source.

12.2.6 Solid Waste Disposal

Each trailer lot shall have provision for public toilets and sewage disposal. The methods of sewage disposal must be in compliance with the State Department of Health regulations.

12.2.7 Proximity of Space or Lot to Public Right-of-Way or Property Line

No trailer lot or service building shall be closer than eighty feet to a public street, right-of-way or a property line.

12.2.8 Landscaping

A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all trailer camp property lines.

12.2.9 Proximity

No trailer shall be parked on a lot closer than ten feet to a lot line.

ARTICLE 13. TELECOMMUNICATIONS FACILITIES REGULATIONS

13.1 AUTHORITY, PURPOSE, INTENT, DEFINITIONS

13.1.1 Authority

This Ordinance is adopted in accordance with the authority granted by the New Hampshire Revised Statutes Annotated 674:16 and 21.

13.1.2 Purpose and Intent

These regulations have been enacted in order to establish general guidelines for the siting of towers and antennas and to enhance and fulfill the following goals:

A. To preserve the authority of the Town of Westmoreland to regulate and provide for reasonable opportunity for the siting of telecommunications facilities.

B. To enhance the ability of providers of telecommunications services to provide such services to the community effectively and efficiently.

C. To reduce the adverse impacts such facilities may create on, including, but not limited to: migratory bird flight corridors, impacts on aesthetics, environmentally sensitive areas, historically significant locations, health and safety by injurious accidents to person and property, and diminution of property values.

D. To preserve Westmoreland's unique viewsheds and scenic values, in particular those associated with historic areas as defined by the Westmoreland Master Plan.

13.1.3 Definitions

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

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

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

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

13.2 LOCATION

Telecommunications facilities are permitted in the Forestry Residential (FR) District by Special Exception.

13.3 PERMITTED USES

A. Principal or Accessory Use

Telecommunications facilities may be considered either principal or accessory uses. Having an existing-permitted use on site shall not preclude the addition of a facility as an Accessory Use as long as all other provisions of the Ordinance are met. A different existing use or an existing structure on the same lot shall not preclude the installation of a facility on such lot.

For purposes of determining whether the installation complies with district development regulations, including but not limited to setback and lot coverage requirements, the dimensions of the entire lot shall control, even though the facility may be located on leased parcels within such lots. Facilities that are installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

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

C. Amateur Radio; Receive-Only Antennas.

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

13.4 CONSTRUCTION PERFORMANCE REQUIREMENTS

A. Federal Requirements

All facilities must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed, the owners of facilities governed by this Ordinance shall bring these into compliance within six (6) months of the effective date of the changes, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring facilities into compliance with any changes shall constitute grounds for the removal, in accordance with Section 13.10, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

B. Building Codes/Safety Standards

To ensure the structural integrity of towers and antennas, all facilities must be maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, the owner will receive notice that he/she has 30 days to bring such tower into compliance with the standards. If the owner fails to comply within 30 days, such action shall constitute abandonment and grounds for the removal, in accordance with Section 13.10, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

C. Additional Requirements for Telecommunications Facilities

These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.

(1) Height – In no case may any new structure be higher than 100 feet, or 20 feet above the average tree canopy in the proposed location.

(2) Setbacks and Separation – In addition to compliance with the minimum zoning district setback requirements for all structures, towers shall be set back a distance equal to 125% of the height of the tower from any non-related on-site structure, or off-site structure within 200 feet.

(3) Security Fencing –Towers shall be enclosed by security fencing and locking gates not less than 8 feet in height.

(4) Landscaping –

i. In accordance with Westmoreland Zoning Ordinance, Section 9.2, a buffer shall be provided that effectively screens the view of the compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least 25 feet wide outside the perimeter of the compound. Natural vegetation is preferred.

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

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

(5) Camouflaging –

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

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

(6) Balloon Test – The applicant shall provide notice of a date on which a balloon (or balloons) will be floated at the proposed site, and provide pictures from all locations around town and within 20 miles from which the balloon(s) is visible at the applicants' expense. At least 10 days prior to test Notice will be sent to abutters and posted to the public at the Town Hall and Post Office and publication in the Keene Sentinel.

(7) Inspection Report – To ensure that the tower and surrounding site retain its integrity, periodic inspections will take place every 5 years, at the expense of the applicant, to show the use and condition of the tower and surrounding site. Report(s) will be sent to the Planning Board.

13.5 PROCEDURE OF APPLICATION

A. Prior to the scheduling of a public hearing, the applicant must provide Permit(s) and a Site Plan Application in accordance with the procedural requirements of the Westmoreland Ordinances and RSA 676:4.

B. All towns within 20 miles of the proposed location will be notified of the public hearing, by certified mail, to be paid by the applicant.

