ZONING ORDINANCE

TOWN OF CENTER HARBOR

NEW HAMPSHIRE 03226

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ZONING
ORDINANCE

Town of Center Harbor, New Hampshire 03226

SECTION 1. AUTHORITY

Pursuant to the authority vested in the voters of CENTER HARBOR, N.H., by the provisions of Chapter 31:60-89, New Hampshire RSA 1955 as amended, the Town of Center Harbor, by ballot, adopted the following Zoning Ordinance on August 26, 1969, (with amendments).

SECTION 2. DEFINITIONS

2:1 General

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

2:1:1 The word person includes a firm, association, partnership, trust, company or corporation as well as an individual.

2:1:2 The present tense includes the future, the singular number includes the plural, and the plural number includes the singular.

2:1:3 The word shall is mandatory, the word may is permissive.

2:1:4 The words used or occupied include the words intended, designed, or arranged to be used or occupied.

2:1:5 Terms not defined shall have the meaning defined in the newest edition of the Merriam Webster Collegiate Dictionary. (March 2003)

2:2 Specific

2:2:1 **Accessory Use or Structure** – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2:2:2 **Auto Servicing Station** – Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles, and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, cleaning, servicing, or repairing such motor vehicles.

2:2:3 **Building** – Any structure for the shelter, or enclosure of persons, animals, chattels or property of any kind. (March 1998)

2:2:4 **Delete** – March 1985

2:2:5 **Dwelling, Single-Family** – A single residential dwelling unit or structure designed for and occupied by one family only.

2:2:6 **Dwelling, Two-Family** – A single residential building containing two dwelling units, designated for occupancy by not more than two families.

2:2:7 **Dwelling, Multi-Family** – A residential building designated for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

2:2:8 **Dwelling Unit** – One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and sanitary facility.

2:2:9 **Essential Services** – The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission pipes, conduit cables, fire alarm boxes, policy call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies, or for the public health or safety or general welfare.

2:2:10 **Family** – One or more persons occupying a single unit, provided that, unless all members are legally related, no such dwelling unit shall contain more than five unrelated persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families. Foster children are allowed according to the N.H. State Regulations.

2:2:11 **Lodging House** – A building in which rooms are rented to not less than three (3) nor more than twenty (20) persons. Meals may or may not be provided.

2:2:12 **Lot** – A lot is a parcel of land which shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open space as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A combination of complete lots of record;
3. A parcel of land described by metes and bounds;
4. A combination of parcels of land described by metes and bounds.

2:1:12:1 **Average Lot Size** shall be defined as the mean average of the acreage of all lots in a proposed subdivision. (March 8, 2005)

2:2:13 **Lot Measurement** – Depth of a lot shall be the average distance between front and rear lot lines. Width of a lot shall be the average distance between the lot side lines.

2:2:14 **Lot of Record** – A lot which is part of a subdivision recorded in the office of the Belknap County Registry of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

2:2:15 **Structure** – Any combination of materials covering more than 10 square feet constructed or erected above or below or upon the surface of the ground or water; including a porch or deck, or attached to something having a fixed location on the ground. Structure shall include but not be limited to buildings, mobile homes, walls, fences, billboards, poster panels, patios and terraces.
The following shall not be considered structures under this definition:

1. An awning or tent for a specific event limited to 7 days;
2. A retractable awning or shade used solely to screen a door or window;
3. A backyard tent used for sleeping;

Amended March 2016

2:2:16 **Housing for the Elderly** – A complex of dwelling units specifically designed for occupation by people over fifty-five years of age. The units shall consist primarily of a mix of single and double occupancy which shall barrier-free access on the ground floor and make special provisions for the handicapped in some of the units. Special attention shall be made to physical security and an administration office providing access to common services. Close proximity to food stores, pharmacies and health care facilities is encouraged. Parking requirement shall be one car per unit.

2:2:17 **Construction** – Any activity including, but not limited to altering, reconstructing, building or structures and general improvement of the lot such as landscaping, driveways, and grading. Construction shall include the placement or movement of any structures or buildings including but not limited to mobile homes and prefabricated buildings.

2:2:18 **General Contractor** – Any person, firm or corporation acting to coordinate construction. A general contractor may be the owner.

2:2:19 **Construction Equipment** – Trucks over 12,000 lbs. GVW, bulldozers, backhoes, front-end loader, road scrapers, well-drilling equipment, other equipment used in heavy construction and trailers to carry this equipment.

2:2:20 **Accessory Apartment** – A dwelling unit that is self contained, but incorporated within an existing owner-occupied structure that was originally designed as a single-family dwelling. The accessory apartment shall have no more than one bedroom.

2:2:21 **Day Care Facility** – A day care facility shall be defined in conformity with the current statutes in RSA 170-E and any other appropriate rules and regulations of the New Hampshire Division of Public Health Services or its successors.

2:2:22 **Surrounding Ground Level** – Lowest ground level within fifteen (15) feet of the structure. March 14, 1995

2:2:23 **Boathouse/Wet** – A building over water, which is directly accessed from a body of water and which is used for boat shelter between trips and for off season boat storage.

March 1998

2:2:24 **Boathouse/Dry** – Certain nautically affiliated buildings which are not Boathouses/Wet are allowed in the waterfront setback if they are utilized solely for the dry storage of water-craft and incidental marine and shorefront accessories. (See Section 9:4 paragraph 3) March 1998

2:2:25 **Patio** – An outdoor uncovered recreational use area developed by replacing the natural surface with brick, pavement, gravel, stone or any comparable material and used for outdoor recreational use. March 2016

2:2:26 **Outdoor Living Area** – An outdoor dining, recreation, or lounging, etc. area no part of which is within five (5) feet of a building developed by terracing or by covering the natural surface with wood, pavement, gravel, stone or any material save grass or herbage. March 1998

2:2:27 **Temporary** – Lasting for thirty (30) days unless restricted to a shorter period.

March 2000

2:2:28 **Permanent** – Lasting over thirty (30) days. March2000

2:2:29 **Automotive** – Of relating to, or concerned with self-propelled vehicles or machines.

March 2014

2:2:30 **Truck** – An automotive vehicle equipped with a swivel for hauling a trailer; also a truck with attached trailer. March 2014

SECTION 3. AMENDMENT

This Ordinance in accordance with New Hampshire RSA 675:3 & 4, may be amended only by a majority vote of the voters of the Town of Center Harbor on an official ballot. Such amendment may be proposed by the Planning Board, the Board of Selectmen, or may be initiated by petition of not less than twenty-five (25) voters. However proposed, at least one public hearing must be held on each amendment before submission to the decision of the voters.

SECTION 4. GENERAL PROVISIONS

4:1 Title

This Ordinance shall be known and cited as the Zoning Ordinance of the Town of Center Harbor, N.H.

4:2 Jurisdiction

This ordinance shall pertain to all land within the boundaries of the Town of Center Harbor and shall be in effect from the time of adoption by the Voters of Center Harbor.

4:3 Penalties

In case of violation of this Ordinance, the Selectmen of the Town of Center Harbor may institute any appropriate action or proceeding to prevent such violation; to restrain, correct, or abate such violation; or to prevent the unlawful occupancy or any building, structure, or land. Any person, firm, or corporation which violates any provision of this Ordinance shall be punishable by a fine of not more than two hundred seventy-five ($275.00) dollars per day for a first offense and five hundred ($500.00) dollars per day for subsequent offenses.

March 2006

4:4 General Regulations

The following provisions shall apply to all districts except where listed.

4:4:1 Obnoxious Use

Any use of property that is extremely objectionable or injurious to the health and welfare of the community is proscribed. This prohibition includes, but is not limited to, the generation of odor, duct, smoke, refuse, fumes, noise, or vibration. The peace, comfort, and safety of the community will receive highest priority in the evaluation of potential property use and in any question of standard, the most stringent of federal, state, and local regulation shall apply.

March 1998

4:4:2 Excavation, Removal, and Filling of Lands

The primary use of land for the excavation, removal, and filling or depositing of any type of earth material, topsoil, gravel, rock may be permitted by exception in certain districts and under the supervision of the Selectmen and after due public hearing on such matters in accordance with a topographic plan submitted by the owner of the property concerned and approval by the Board of Adjustment, subject to RSA 485-A:17 Alteration of Terrain Permits.

March 2013

4:4:3 Off-Street Parking and Loading

Adequate off-street parking and loading facilities for any new business and other new uses shall be provided by the owner or applicant (See APPENDIX B).

4:4:4 Commercial/Construction Equipment

The number of commercial vehicles with a GVW over 12,000 lbs. or commercial equipment, or construction equipment that can be stored or garaged overnight on a lot in the agricultural/rural zone shall not exceed four. This equipment shall be the property of the family residing on that lot and be for their use only. (Also see 2:2:19).

4:4:5 Temporary Structures

Temporary structure used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period. Temporarily residing in basement or foundation structures before the completion of total structure shall be permitted with approval of the Public Health Officer.

4:4:6 Home Occupation

Use of the home for any occupation shall be permitted as an accessory use if it complies with the requirements of this section. The intent of any home occupation is that it shall not change the character of the neighborhood.

4:4:6:1 General

4:4:6:1:1 Use of the dwelling unit and/or usual accessory structure shall be allowed for any home occupation as an accessory use if the occupation complies with the provisions of this section.

4:4:6:1:2 The primary limitations of home occupations are twofold. First, the home occupation must not change the residential character of the neighborhood, and second, that the home occupation activities are customarily incidental and subordinate to the residential use.

4:4:6:1:3 At least one member of the family residing in the dwelling unit shall be owner of the home occupation and shall reside in the dwelling unit.

4:4:6:1:4 The home occupation shall be carried on wholly within the dwelling unit and/or usual accessory structures.

4:4:6:1:5 The home occupation shall comply with Section 4:4:1 Obnoxious Use.

4:4:1:6:6 Off-street parking shall be provided as stipulated in Appendix B.

4:4:6:1:7 For the purpose of this ordinance, an EMPLOYEE is described as an individual who:

a. Either is not a member of the family residing in the subject dwelling;

b. or is a member of the family, but does not reside in the subject dwelling unit;

c. and who labors, however briefly, at the home occupation enumerated in accordance with Section 4:4:6:1:9 and who benefits or stands to benefit from that labor.

4:4:6:1:8 Each dwelling unit used for home occupation shall be allowed one (1) sign which will also be considered an identifying sign (Section 6:4:1 Zoning). An "OPEN" or "CLOSED" sign no larger than one (1) square foot in size is additionally allowed.

March 2013

4:4:6:1:9 Notification of intent to establish a home occupation on a regular basis shall be given in writing to the Selectmen prior to entering upon such home occupation.

4:4:6:2 Specific

4:4:6:2:1 In the Residential District (R) & Commercial District (CV) – Village Area, only the following home occupations are allowed:

4:4:6:2:1:1 Professional offices of licensed medical practitioner, dentist, lawyer, engineer, architect, or accountant with not more than two (2) full-time employees or their hourly equivalent.

4:4:6:2:1:2 Consultants' offices with not more than two (2) full-time employees or their hourly equivalent.

4:4:6:2:1:3 Electronic based operations. These occupations are divided into two (2) types:

1. An establishment servicing customers by electronic means and remote access. No customers shall be accommodated

on site and no products delivered on premises. There shall be no more than two (2) full-time employees or their hourly equivalent.

2. An establishment servicing customers by electronic access and delivering products or services on site shall be allowed by Special Exception with the following provisions.

   a. Each employee shall have a dedicated parking space.

   b. There shall be adequate off-street parking for customers; should the required parking spaces be on land not owned by the operators of the occupation/business, the parking agreement must be in an attested document, and the continuation of the occupation/business shall be contingent on the life of the agreement.

   c. The daily aggregate number of customers shall be reasonable for the area.

   d. The maximum number of employees shall be specified and shall be reasonable for the area.

   e. A Non-Residential Site Plan Review Hearing shall be required prior to operation.

4:4:6:2:1:4 Home Crafts and Small Appliance Repair; Teaching and Studio Arts; Real Estate and Insurance. These shall be carried on only by the family residing in the dwelling unit.

4:4:6:2:1:5 Day care facility for children up to twelve (12) years of age, a maximum of six (6) children not related to the operators are allowed by Special Exception with the following provisions:

a. Play areas shall not be within the setback zone.

b. A minimum of three (3) off street parking spaces shall be provided.

c. Adequate fencing and screening shall be provided on all sidelines.

d. No day care facility shall be conducted on a lot of less than twenty thousand (20,000) square feet.

e. All day care facilities shall conform with the current rules and regulations of the State of New Hampshire and the New Hampshire Division of Public Health Services.

f. There shall be no more than two (2) full-time employees or their hourly equivalent.

4:4:6:2:1:6 Low-intensity retail sales of antiques and fine art by Special Exception with the following provisions:

a. The operation shall be carried on only by the family residing in the dwelling unit.

b. The daily aggregate of customers shall be reasonable for the area.

c. The hours of operation shall be deemed reasonable for a residential area and shall be specified.

d. There shall be adequate off street parking for customers; should the required parking spaces on land not owned by the operators of the occupation/business, the parking agreement must be in an attested document, and the continuance of the occupation/business shall be contingent on the life of the agreement.

e. A Non-Residential Site Plan Review Hearing shall be required prior to operation.

4:4:6:2:2 In the Agricultural and Rural District (AR)

4:4:6:2:2:1 The home occupation shall not have more than two (2) full time employees or their hourly equivalent.

4:4:6:2:2:2 Automotive repair, commercial garages, and boat storage are not allowed as home occupations.