C. Decisions. All decisions shall be rendered in writing, in accordance with RSA 676:3 and the National Wireless Telecommunications Siting Policy – Section 332c(47U.S.C.332c), which mandates that a denial be based upon substantial evidence contained in the written record.

13.6 PLAN REQUIREMENTS

A scaled plan must be submitted following requirements as set forth in the Town of Westmoreland Site Plan Regulations, SECTION VI. The Planning Board, if applicable, may grant waivers of any items.

Additional requirements are as follows:

A. Propagation map showing proposed radio frequency coverage.

B. Photographic documentation of the balloon tests.

13.7 OTHER INFORMATION REQUIRED

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

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

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

C. If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. The evidence may consist of:

(1) substantial evidence that no existing towers or structures are located within the geographic area required to meet the applicant's requirement;

(2) substantial evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.

(3) substantial evidence that the applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers, or that existing towers or structures would cause electromagnetic interference with the applicant's proposed antenna;

(4) information on the number of sites for wireless telecommunication facilities each provider will require;

(5) information on sites outside of the Town for the particular coverage areas that are being considered;

(6) informant on how the siting of a wireless telecommunication facility will affect the ability to allow a competitor's antennas on the same property;

(7) information on whether any of the wireless telecommunications carriers providing service to southwestern New Hampshire use the system known as cable micro-cell integrator/headend interface converter ("CMI/HIC") which utilizes cable television lines and small transceivers mounted on utility poles to communicate with wireless telephones; and

(8) information on whether there are any such carriers using CMI/HIC in surrounding cities and towns.

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

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

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

G. Upon request, the applicant will provide:

(1) detailed maps showing all the carrier's current externally visible tower and monopole locations in the state within a 20-mile radius, both active and inactive; and

(2) site descriptions for each of the above locations showing the antenna height and diameter, and all externally visible structures.

H. Upon request, a description of why less visibly intrusive alternatives for this facility was not proposed.

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

13.8 CO-LOCATING ANTENNAS

Any company wanting to co-locate an antenna on an existing, approved tower can do so by obtaining a building permit. The co-location must be in accordance with the approved site plan.

13.9 BONDING AND SECURITY INSURANCE

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

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

13.10 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned tower and related structure(s) within 90 days of receipt of a declaration of abandonment from the Town. All structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days, the Town may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

ARTICLE 14: EXTRACTION OF EARTH MATERIALS

In accordance with Chapter 155-E, in any district, the removal of soil, sand, or gravel for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for the rehabilitation of the site by the Planning Board. In any district, the following provisions shall apply:

14.1 REQUIREMENTS

A. Before approval of any new or extension of removal of natural material, the Planning Board shall require a performance bond from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, lake, recreation area, or other usable open space.

B. The removal of all material shall be conducted so as to result in the improvement of the land, having due regard to the contours in the vicinity such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pit.

C. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Land Use Administrator.

D. The owner, to prevent erosion debris and other loose materials from washing into any drainage course, street, or private property, shall control all surface drainage affected by excavation operations. All provisions to control natural drainage water shall meet with the approval of the Land Use Administrator.

E. No excavation or blasting shall take place within two hundred feet of any street or other property line.

F. No power-activated sorting or crushing machinery or equipment shall be located within three hundred feet of any street or other property line, and all such equipment shall be equipped with satisfactory dust elimination devices.

G. All excavation slopes in excess of one to two shall be adequately fenced as determined by the Land Use Administrator.

H. Extension of an existing non-conforming operation shall not be permitted.

I. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.

J. The Planning Board may attach any additional conditions, as it may find necessary for the safety and general welfare of the public.

SCHEDULE OF PERMITS

1. Land Use Permit:
   From Land Use Administrator required for all structures and uses (new, changes in/to, additions to)

2. Building Permit:
   From Building Inspector by referral of Land Use Administrator and, if applicable, by Zoning Board.

3. Variances and/or Special Exception:
   From Zoning Board after hearing by referral of Land Use Administrator.

4. Site Plan Review:
   From Planning Board (with hearing) by referral of Land Use Administrator.

5. Subdivision Approval:
   From Planning Board (with hearing) required for all land subdivisions.

6. Driveway Permit:
   From Road Agent or NH Dept. of Transportation.

7. Septic System Design Approval and Inspection:
   From NH Dept. of Environmental Services. Occupancy Permit

8. Occupancy Permit
   From Building Inspector when project is complete before a dwelling including an accessory dwelling unit may be used.