March 1998

4:4:7 Roadside Stands

Sale of agricultural products at roadside stands shall be permitted if:

a. The stand is erected in accordance with the provisions of Section 6:14, or successor provision at the time the use is begun, of the Subdivision Regulations.

b. Adequate parking spaces are provided off the right of way.

c. The products are entirely agricultural in nature.

March 1998

4:4:8 Coverage

The building coverage on any lot of record for all districts except the commercial Districts shall not exceed thirty (30) percent. Any use that will render impervious more than 15 percent of any lot in the Groundwater Protection District will require a Special Exception as outlined in Section 10:7:3:2.

Amended March 2016

4:4:9 Fences

a. Fences located within the setback will have the good/finished side of the fence facing the neighbor;
b. A Building Permit is required for the construction of any fence inside the setback;
c. Fences outside of the setback will require a Building Permit if over $1,500.00 fair market value.

March 2014

4:5 Fire Regulation

The Planning Board with the advice of the Fire Department reserves the right to require on subdivisions of three (3) lots or more (or three (3) or more dwelling units are constructed on one (1) lot) the ability to have access to natural water sources through the use of dry hydrants or direct access. In the event that there may not be a natural water source, the Planning Board reserves the right to require a man-made water supply. The size, type, and construction shall be determined by the Planning Board.

4:6 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such invalidity shall not affect the remaining portion of this Ordinance.

March 10, 1999

SECTION 5. CONSTRUCTION, BUILDINGS, NON-CONFORMING USES AND STRUCTURES

5:1 Construction Permits

5:1:1 A Construction Permit shall be obtained by the owner or the owner's agent from the Selectmen for all construction of which the estimated value of the labor and materials or the change in assessed valuation exceeds one thousand five hundred dollars ($1,500.00), or any construction or reconstruction of a septic system. Said permits may be granted if the proposed construction is in compliance with all applicable laws, ordinances, and regulations. The Permit shall remain in effect for one (1) year from the date of issue, after which time the Permit shall become null and void unless reapplication is made within thirty (30) days of the date of expiration.

March 2014

If construction is not completed during the life of the Permit, the owner or the owner's agent must apply for renewal. The Permit may be renewed not more than three (3) times for a total maximum life of four (4) years.

The Construction Permit shall be posted in a prominent outside location at the site before the commencement of and during construction.

The owner and general contractor shall be jointly responsible for obtaining the Construction Permit. The property owner may be required to sign the Construction Permit or appoint by letter an agent to act in their behalf, thereby agreeing to all conditions, should the Center Harbor Selectmen deem it advisable.

March 2014

The fee for a Construction Permit and each renewal shall be established by the Selectmen. March 1998

5:1:2 More than one dwelling unit may be constructed on a lot without subdivision approval provided that:

5:1:2:1 There is no change in ownership of the property.

5:1:2:2 The land area for the dwelling unit is acceptable under the prov sions of the subdivision regulations so that later subdivision (and increase in number of owners) would not be in conflict with the regulations; and

5:1:2:3 The Planning Board recommends that the Selectmen grant a Construction Permit.

March 12, 1991

5:1:2:4 The Planning Board with the advice of the Fire Department may re quire on lots which will have three or more dwelling units the ability to have

access to natural water sources through the use of dry hydrants or direct access. In the event that there may not be a natural water source, the Planning Board reserves the right to require a man-made water supply. The size, type, and construction shall be determined by the Planning Board on the advice of the Fire Department.

5:1:3 Dock Construction will require a permit set forth in N.H. RSA ch. 482-A and the regulations of the Wetlands Board. The Conservation Commission shall review all permit applications submitted to the Wetlands Board. A Town Construction Permit is also required. If the proposed activity involves wetlands soils, as defined in Section 10:4:2 of the Zoning Ordinance; a Special Exception must be obtained from the Zoning Board of Adjustment in accordance with Section 10:7; docks, breakwaters, moorings or beaches are prohibited in Prime Wetlands (Section 10:8:2). Amended March 2016

5:2 <u>Building Height</u>

5:2:1 No building shall be constructed in the Town of Center Harbor with more than three (3) stories not counting any basement below ground level, nor shall the overall building height exceed thirty-five (35) feet above ground level at the building foundation. This provision shall not apply to church steeples, chimneys, cupolas, silos, or antennas.

On a building site with a slope, the height of a building shall be measured from a point determined to be one-half of the difference in height between the lowest point at ground level contiguous to the building, and the highest point at ground level contiguous to the building to the highest point of the roof, not including church steeples, chimneys, silos, and antennas. In no instance shall the height of the building, measured from the lowest point at the ground level, be more than forty (40) feet.

5:2:2 Special Exception: In the Agricultural/Rural Zone a special exception may be granted for LIVE THEATER and CONCERT HALLS if the following conditions exist:

5:2:2:1 Any additional height (over 35 feet) is mandatory to the project as demonstrated by the applicant.

5:2:2:2 Any additional height (over 35 feet) is compatible with the proposed location of the building or structure.

5:2:2:3 The building shall not be occupied above the 35 foot level.

5:2:2:4 All zoning ordinances except the height can be met.

5:2:2:5 The applicant must demonstrate to the town that the proposed project will be of aesthetic and cultural benefit to the community as a whole.

March 2001

5:3 Setbacks

5:3:1 Structure Setbacks

No building, mobile home, house trailer, outdoor living areas over eighty (80) square feet of footprint or part or portion thereof shall be constructed or placed less than fifty (50) feet from the centerline of the improved surface used for public travel, or private way intended for public use. In the case of roads with established rights of way greater than fifty (50) feet in width, minimum setbacks for buildings, mobile homes, house trailers or parts or portions thereof shall be determined according to the following formula: from the centerline of the improved surface, one-half the width of the right of way plus twenty-five (25) feet. No building, mobile home, house trailer or part or portion thereof shall be constructed or place less than fifteen (15) feet from any other lot line or seventy-five (75) feet from the shore line of a lake or pond.

Certain structures shall be permitted by Special Exception within the shorefront setback. These include gazebos, and screen houses not to exceed one hundred fifty (150) square feet of footprint and ten (10) feet in height. Storage structures (i.e. sheds) shall not exceed eighty (80) square feet of footprint and eight (8) feet in height. No structure of these types shall be allowed within twenty (20) feet of the shoreline.