9. Burning Permit:
   From Fire Warden for all open burning.

10. Other Special Permits:
    Special Permits are issued by the Select Board through the Town Administrator such as:
    Mobile Vendor Permit
    Pistol Permit

TOWN OF WESTMORELAND PLANNING & ZONING BOARD FEE SCHEDULE

Zoning Board Fees

Land Use Permit	$ 30.00
Hearing Fee	$ 100.00

Abutter Fee: Current certified postal fee per abutter x total # of abutter notices
(must include owner/applicant/agent)

Planning Board Fees

Site Plan Review	$ 150.00
Subdivision	$ 150.00 + $15.00 per lot
Boundary Line Adjustment	$ 150.00
Voluntary Lot Merger	$ 25.00
Excavations:	
Permit	$ 50.00
Escrow	$1,000.00

(Any unexpended fees to be returned to the Applicant upon completion.)
Permit Renewal - Site Plan Review fee + Permit Fee

Abutter Fee: Current certified postal fee per abutter x total # of abutter notices
(must include owner/applicant/agent) **Multiple page plan sets may require additional postage.

Expenses for review of plans or documents, inspection of site, or special studies deemed necessary by the Board shall be paid by the applicant before an approval or permit is signed.

Recording costs, if applicable, are the responsibility of the owner/applicant/agent.

PLEASE NOTE: Application fees are non-refundable if application is not accepted and/or denied by the Planning Board or withdrawn by the applicant after processing.

PUBLICATIONS

Zoning Ordinance	$3.00
Subdivision/Site Plan Regulations	$3.00
Master Plan	$5.00
Copies	$1.00 (per page)

Fee Changes Adopted by Selectmen 11/3/2022

TERMS

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Accessory Dwelling Units (ADU)

Residential living unit that is within or attached or detached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Accessory Use or Building: A building or use customarily incidental and subordinate to the principal building or use and located on the same lot.

Agricultural & Forestry Use: Land containing at least two acres which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural equipment; and as an accessory use, the sale of agricultural products raised on the property.

Alteration: Structural change, rearrangement, change of location of a building or addition to a building.

Basement: Story partly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six feet.

Board of Adjustment: Within this Ordinance, the Board of Appeals shall be considered the same as the Board of Adjustment.

Boarding House: Building wherein more than four people are sheltered for profit.

Building: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or chattel; except portable structures (as defined under Terms).

Building Area: Total of areas taken on horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

Building Front Line: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

Building Height: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for the flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

Camps: Land on which are located one or more cabins, trailers, tent sites, shelters, houseboats or other accommodations suitable for seasonal or temporary living purposes, excluding mobile homes.

Clinic: An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments.

Club, Private: Building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

Club House, Membership: Includes YMCA, YWCA, YMHA, fraternity, sorority, lodge, religious and similar clubs which may have dormitory accommodation.

Community Center: Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, church, not operated primarily for profit.

Coverage: That portion of a lot that is covered by a building, structures, and man-made improvements on the ground surface, such as paving, crushed stone and gravel.

Dump: Land used for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded equipment or machinery, inoperable motor vehicles or parts thereof, or waste material of any kind with the exception of temporary burn piles or compost.

Dwelling, One-Family: Detached building used as living quarters by one family only.

Dwelling, Two-Family: Building used as living quarters by two families living independently of each other.

Dwelling, Multi-Family: Building used as living quarters by 3 or more families living independently of each other.

Dwelling Unit: Building or part thereof used as living quarters for one family. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "dwelling group" shall not include a motel, hotel, boarding house, tourist home, recreation vehicle or similar structure.

Family: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage, or adoption, no such single housekeeping unit shall contain more than five members.

Floor Area: Sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

Gasoline Station: Building or land that is used for the sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing motor vehicles, but not including painting or major repairs.

Grade, Finished: Completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto.

Home Based Occupation: Occupational activity, generating no external evidence, which is carried on only by the residents of the premises, is clearly secondary to the use of the premises for dwelling purposes and uses a minor portion of the principal or accessory structure(s).

Home Business: Business activity which is carried on by the residents of the premises and not more than two additional on-premise employees, is clearly secondary to the use of the premises for dwelling purposes and uses a minor portion of the principal or accessory structure(s). It will require site plan review.

Hospital: A place for the diagnosis, treatment or care of human ailments.

Junkyard: Land or building used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery, vehicle parts, and/or two or more unregistered motor vehicles.

Kennel: A for-profit business of buying, selling, breeding, raising, training and/or boarding dogs.

Loading Space: Off-street space used for the temporary location of one licensed motor vehicle, which is at least 12 feet wide, 40 feet long and 14 feet high, not including access driveway, and having direct access to a street or alley.

Lot: Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width, depth and frontage on a street required in the district in which such lot is situated.

Lot Area: Total area within the property lines, excluding any part thereof lying within the boundaries of a public street or proposed public street.

Lot, Corner: Lot that has an interior angle of less than 135 degrees at the intersection of two streets. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at its point of intersection of the side lot lines meet at the interior angle of not more than 135 degrees.

Lot, Depth: Mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building front line.

Lot Frontage: Distance measured across the width of the lot along the property line that fronts a Class V or better road.

Lot Line: Property lines bounding a lot.

Lot Width: Width measured at right angles to its lot depth, at the required building front line.

Maintenance: General upkeep performed on any part of a building or structure including replacement and/or repair of existing features, equipment or fixtures.

Manufactured Housing: Any structure transportable in one or more sections, which, in the traveling mode is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 600 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein.

Mobile Home: For purposes of the Ordinance, a mobile home shall be deemed “Manufactured Housing”.

Mobile Home Park: Any tract of land on which 2 or more mobile homes are parked & occupied for living purposes.

Motel: Building-containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and bathroom.

Motor Vehicle: Any self-propelled vehicle not operated exclusively on stationary tracks.

Motor Vehicle, Inoperable: Any motor vehicle incapable of immediate operation under its own power safely and in accordance with its normal or original use.

Non-Complying Building: Structure not in compliance with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws, ordinances and regulations prior to enactment of these Regulations.

Non-Conforming Use: Use of land or structure which does not conform with all Zoning Regulations for the district in which it is located, where such use complied with all applicable laws, ordinances and regulations prior to enactment of these Regulations.

Non-Residential Use: All use of buildings, structures or land except one-family dwellings, two-family dwellings and multiple-family dwellings.

Nursing Home: Building where persons are housed and furnished with meals and nursing or convalescent care.

Parking Space: Off-street space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and twenty-two feet long, not including access driveway, and having direct access to a street or alley.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Premises: A house or building with its land and outbuildings.

Professional Residence-Office: Residence in which the occupant has a professional office of an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, planning consultant, podiatrist, engineer, or psychologist, which is clearly secondary to the dwelling use for living purposes and does not change the residential character thereof, and where not more than one person outside the family is employed.

Public Assembly Use: Includes auditorium, theater, public hall, school hall, meeting hall, church and temple.

Public Water, Public Sewer: Water supply and sewage disposal systems approved by the Town Board of Selectmen for municipal operation.

Recreation, Commercial: A recreation facility operated as a business and open to the public for a fee.

Recreation, Indoor: A recreation facility where the activity is operated primarily inside a building.

Recreation, Outdoor: A recreation facility where the activity is operated primarily outside of any building.

Recreation, Public: A publicly owned and operated recreation facility.

Recycling Center: A site designated by the Selectmen, within the Town, which accepts recycled materials within the borders of the Town and temporarily stores it for transportation by the Town to a recycling facility.

Residential Use: Includes one-family dwelling, two-family dwelling, multiple-family dwelling and professional residence-office.

Recreational Vehicle**:** A self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance. (NH RSA 259:84-a)

Retail Store or Services: A commercial operation that involves either the display, sale, and/or lease/rental of physical goods to the general public or businesses or provides direct personal or business services to customers. This shall exclude any drive-through/drive-up service, freestanding roadside agricultural stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

Setback: A line delineating the minimum distance between the front, side, or rear property line and a building or structure on a lot, within which no building or other structure shall be placed except as otherwise provided.

School: Includes parochial, private, public and nursery school, college, university, & accessory uses; & shall exclude commercially operated school of beauty culture, business, dancing, driving, music & similar establishments.

Service Establishment: Retail, wholesale, and business services of a more intensive nature than “retail services” including repair of heavy equipment, machines with engines, and furniture involving the significant

use of chemicals; rental of large or heavy equipment; and other miscellaneous activities with greater potential performance impacts, as reasonably determined by land use administrator.

Shared Driveway**:** A driveway providing access to two lots with a single curb cut.

Sign: Any device, structure, building or part thereof, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Sign, Advertising or Billboard: Sign which directs attention to a business, industry, profession, service, commodity or entertainment conducted, sold or offered elsewhere than upon the same lot.

Sign, Banner: A temporary sign of lightweight material hung either with or without frames.

Sign, Business: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment sold or offered upon the same lot on which it is displayed, including real estate signs.

Sign, Directory: A sign that indicates the name of the location as well as a listing of all businesses/entities located on the site.

Sign, Flag: A sign made of lightweight material carrying a design or words designed to fly or hang from a pole.

Sign, Temporary Service: A sign not intended for permanent use indicating work currently being done or a current condition that applies such as a real estate, roofing or carpenter's sign.

Stable, Commercial: A building in which any horses are kept for remuneration, hire or sale.