March 2008

A single patio shall be allowed per lot, within 50' to 75' of the shoreline that meets the following criteria:

- Does not exceed 150 square feet in footprint
- Has no above grade cover
- Pathways to the structure shall not exceed 6' in width
- Pathways to the structure must be made of pervious materials and shall follow the natural grade of the surrounding terrain
- Shall be built to blend into the natural surroundings as much as possible

March 2016

Outdoor living areas greater than eighty (80) square feet of footprint but not larger than one hundred fifty (150) square feet of footprint are allowed within the shorefront setback, and less than fifteen (15) feet from the shoreline, provided they are attached to a permitted dock. These structures may have railings and seating but shall not be roofed. All such structures outlined in this section shall be visually compatible with their surroundings. HISS/Site Specific Soil Survey mapping shall be required. Structures shall not be constructed on 6 series soils, but may be allowed on drier 5 series soils depending upon soil characteristics, site conditions,

and proposed structures. Soil types shall be as defined by HISS/Site Specific Soil Survey standards determined by a Certified Soil Scientist. If soils are determined to be 7 series, the underlying soil type must be identified before further consideration will be given.
March 2000

5:3:2 Driveway/Roadway/Parking Lot Setbacks

All driveways, internal roadways, and parking lots shall have a minimum setback of ten (10) feet from the property boundary to the edge of the traveled way or parking lot, unless written permission from the owner of the adjacent property or the property affected is filed in the selectmen's office. There shall be no changes to stone walls or to adjacent property caused by grading or other construction along the road, driveway, or parking lot unless written permission from the owner of the adjacent property or property affected, is filed in the selectmen's office (Amended March 8, 1994)

A driveway/roadway which is designed to serve adjacent lots or which otherwise requires exception to the minimum setback may be constructed on or near the boundary provided that there is a document filed in the selectmen's office by the owners of all property involved stating that it is their intent to have the roadway/driveway as specified in the agreement.

5:3:3 Subsurface Sewage Disposal

Any leach field shall be set back a minimum of seventy-five (75) feet from the normal high water level of any water body. March 2007

5:4 Separation

No dwelling, mobile home, or house trailer, or part or portion thereof, shall be constructed or placed closer than thirty (30) feet to any other dwelling, mobile home, or house trailer or part or portion thereof, on the same lot.

5:5 Damage

Any building or structure suffering structural damage by fire, wind, or other cause shall be repaired or completely removed within one year. Any removal shall include removal of all debris, and the filling of all excavations to ground level. March 1993

5:6 Compliance with State Law

All buildings, structures and uses shall comply in all respects with State Law including the regulations of the State Board of Fire Control, the State Board of Health, and the State Water Supply and Pollution Control Division or its successor agency.

5:7 Mobile Homes

5:7:1 Definition

For the purpose of this Ordinance, a mobile home is defined as a vehicle, other than a camping vehicle, designed for residential occupancy and capable of movement on highways as a trailer or self-propelled vehicle when properly assembled and arranged for this purpose. A mobile home shall continue to be considered as such even if partially disassembled, enlarged, mounted on foundations, permanently attached to service facilities, or attached to a permanent structure. Seasonal homes, modular homes and prefabricated homes are excepted.

5:7:2 Use of Vehicles as Dwellings

No bus, truck, or any other vehicle or body thereof, not originally designed and built for use as a dwelling or camp, shall be used for such purposes in the Town of Center Harbor.

5:7:3 Lot Size

The lot containing the mobile home shall be of the same size and shall meet the same requirements as the lot for any other dwelling unit.

5:7:4 Mounting

The mobile home shall be mounted on a permanent foundation, and the area under the mobile home shall not be open to view (N.H. R.S.A. 31:116 (Supp. 1977).

5:7:5 Nonconformities

Mobile home in use prior to the enactment of this Ordinance shall not be subject to the restrictions herein; and they may be replaced within one year of removal, at the discretion of the owner. (See also Section 8).

5:8 Camping and Camping Areas

5:8:1 General

Camping in the Town of Center Harbor is divided into three types. These are:

5:8:1:1 Recreational Campground or Camping Park (See 5:8:2:6)

5:8:1:2 Temporary Camps on Private or Public Land (See 5:8:3:3)

5:8:1:3 Recreation Camps (See 5:8:3:4)

5:8:1:4 Recreational Campground or Camping Park and Recreational Camps are considered organized camping areas.

5:8:2 Definitions

The following definitions are specific for this section:

5:8:2:1 **Campsite** means a parcel of land in a recreational campground or camping park for the placement of a tent, or a recreational vehicle for the exclusive use of its occupants.

5:8:2:2 **Campground Owner** means the owner or operator of a recreational campground or camping park or their agents.

5:8:2:3 **Dependent Vehicle** means a recreational vehicle which does not have a toilet and lavatory facilities.

5:8:2:4 **Individual Disposal System** means any sewage disposal or treatment system, other than a municipally owned and operated system which receives sewage or other wastes or both.

5:8:2:5 **Portable Sanitary Service Vehicle** means a vehicle used to transport septage or waste water from a recreational vehicle to a sanitary section.

5:8:2:6 **Recreational Campground or Camping Park** means a parcel of land on which at least 15 campsites are occupied or are intended for temporary

occupancy for recreational dwelling purposes only, and not for permanent year round residency. The parcel shall contain at least ten (10) acres. Recreational camps are excluded.

5:8:2:7 **Recreational Vehicle** means any of the following vehicles:

Motor home or van, which is a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle;

Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation or vacation;

Recreational trailer, which is a vehicular, portable structure, built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, moldings, storage space and areas enclosed by windows but not the roof overhang. It shall be designed primarily for use as a temporary dwelling for recreational, camping, travel or seasonal use;

Tent trailer, which is a canvas or synthetic fiber folding structure mounted on wheels and designed for travel, recreation, and vacation purposes.

5:8:2:8 **Sanitary Station** means an approved facility for use in accepting and disposing of wastes, from recreational vehicle holding tanks, portable recreational toilets or portable service vehicles.

5:8:2:9 **Recreational Camps** means camping areas for boys and girls privately operated or operated by organizations such as but not limited to: Boy Scouts of America, Girl Scouts of America, et al.

5:8:2:10 **Tent** means a portable canvas or synthetic fiber structure used as a temporary dwelling for vacation or recreation purposes.

5:8:3 Camping Requirements

5:8:3:1 Camping in any site shall be in accordance with all applicable State Regulations and Statutes.

5:8:3:2 Recreational Camping Parks (See 5:8:2:6)

5:8:3:2:1 Size of Campsites

Each proposed site for camping with a tent or recreational vehicle shall contain at least five thousand (5,000) square feet exclusive of public facilities, roads, and buffer zone.

5:8:3:2:2 Spacing and Setbacks

An open space of not less than one hundred (150) feet wide shall be maintained along each boundary, lot line, or frontage along an existing street, road, right of way, and any pond, lake, stream or wetland as defined in Section 10:4 Water Resources Conservation Overlay District Boundaries.

Amended March 2016

5:8:3:2:3 Access, Roads, Parking Areas

Suitable access roads shall be provided to each site. An automobile parking area space of not less than two hundred (200) square feet shall be provided for each site. Roads shall be of such design as to provide easy access for firefighting or emergency vehicles. A plan shall be provided showing the type and location of all roads.

5:8:3:2:4 Required Facilities

In addition to the above, the owner shall make available to each site a picnic table, trash receptacle, and fireplace of a design approved by Town Selectmen, Fire Warden, or State Regulations where applicable.