Story: Part of a building that is between one floor level and the next higher floor level, or if there is no floor above it then the ceiling above it.

Street: A Class V or better highway for vehicular traffic as defined in RSA 231 which is laid out and maintained by the Town. (For purposes of this ordinance, the terms "public way", "public street", "public road", and "highway" all mean "street").

Street Frontage: That continuous portion of a lot that abuts a public street. A right-of-way does not constitute frontage. (For purposes of this ordinance, the term "frontage" means "street frontage").

Street Grade: Officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

Street Line: Right-of-way line of a street as dedicated by a deed of record. Where the width of the street is not established, the street line shall be considered to be thirty feet from the centerline of the street pavement.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground. Fences, stonewalls and flag poles shall not be considered structures.

Structure, Portable: A tool shed, hen house, gazebo, etc. that can be moved intact, is off the ground and does not exceed 160 square feet. It cannot be used as a dwelling.

Structure, Small: Any structure that is less than 160 square feet and is permanently attached to the ground and cannot be moved intact. It cannot be used as a dwelling.

Structure, Temporary: Anything constructed or erected for less than 270 days in any twelve-month period. It cannot be used as a dwelling,

Trailer: Includes any vehicle used as sleeping or camping or living quarters mounted on wheels or a camper body usually mounted on a truck; and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

Transfer Station: A site designated by the Selectmen, within the Town, which accepts waste generated within the borders of the Town and temporarily stores it for transportation by the Town to a permanent disposal facility.

Use, Permitted: Use specifically allowed in a zoning district excluding illegal uses and non-conforming uses.

Warehouse: Includes warehouses, discount house, wholesale establishment, bulk storage and bulk sales outlet.

Yard: Space on a lot not occupied by a building or structure. Porches, whether enclosed or not enclosed, shall be considered as part of the main building and shall not project into a required yard.

Yard, Front: Yard between the front lot line and the front of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the street line to the front line of the building.

Yard, Rear: Yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the main building.

Yard, Side: Yard between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard.

ZONING CROSSWALK

New Section	Former Section	Title			
Article 1	**Article I**	**Enactment, Intent, and Definitions**	**Article 8**	**431**	**Signage**
1.1	101	Enactment	8.1	431.1	General Provisions
1.2	102	Intent	8.1 D	431.1 A	No billboards
1.3	204	Application of Regulations	8.2	431.2	Signs in Residential Districts
1.4	507	Severability Clause	8.3	431.3	Signs in Commercial / Industrial Districts
1.5	508	Effective Date	8.4	431.4	Computation of Permissible Sign Area
1.6	509	Amendments	8.5	431.5	Traffic Hazard, Safety and Obstructions
1.7	510	Validity	8.6	431.6	Illuminated and Flashing Signs
1.8	511	Repeal	**Article 9**	**[Article IV]**	**Energy Production & Distribution**
1.9	103	Definitions	9.1	432	Photovoltaic Systems
Article 2	**Article III**	**Administration and Enforcement**	9.1.1	432.1	Photovoltaic Systems allowed as noted below
2.1	303	Enforcement	9.2	433	Small Wind Energy Systems
2.2	302	Land Use Administrator	9.2.1	433 A	Purpose
2.3	304	Penalty	9.2.2	433 B	Definitions
2.4	301	Land Use Permit	9.2.3	433 C	Procedure for Review
2.4.1	301.1	Need for Permit	9.2.3 A	433 C.1	Building Permit
2.4.2	301.2	Application Requirements	9.2.3 B	433 C.2	Application
2.4.3	301.3	Approval or Denial	9.2.3 C	433 C.3	Abutter and Regional Notification
2.4.4	301.4	Scope of Permit	9.2.4	433 D	Standards
2.4.5	301.5	Building Permit	9.2.4 A. (1) – (2)	433 D a. i - ii	Setback subcategories
2.4.6	301.6	Extent of Permit	9.2.4 H (1) – (3)	433 D h i - iii	Visual Impacts subcategories
2.4.7	301.7	Transferability	9.2.5	433 E	Abandonment
2.4.8	301.8	Date of Issuance of Permit	9.2.6	433 F	Violation
2.5	305	Zoning Board of Adjustment	9.2.7	433 G	Penalties
2.5.1	305.1	Powers of the Zoning Board	9.3	424	Public Utility Substations
2.5.1 B	305.1 B	Special Exception conditions	**Article 10**	**452**	**Special Flood Hazard Area and Wetland Regulations**
2.5.2	305.2	Rules Governing Proceedings	10.1	452	Purpose and Intent
2.6	306	Variance	10.2	452	Definitions

New Section	Former Section	Title			
2.6.1	306.1	Standards and Requirements	10.3	452	General Provisions
2.6.2	306.2	Limitations of a Variance	10.4	452.1	Special Flood Hazard Areas
2.6.3	306.3	Specialized Variances	10.4.1	452.1 1	Purpose and Intent
Article 3	**Article II**	**Establishment of Zoning Districts and Zoning Map**	10.4.2	452.1 2	Definition of Terms
3.1	201	Establishment of Districts	10.4.3	452.1 3	Building Inspector
3.2	501	Purpose	10.4.4	452.1 4	New or Replacement Water and Sewer Systems
3.3	202	Zoning Map	10.4.5	452.1 5	New or Substantially Improved Structures
3.4	203	District Boundaries	10.4.6	452.1 6	Building Permit
3.5	Article V	District Objectives and Land Use Control	10.4.7	452.1 7	Alteration of Watercourse
3.5.1	502	Table 502 Commercial / Industrial	10.4.8	452.1 8 A	Unnumbered A Zones
3.5.2	506	Table 506 Village Center District.	10.4.9	452.1 8 B	Elevation Determination
3.5.3	504	Table 504 Medium Density Residential	10.4.10	452.1 8 C	Manufactured Homes
3.5.4	505	Table 505 Rural Residential	10.4.11	452.1 8 D	Recreational Vehicles
3.5.5	503	Table 503 [Forestry Residential	10.4.12	452.1 8 E	Improvements Below Lowest Floor
Article 4	**Article IV**	**General Regulations**	10.4.13	452.1 9	Variance and Appeals
4.1	205	Construction Approved Prior to Adoption or Amendment …	10.5	452.2	Flood-Prone Areas
4.2	[Article IV]	Lot and Yard Standards	10.5.1	452.2	Permitted Uses
4.2.1	401	Existing Small Lots	10.5.2	452.2	Prohibited Uses
4.2.2	410	Required Area or Yards	10.6	452.3	Wetland Areas
4.2.3	405	Calculation of Required Lot Area	10.6.1	452.3	Permitted Uses
4.2.4	409	Reduction of Lot Area	10.6.2	452.3	Provisions]
4.2.5	408	Building Coverage, Open Porches, Carports, and Garages	**Article 11**	**[446-448]**	Mobile Homes
4.2.6	402	Required Frontage on Public Roads	11.1	446	Mobile Homes [General]
4.2.7	404	Front Yard Setback	11.2	447	Mobile Home Park Permits
4.2.8	411	Front Yard Exceptions	11.3	448	Mobile Home Park Standards
4.2.9	412	Yards on Corner Lots	11.3.1	448.1	Area and Density of Park
4.2.10	406	Lots in Two Zoning Districts	11.3.2	448.2	Layout
4.2.11	407	Dwellings on Lots	11.3.3	448.3	Area of Mobile Home Space
4.3	Article IV	Access, Parking, Loading Standards	11.3.4	448.4	Driveways and Walkways
4.3.1	414	Location of Driveways	-	448.5	Deleted
4.3.2	414:1	Shared Driveways	11.3.5	448.6	Recreation and Other Open Space Purposes

New Section	Former Section	Title			
4.3.3	415	Access and Safety	11.3.6	448.7	Concrete Pad
4.3.4	418	Obstruction of Vision	11.3.7	448.8	Water Supply Attachment
4.3.5	428	Off-Street Parking	11.3.8	448.9	Sewage Disposal Attachment
4.3.6	429	Off-Street Loading Space Requirements	11.3.9	448.10	Proximity of Mobile Home to Public Street Property Line
4.3.7	430	Special Off-Street Loading	11.3.10	448.11	Landscaping
4.4	419	Height Exceptions	11.3.11	448.12	Siting a Mobile Home
4.4.1	420	Height Exceptions with Special Exception	11.3.12	448.13	Additions
4.5	427	Multi-Family Dwelling Units Below Grade	**Article 12**	**451**	**Trailer Camp Standards**
4.6	417	Abandonment of Structures	12.1	450	Trailer Camp Permits
4.7	416	Temporary Uses and Structures	12.2	451	General Requirements
4.8	421	Accessory Buildings in Residential Districts	12.2.1	451.1	Area Requirements
4.8.1	421:1	Portable and Small Structures	12.2.2	451.2	Provisions
4.9	438	Performance Standards	12.2.3	451.3	Lot Area
4.9.1	438:1	Noise	12.2.4	451.4	Access Road Requirements
4.9.2	438:2	Odor	12.2.5	451.5	Water Source
4.9.3	438:3	Dust or Dirt	12.2.6	451.6	Solid Waste Disposal
4.9.4	438:4	Smoke	12.2.7	451.7	Proximity of Mobile Home to Public Street Right-of-Way
4.9.5	438:5	Noxious Gases	12.2.8	451.8	Landscaping
4.9.6	438:6	Vibration	12.2.9	451.9	Proximity
4.9.7	438:7	Vision Impairment	**Article 13**	**453**	**Telecommunications Facilities**
4.9.8	438:8	Fire, Explosion or Safety Hazard	13.1	453	Authority, Purpose, Intent, Definitions
4.9.9	438:9	Harmful Wastes	13.1.1	453	Authority
4.10	445	Grading	13.1.2	453	Purpose and Intent
4.11	206	Non-Conforming Uses	13.1.3	453	Definitions
4.12	207	Non-Complying Buildings	13.2	453.1	Location
Article 5	**[Article IV]**	**Temporary and Accessory Residential Uses**	13.3	453.2	Permitted Uses
5.1	407.2	Accessory Dwelling Units	13.4	453.3	Construction Performance Requirements
5.2	449	Camping Trailers	13.5	453.4	Procedure of Application
5.3	403	Home Based Occupation and Home Business	13.6	453.5	Plan Requirements
5.3.1	403.1	Home Based Occupation	13.7	453.6	Other Information Required [
5.3.2	403.2	Home Business	13.8	453.7	Co-Locating Antennas and Towers