5:8:3:2:5 Water and Sewerage

Specific information and a site plan illustrating the location and type of sewage disposal system, the source and supply of drinking water, washing and bathing facilities, and the means of fire-fighting shall be provided to the Selectmen on an application for a permit. All State Regulations must be followed.

5:8:3:2:6 Operational Requirements

5:8:3:2:6:1 No recreational vehicle or recreational camping cabin, as they are defined in NH RSA 216-I, or similar thing shall be used or occupied as a year round residence, however, this shall not be construed to prohibit the

storage of any of the foregoing on the campsite when not in use.

5:8:3:2:6:2 The total number of persons utilizing a Recreational Camping Park at any one time shall not exceed the number of approved campsites multiplied by a factor of five (5) plus ten percent (10%) of that product.

5:8:3:2:6:3 A resident caretaker shall be present in every Recreational Camping Park during all periods of operation.

5:8:3:2:6:4 No permanent structures shall be erected, placed, permitted or maintained within any campsite or affixed to any recreational vehicle, any recreational cabin or any campsite.

5:8:3:2:6:5 A store for the sale of food or other items may be allowed provided:

(i) It complies with all applicable setback, building and life safety codes of the Town of Center Harbor and the State of New Hampshire;

(ii) That no sign, advertising or other means are employed to attract the general public thereto;

(iii) That sales are restricted to registered patrons of the Recreational Camping Park for consumption or use during their stay.

5:8:3:3 <u>Temporary Camps on Public or Private Land</u>

5:8:3:3:1 No recreational vehicles shall be occupied and no camps using such vehicles, tents or improvised shelters shall be permitted outside of a recreational campground or camping park except individual temporary camps located on private land with the written permission of the property owner or tenant, or on open public land in accordance with all regulations.

5:8:3:3:2 Such camps shall be located so that they are not visible from any public road or from any dwelling except those of the party granting permission.

5:8:3:4 Recreational Camp

Organized camps for boys and girls, the Boy Scouts, Girl Scouts and other organizations are permitted subject to all state and local regulations.

5:8:4 Supervision

There shall be a caretaker in attendance each day an Organized Camping Area is occupied. Such caretaker shall do whatever may be necessary to keep the park and its equipment in a clean and sanitary condition, to maintain order and to see that local and state ordinances and regulations are met. The management of each park shall assume responsibility for maintaining in good repair all facilities and shall take such action as is necessary to prosecute or eject from the grounds any person who willfully or maliciously damages such facilities, or any person who in any other way fails to comply with these regulations. (SEE RSA 216)

5:8:5 Permits

No Organized Camping Area shall be operated in the Town of Center Harbor unless the owner has obtained Non-Residential Site Plan Review approval from the Planning Board and has a valid permit issued by the Board of Selectmen. Before issuance, they shall be satisfied that the conditions of this Ordinance have been met. Application for a permit shall be made in writing and shall contain the following information:

5:8:5:1 The name of the applicant and the name of the real party in interest, or partners, if other than the applicant.

5:8:5:2 Proof of ownership, option to purchase, or valid lease of the premises to be used.

5:8:5:3 A site plan showing the boundaries, access roads, location of campsites, and plan of the water supply and sewage systems.

5:8:5:4 Permits may be revoked at any time on ten (10) day written notice by the Selectmen for violation of any provision.

5:8:5:5 Permits shall be effective for periods not exceeding one year from the date of issuance and shall be renewable annually upon proof of compliance.

5:8:5:6 The Selectmen may prescribe a charge for the issuance of such permit.

5:8:5:7 Pre-existing camping areas may continue as presently designed, but expansion should be made insofar as possible in accordance with this Ordinance. The Board of Adjustment should be consulted if waivers are desired.

March 2006

5:8:6 <u>Records</u>

Each owner shall keep a written record subject to inspection at reasonable times by a duly authorized officer of the Town of Center Harbor. The record shall contain the dates of arrival and departure, vehicle registration, and the names of occupants of each campsite.

March 2000

5:9 Conversion of Existing Structures

5:9:1 Any existing structures in all zoning districts as of Mar. 11, 1980 that are to be converted to multi-family dwellings, hotels, inns, or bed and breakfast establishments or offices of licensed medical practitioners, shall require a Special Exception from the ZBA and a Non-Residential Site Plan Review from the Planning Board. Any existing structures in all zoning districts that are to be converted to a two-family dwelling shall require a Special Exception from the ZBA. The purpose and intent of this ordinance is to provide an economic use for the few large structures within the Town.

March 1998

5:9:2 An accessory apartment may be allowed in an existing owner-occupied structure by Special Exception if all of the following conditions exist:

1) The lot is at least 20,000 square feet in size in the Commercial District – Village Area/Residential (CV/RES) districts or at least 40,000 square feet in size in Agricultural/Rural (AR) and Commercial Light Industry (CI) districts.
2) The structure contains a minimum of two thousand (2,000) square feet of gross floor area. The gross square footage shall be determined by using the square footage of the usable finished space excluding unfinished attics and unfinished basements.
3) There must be adequate water supply.

4) There must be adequate sewage disposal or an approved septic system sufficient for both the existing structure and the accessory apartment.

5) There must be adequate off-street parking.

6) No exterior changes shall be made which, in the opinion of the ZBA, do not conform to the single-family character of the neighborhood.

7) There shall be only one accessory apartment per structure.

8) The gross floor area of the accessory apartment shall be no more than six hundred (600) square feet or twenty-five (25) per cent of the usable finished space of the existing owner-occupied structure, whichever is less.

March 1998

5:10 <u>Non-Conforming Uses</u>

Any existing use may continue if it was in existence when the ordinance was adopted March, 1976. March 10, 2015

5:10:1 Deleted as of March 10, 2015

5:10:2 Normal repairs, renovations, and maintenance are permitted for any structure or structures containing a non-conforming use.

If discontinued or abandoned for one year, it shall thereafter conform to the regulations for the district and the non-conforming use may not thereafter be resumed.

March 10, 1992

5:10:3 If superseded by a permitted use, it shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

5:10:4 A non-conforming use may be superseded by another non-conforming use provided the Board of Adjustment determines (as a Special Exception) that the proposed use is not more objectionable than the existing use. If a new non-conforming use is allowed, the original use shall not thereafter be resumed.

5:11 <u>Non-Conforming Structures</u>

A structure which does not comply with the regulations contained in this ordinance, but which existed at the time the regulation became effective may remain as provided for in New Hampshire Revised Statutes Annotated, chapter 674:19 subject to the following provisions:

5:11:1 If the structure is destroyed by accidental means or is removed, it may be rebuilt or replaced within one year from the date of occurrence.

5:11:2 A non-conforming structure on a lot which does not comply with the regulations contained in this ordinance may be replaced by a new structure in a different location on the lot provided the ZBA determines that the new structure is not more non-conforming than the original structure. The ZBA may set conditions and restrictions for the replacement structure such as:

1. Sideline and frontage setbacks
2. Screening of site/structure
3. Limitations on future expansion
4. Limitations on footprint size and total square footage of structure.