New Section	Former Section	Title			
5.4	423	Private Swimming Pool	13.9	453.8	Bonding and Security Insurance
Article 6	**[Article IV]**	**Other Use Regulations**	13.10	453.9	Removal of Abandoned Antennas and Towers
6.1	[Article IV]	Agricultural & Animal	**Article 14**	**441**	**Extraction of Earth Materials**
6.1.1	440	Animals	14.1	441.1	Requirements
6.1.2	426	Roadside Agricultural Stands	**Schedule of Permits**		
6.2	422	Open Storage	**Fee Schedule**		
6.2.1	422.1	Unregistered Vehicles	**Terms**	**104**	**Terms**
6.2.2	422.2	Vehicles as Dumps	-	434 -437	Undesignated (for future use) [deleted]
6.2.3	422.3	Junkyards	-	307	Conditional Uses [deleted]
6.2.4	422.4	Abandoned Vehicles			
6.2.5	439	Storage of Flammable Liquids			
6.2.6	442	Landfill			
6.2.6.1	422.5	Applicability			
6.3	444	Screen Service Area Requirement			
Article 7	**[Article IV]**	**Standards for Selected Non-Residential Use**			
7.1	413	Drive-Through/Drive-Up Establishments			
7.2	425	Gasoline Stations			
7.3	443	Landscaping Requirements for Nonresidential Uses			
7.3.1	443.1	Forms of Landscaping			
7.3.2	443.2	Trees and Shrubs			
7.3.3	443.3	Maintenance			
7.3.4	443.4	Minimum Landscaping Requirements			

BUILDING ORDINANCES

FOR THE

TOWN OF WESTMORELAND

NEW HAMPSHIRE

ARTICLE I

PURPOSE

SECTION 1:01 To promote the health, safety, convenience, prosperity, and general welfare of the Town of Westmoreland and to protect and enhance the value of its properties, the following regulations are hereby enacted by the voters of Westmoreland.

ARTICLE II

REGULATIONS

SECTION 2:01 All land shall be subject to the following regulations, restrictions and conditions.

SECTION 2:02 A new building more than 35 feet in height above the natural ground level must be granted a variance from the Zoning Board of Adjustment prior to applying for a building permit.

SECTION 2:03 No building permit will be required for maintenance of an existing permitted building or structure.

A building permit issued by the Building Inspector prior to project commencement shall be required for:

1) New buildings and new structures constructed of any materials.
2) Alterations (as defined under Terms) of buildings and structures.

The following information and any other information deemed necessary by the Building Inspector shall be submitted to the Building Inspector before a building permit can be issued:

1) New buildings and new structures shall require a completed application, the appropriate fee, driveway permit, state approved septic system, zoning permit and adequate plans of the proposed building or structure.
2) Alterations of buildings and structures shall require a completed application, the appropriate fee and adequate plans of the proposed alterations.

The Selectmen will set building permit fees as they see fit. Fees must be paid to the Town of Westmoreland.

SECTION 2:04 All building permits shall expire one year from date of issue. Extension may be granted upon application for one additional year. Building permits are not transferable with the sale of the land.

SECTION 2:05 Every dwelling unit or other building or addition thereto, shall be required to follow the setbacks as set forth in the Zoning Ordinances for their district. Every dwelling unit shall have a minimum ground floor area of 600 square feet, exclusive of porches, breezeways, garages, sheds or similar areas.

SECTION 2:06 Foundations

Foundations shall be continuous and be constructed of solid concrete, block, stone or other similar materials, extending at least four feet below the ground level. Accessory buildings may be set on brick, stone, concrete piers, or pressure-treated posts, extending at least four feet below the ground level, enclosed to prevent leaves and other debris from collecting under the building. A concrete slab approved by the Building Inspector shall also be acceptable.

SECTION 2:07 Every dwelling, other building, or addition to presently existing dwellings or buildings, is to be finished on the exterior in a permanent manner within a period of two years.

SECTION 2:08 Chimneys

All chimneys must be inspected and approved by the Fire Chief prior to use and/or before a certificate of occupancy is issued.

SECTION 2:09 No roof of any building shall be covered or recovered in whole or in part save with non-combustible or fire-resistant roofing material.

SECTION 2:10 Sewerage & Water

All dwelling units used for permanent human occupancy must be supplied with running hot and cold water properly connected with the following fixtures: kitchen sink, lavatory sink, tub or shower, water closet (unless a dry composting toilet is installed in compliance with 2:10 paragraph 2). These fixtures must be connected with a sewage and/or wastewater disposal system that has been approved by the New Hampshire Department of Environmental Services.

A family-sized commercial dry composting toilet may be allowed in lieu of a water closet. Such a system must first be approved in writing by the local Health Officer or equivalent based on the determination that said system will not endanger the health of any person or cause a nuisance and that the end product will be disposed of in a sanitary manner. All other requirements in the first paragraph of Section 2:10 must be met.

SECTION 2:11 All electrical installations shall be in accordance with the requirements of the latest edition of the National Electric Code, the same being the standard of the National Board of Fire Underwriters for electrical wiring and apparatus.

SECTION 2:12 All fuel burning equipment shall be installed in compliance with the latest edition of rules and regulations issued by the New Hampshire Board of Fire Control.

SECTION 2:13 All construction unless otherwise covered by this Ordinance shall be governed by the Building Officials and Code Administrators International, Inc. (BOCA).

ARTICLE III

FLOODPLAIN DEVELOPMENT REGULATIONS

See Article 10 of the Zoning Ordinance

ARTICLE IV

BUILDING INSPECTOR

SECTION 4:01 For the purpose of this Ordinance, the Board of Selectmen shall annually appoint a Town Building Inspector who shall perform the duties pertaining to his office as designated in the provisions of the Ordinance.

SECTION 4:02 The Building Inspector shall in all cases visit the site of any proposed building or alteration in company of the owner of the site before issuing a building permit. He shall satisfy himself that the proposal will meet all requirements of the Town Building Ordinances.

SECTION 4:03 No building permit shall be issued until the Building Inspector has certified that the proposed building or structure and its intended use comply with the provisions of the Ordinance.

SECTION 4:04 It shall be unlawful for any person to commence work on erection or alteration of any building or structure until the Building Inspector has duly granted a permit for such erection or alteration.

SECTION 4:05 Driveway Permit

The Building Inspector shall not issue a building permit before the securing of a driveway permit from the appropriate road authority, if a new driveway is required. Factors to be considered include a safe location, suitable grade at its junction with the public road and adequate drainage.

SECTION 4:06 Certificate of Occupancy

No building shall be used and no building shall be changed to another use until the Building Inspector shall have issued a certificate of occupancy. The Building Inspector shall issue such certificate of occupancy only after the property has been inspected and found to comply with all provisions of the Building and Zoning Ordinances of the Town.

ARTICLE V

ADMINISTRATION

SECTION 5:01 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 of Selectmen shall act as arbitrator to resolve any differences between the applicant and the Building Inspector.

SECTION 5:02 The Board of Selectmen shall require that the application for a building permit include a plot plan and contain all necessary information to enable the Building Inspector to ascertain whether the proposed building or structure and its intended use comply with the provisions of this Ordinance.

SECTION 5:03 Upon any well-founded information that this Ordinance is being violated, the Selectmen shall on their own initiative take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court, or by any other legal action.

ARTICLE VI

AMENDMENTS

SECTION 6:01 The provisions of this Ordinance may be amended or changed at any regular or special Town Meeting by a majority of the voters present as provided by law.

ARTICLE VII

GENERAL PROVISIONS

SECTION 7:01 Validity

Should any section or provision of this Ordinance by declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof.

SECTION 7:02 Penalties and Remedy for Violations

Every person, persons, firm, or corporation violating any of the provisions of this Ordinance may be subject to a fine by the Board of Selectmen of not more than one hundred dollars ($100.00) for each day of said violation, plus any legal costs incurred in the enforcement of said violation.

SECTION 7:03 Acceptance

This Ordinance shall take effect immediately upon its passage.