March 10, 1992

5:11:3 No additions or changes or reconstruction shall be undertaken which increases the total square footage of the non-conforming structure. March 10, 2015

5:11:4 Normal repairs, renovations, and maintenance are permitted.

5:11:5 Nothing in this ordinance shall prevent strengthening or restoring to safe condition any structure or part thereof upon order by any official charged with protecting the public safety.

5:12 <u>Building Codes</u>

5:12:1 In accordance with governing RSAs the Town of Center Harbor adopts a local building code, effective March 8, 2000, for the construction, and structural remodeling of all buildings and structures in the municipality.

5:12:1:1 This building code is adopted to ensure public safety, health, and welfare in so far as they are affected by building construction by establishing standards for structural strength, means of exit, sanitary facilities, light, ventilation, and fire safety; as well as to reduce hazards to life and property incident to the design, erection, repair, removal, demolition or use of buildings, structures or premises.

5:12:2 This building code adopts a local building code incorporating the State Building Code. March 2005

5:12:3 The **Center Harbor ZBA** is charged with the function of **BOARD OF APPEALS** for all code questions.

5:12:4 The position of **BUILDING INSPECTOR** is established with the authority to issue building permits, certificates of occupancy and to perform necessary inspections to insure code compliance.

5:12:4:1 The building inspector shall be appointed by the Board of Selectmen and compensated as they direct.

5:12:4:2 Fees for building permits shall be established by the Board of Selectmen.

5:12:5 Should sections of this code be in conflict with Center Harbor Zoning Ordinances or Regulations, the most restrictive provision shall apply.

5:12:6 This code shall not be construed to limit the authority of the Center Harbor Fire Department to enforce similar provisions of State or Local Fire codes.

5:12:7 Any local building codes enacted by the town which includes by reference all or any part of any of the National Codes in Section 5:12:2 of this section may also include a provision for adoption of updates and reviews as follows:

5:12:7:1 The Building Inspector, Planning Board or their designee shall prepare an amendment to those portions of the local building code that refer to, make insertions in, deletions from, or exceptions to, the National Codes. No amendment to the local building code save as may be necessary to effect the substitution of revised national codes for code provisions or for provisions previously adopted shall be adopted using this simplified procedure.

5:12:7:2 The Planning Board shall hold a public hearing on the proposed update or revision with appropriate notice. This notice shall state that the proposed local code amendments and the new or amended national codes or amendments are available for inspection at the Town Office.

5:12:7:3 Following such hearing, the update or revision shall become final upon approval by the Selectmen and recording by the Town Clerk.

March 2000

SECTION 6. SIGNS

6:1 Definition

In this section "sign" shall mean a structure, building wall, supporting post(s), other outdoor surface, or any devised use for visual communication the purpose of which is to bring the subject depicted thereon to the attention of the public, or to display, identify, or publicize the name and/or service of any person or business.

March 2000

6:2 Temporary Signs

6:2:1 Temporary signs not to exceed thirty-two (32) square feet in area advertising special events in the Town of Center Harbor conducted for charitable, or non-profit purposes shall be permitted for no more than thirty (30) days for each event.

6:2:2 Temporary signs not to exceed nine (9) square feet in area, advertising an auction, or the premises for sale or rent, shall be permitted, but shall be limited to one (1) sign per lot. Such signs shall be removed immediately upon completion of auction, sale, or rental of the property.

6:2:3 The temporary construction signs may be erected or posted on the site of any construction project. Each sign may be no larger than nine (9) square feet in area, and shall be removed promptly upon completion of the project.

6:2:4 Temporary political signs not to exceed nine (9) square feet in area may be placed on private property with the owner's permission for no longer than thirty (30) days prior to an election and must be removed within three (3) days following the election. The political party or organization responsible for erecting signs, the candidate and the owner of the private property on which the signs are erected or posted shall each be responsible for the removal of such signs. Under no circumstances will political signs be allowed on property owned by the Town of Center Harbor.

6:2:5 Deleted March 2007

6:3 Business Signs

6:3:1 Each business under one ownership on a lot is restricted to the signage according to the table below:

SQUARE FOOTAGE OF APPROVED COMMERCIAL/INDUSTRIAL SPACE (GROSS FLOOR AREA)	TOTAL SQUARE FOOTAGE OF SIGNAGE ALLOWED
Up to 1,000 square feet	50 square feet
Up to 1,500 square feet	60 square feet
Up to 2,000 square feet	70 square feet
Up to 2,500 square feet	80 square feet
Up to 3,000 square feet	90 square feet
Over 3,000 square feet	100 square feet

"EXIT" and "ENTRANCE" signs no larger than one (1) square foot in size, and one (1) "OPEN" flag no larger the 3'x5' are not included in the above table, and are excluded from the maximum square footage of allowed signage.

6:3:2 Business signs must be located on the premises of the approved commercial/industrial building.

6:3:3 (See also Home Occupation signs, Section 4:4:6:1:8)

March 2000

6:3:4 Commercial/industrial lots with more than one business under separate ownership(s) and housed in one building may exhibit up to five (5) signs per commercial/industrial building. The maximum total area of these signs shall be determined by the following table:

SQUARE FOOTAGE OF APPROVED COMMERCIAL/INDUSTRIAL SPACE PER BUILDING (GROSS FLOOR AREA*)	TOTAL SQUARE FOOTAGE OF SIGNAGE ALLOWED
Up to 1,000 square feet	50 square feet
Up to 1,500 square feet	60 square feet
Up to 2,000 square feet	70 square feet
Up to 2,500 square feet	80 square feet
Up to 3,000 square feet	90 square feet
Over 3,000 square feet	100 square feet**

March 8, 1994

Large planned contiguous commercial/industrial space designed for multiple activities e.g., shopping centers, may apply within the site plan review to be declared separate commercial/industrial buildings for the determination of sign footage.

** Maximum signage allowed per commercial/industrial building.

"EXIT" and "ENTRANCE" signs no larger than one (1) square foot in size and one (1) "OPEN" flag no larger than 3'x5' per business are not included in the above table, are excluded from the maximum square footage of allowed signage. (Amended March 8, 1994)

6:3:5 Business signs must be located on the premises of the approved commercial/industrial building. (Amended March 8, 1994)

6:3:6 Signs for commercial/industrial buildings containing more than one business under separate ownership(s) may be subject to Site Plan Review.
(Amended March 8, 1994)

6:3:7 Sandwich board type signs are allowed. The total sign area (sum of two exposed surfaces, maximum of twenty (20) square feet) shall be a part of the established sign allowance. All signs shall be on the subject property and not on Town or State property or Right-of-Way. Such signs shall not occupy space designated as PARKING by Site Plan Review.
March 2000

6:4 Identifying and Directional Signs

6:4:1 **Identifying Signs**: Each dwelling unit shall be permitted one (1) sign not larger than three (3) square feet in area (e.g. 12"x36", 18"x24", etc.). Such signs are to be located on the property.

6:4:2 **Directional Signs**: Directional signs made up of individual panels, each panel no larger than six (6) inches by thirty-six (36) inches may be erected at street or road intersections to direct the public to any property or business. No single property or business may erect more than one (1) such panel at any single corner of an intersection. If such signs are erected on public property, permission must be obtained from the proper authority.

6:4:3 **Residential Development Identifying Signs** shall not exceed twenty-four (24) square feet in area. (Amended March 8, 1994)

6:5 Size of Signs

6:5:1 The area of all signs shall be measured within the maximum dimensions of the signs, and shall include any air space included within such dimensions.
(Amended March 8, 1994)

6:5:2 Two-faced signs shall be considered as a single unit and only one (1) face shall be considered in determining the area. (Amended March 8, 1994)

Height The height of a free-standing sign shall not exceed twenty (20) feet above surrounding ground level. Signs which are affixed to a building shall not extend above the roof ridge of that building. (Amended March 8, 1994)

6:6 Types of Signs

The following signs are prohibited in all zoning districts: neon or neon-type signs; rotating, revolving or flashing signs; signs, including any portion or portions thereof, which move or create the optical illusion of movement by mechanical means, by variations in illumination or intensity of light or by other means; changeable copy, animated, or electronic message center signs which are designed so that their characters, letters, pictures, outlines, forms, designs, pictorials, colors, illustrations or other content can be changed, altered or rearranged without physically altering the permanent physical face of the sign whether by electric, electronic or other means. Nothing herein is intended to prohibit changeable copy signs which are changed manually.

6:7 Location of Signs

No sign shall be erected, or maintained, or lighted so as to create any traffic hazard. All signs shall be on the subject property and not on Town or State Property or Right-of-Way. Signs shall not occupy space designated as PARKING by Site Plan Review.
March 2000

6:8 Exemptions

6:8:1 All signs erected or posted by an agency of government for the specific use of such agency.

6:8:2 All signs indicating the existence of private property, and those forbidding trespass, hunting, or other activities on the property.

6:8:3 All signs on private property intended to regulate or guide activities within the property even though such signs may incidentally be visible off the property.

6:9 Outdoor Display

Outdoor display of products may be allowed if the following conditions are met

6:9:3 The display shall not encroach on authorized parking space.

6:9:4 Such display shall not create a safety hazard.

6:9:5 Such display shall be entirely within the business property.

6:10 All signs except Identifying and Directional Signs as defined in Section 6:4 shall require a construction permit.

March 2007

SECTION 7 RACING

7:1 Racing

No automobile, horse, motorcycle, dog, roller derby, or similar racetracks shall be permitted. Temporary exception may be granted by the Selectmen.

SECTION 8 BOARD OF ADJUSTMENT

8:1 Creation and Appointment and Jurisdiction

The Selectmen of the Town of Center Harbor shall appoint a Board of Adjustment which shall function in accordance with New Hampshire Revised Statutes Annotated: 672, 673, 674, 676, and 677.

8:1:1 Special Exceptions

The Board of Adjustment shall hear and decide special exceptions to the terms of this Ordinance, provided the following procedures and standards are adhered to. An exception for which conformance to such standards is required shall be deemed a permitted use in the district in that instance only, and does not waive conformance to procedures and standards in any other case. In acting on such exceptions, the Board shall take into account the general purpose and intent of this Ordinance to preserve community values and may impose conditions and safeguards in addition to those specified in this Ordinance if the occurrence of certain characteristics of the use or site warrants such.

8:1:1:1 Duplicate plans for the proposed development of a site requiring a special exception shall be submitted with an application for a permit, and such plans shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, lighting and other pertinent information that may be necessary to determine that the proposed use meets the requirements and spirit and intent of this Ordinance.

March 9, 1993

8:1:1:2 To assure that a special exception to the zoning ordinance will be in harmony with the orderly nature and intensity of the operations involved, the size of the site in relation to the proposed use and the location of the site with relation to existing or proposed future access streets must be considered. The locations of buildings on the site, the nature and height of such buildings and any walls or fences must neither discourage the appropriate use and/or development of adjacent land or buildings nor impair their value. The Board may, in addition to applicable requirements of the zoning ordinance, impose, but not be limited to, the following safeguards:

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

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

c. Modification of the exterior features or appearances of the building or structure.

d. Limitations of size, number of occupants, time of operation or extent of facilities.

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

f. Off-street parking or loading spaces beyond the minimum requirements of this Ordinance.

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

8:1:1:3 Operations in connection with such a use shall not be more objectionable to nearby properties by reason of noise, fumes, odor, or vibration, than would be the operations of any permitted uses in the district which are not subject to special exception procedures.

8:1:1:4 If a Special Exception is not utilized within a one (1) year period it will expire. If a Special Exception is abandoned for more than one (1) year it will expire.

8:1:1:5 Conditions and Restrictions for Private Schools and Colleges:

1. Recreational areas shall not be within the setback zones of the property.
2. There must be adequate off-street parking for staff and visitors.
3. There must be adequate fencing and screening.
4. No private schools or colleges will be allowed on lots of less than 40,000 square feet.
5. Any requirements that are appropriate for the site location that would insure the health and safety of the students that are necessary to protect the integrity of the neighborhood must be addressed.
6. All private schools and colleges must conform to any and all State and Federal requirements for such facilities.

(This addition 8:1:1:5 Amended March 8, 1994)

8:2 Variance

The Board of Adjustment may authorize upon appeal in specific cases, a variance from the terms of the Ordinance in accordance with RSA 674:33 as amended, if the Board finds all of the following facts exist:

1) The variance will not be contrary to the public interest;

2) The spirit of the ordinance is observed;

3) Substantial justice is done;

4) The values of surrounding properties are not diminished; and

5) Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

Because of special conditions of the property that distinguish it from other properties in the area:

(a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of the provision to the property; and

(b) The proposed use is reasonable.

The Board of Adjustment may authorize upon appeal in specific cases. In granting such variance, the Board of Adjustment shall prescribe any conditions it deems necessary or desirable. If a variance is not utilized within a one-year (1) period, it shall expire. If a variance is abandoned for one (1) year it shall expire. March 2013

To grant such a variance, it must be demonstrated that:

8:2:1 There are special conditions which are inherent in the land in question which are not shared in common with other parcels of land in the district, and

8:2:2 The specific variance to be granted by the Board is the minimum variance that will grant reasonable relief to the owner and is necessary for the reasonable use of the land or building, and

8:2:3 The granting of the variance will be in accordance with the spirit and intent of the Ordinance, and will not adversely affect other property in the district.

SECTION 9 ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

9:1 Zoning Map and Districts

9:1:1 The "Town of Center Harbor Zoning Map" and "Center Harbor Water Resources Map" are hereby adopted as part of this ordinance, and shall be considered the principal references for all zoning districts. The Town of Center Harbor is considered to be Agricultural and Rural (AR) unless otherwise designated. The Water Resources Conservation Overlay District provides specific requirements to protect water resources which are applicable in all other zoning districts. The following provides a description of how each of the districts is defined:

Agricultural and Rural (AR) District
Residential (RES) District
Commercial and Light Industry (CI) District
Commercial (CV) District – Village Area
Water Resources Conservation Overlay District (WRCOD)

Amended March 2016

9:1:2 The Commercial and Light Industry Zone in West Center Harbor is a generally rectangular area bounded on the southwest side by a line running three hundred (300) feet southwest of and parallel to Bartlett Hill Road; on the northwest side by a straight line drawn through a point on Bartlett Hill Road one thousand (1000) feet southwest of its intersection with Waukewan Road to a point on Daniel Webster Highway a.k.a. Route 3 one thousand (1000) feet south of the intersection of Keyser Road with College Road; on the northeast side by a line running one thousand (1000) feet southwest of and parallel to Keyser Road; and on the southeast side by the Meredith Town Line.

9:1:3 The portion of the Commercial District (CV)-Village Area on the northwest side of Main Street and the southwest side of Plymouth Street a.k.a. Route 25B shall be defined by the following boundaries:

Beginning at a point where the northwesterly corner of tax map lot number 102-2, also known as the Nichols Memorial Library property, and the northeasterly corner of tax map lot number 102-3, also known as the Morrill Memorial Park Association property, meet; following a straight line of approximately five hundred (500) feet to the northwesterly corner of tax map lot number 102-79; then following the boundary of tax map lot number 102-79 in a southwesterly direction to the southeasterly corner of tax map lot number 102-79 at a point where the boundary intersects with Main Street; then following Main Street in a northeasterly direction to the corner of Main Street and Plymouth Street a.k.a. Route 25B; and then following Plymouth Street a.k.a. Route 25B in a northwesterly direction to the point of beginning. March 2014

9:1:4 The Residential (RES) District extends in a southerly direction along Whittier Highway a.k.a. Route 25 to a point approximately four thousand three hundred seventy-five (4,375) feet from the Meredith Town Line, that is, to the southeasterly corner of, and to include, tax map lot number 217-8. The district extends five hundred (500) feet back from the road on the west side of Whittier Highway, and to the lake on the east side of Whittier Highway. The southerly end of the district is defined by a line drawn perpendicular to Whittier Highway.
March 2014

The Residential (RES) District extends in a southwesterly direction along Coe Hill Road to a point at the southwesterly corner of, and to include, tax map lot number 216-26. The district extends one thousand (1,000) feet back from the road on the northwesterly side of Coe Hill Road and five hundred (500) feet back from the road on the southeasterly side of Coe Hill Road. The southwesterly end of the district is defined by a line drawn perpendicular to Coe Hill Road. March 2014

9:1:5 All compass directions conform to the Center Harbor Town Tax Map.

9:1:6 The Water Resources Conservation Overlay District (WRCOD) places additional requirements on all other Zoning Districts in Center Harbor based on identified water resources. This District consists of all surface and groundwater resources described in the Natural Resources Inventory of Center Harbor December 2011, and as shown on the Center Harbor Water Resources Map. This district is specific to all water resources in Center Harbor including: Lakes and Great Ponds, Wetlands, Rivers and Streams, and Stratified Drift Aquifers as delineated and described in Section 10. March 2016

9:2 Copies of Zoning Map

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

9:3 District Boundaries

District boundaries shown within the lines or roads, streams, and transportation rights-of-way shall be deemed to follow the center lines. The abandonment or relocation of roads shall not affect the location of such district boundaries.

When the Board of Selectmen or their duly appointed agent cannot definitely determine the location of a district boundary by such center lines, by the scale of dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, they shall refuse ac-

tion and the Board of Adjustment, upon appeal, shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of the Ordinance.

9:4 District Objectives and Land Use Controls

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

No part of any setback area or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as a part of a setback area or other open space similarly required for another building.

Private boat houses may be located within the required setback area on any lot which borders a water body, on that side adjacent to the water. (See Section 2 Definitions).

March 1998

In the following tables the classes shall refer to the type of utilities provided.

Type of utilities:

Class 1	off-lot sewer and water
Class 2	off-lot sewer or water
Class 3	on-lot sewer and water

"Off-lot sewer" means that a lot is or will be serviced by the Town of Center Harbor public sewage disposal system.

"**Off-lot water"** means that a lot is or will be serviced by a community water system as defined in NH RSA 485:1-a (1).

March 2007

9:4:1 Residential (RES) District

This district provides housing for seasonal and year-round residents. This district consists primarily of areas serviced by the Bay Sewer District system. Lots with shore frontage shall require a minimum of 150' of contiguous water frontage except as provided in Section 11:3:3.

Permitted Uses

1. Single-family detached dwellings;
2. Home Occupations;
3. Essential services;
4. Accessory uses/accessory structures;
5. Lodging houses, bed and breakfasts, & rental cottages;
6. Churches

Minimum Lot Size

Type of Utilities	**Area in Sq. Ft.**	**Road Frontage & Width in Feet**	**Minimum Area per Family** (Net Density)
Class 1	10,000	100**	10,000
Class 2	20,000*	100**	20,000
Class 3	40,000	150**	40,000

*Soil Conditions Permitting

** See 9:4:5 March 2005

(For permitted SPECIAL EXCEPTIONS see APPENDIX A)

March 2001

9:4:2 Agricultural and Rural (AR) District

This district is limited agricultural, forestry, rural residential and other non-intensive land uses. The purpose of this district is to prevent premature development of land, to retain areas for non-intensive uses, to prevent development where it would be a burden on the town and to retain areas for open space. Except for waterfront properties, development in this district shall require an average lot size of at least five (5) net developable acres. "Average lot size" shall be defined as the average (mean) of the acreage of all lots in a proposed subdivision. "Net developable acres" shall be calculated by subtracting the following from the total acres to be subdivided:

1. 15 percent for roads and utilities;

2. all poorly and very poorly drained soils; and

3. slopes greater than 25 percent.

Lots that are larger than five (5) acres, once used to calculate average lot size, shall not be so used again, shall not be further subdivided and shall be expressly designated as such on the survey plat. If any land, other than the individual lots in a subdivision, is used by a developer to calculate average lot size, title to that land shall be vested in the developer at the time of the subdivision and shall be surveyed and shown as common land on the survey plat of the subdivision. The survey plat shall expressly designate that common land shall not be further subdivided, shall not be used for dwelling purposes and shall not be used for calculation of average lot size in any further subdivision. Each conveyance of a lot in a subdivision having common land used to calculate average lot size shall include an ownership interest in the common land which is inseparable from the ownership of the lot, which ownership interest can be either in the form of an equal undivided interest in common with the other lot owners in the subdivision or in the form of a membership interest in a homeowners' association, provided that when all lots have been conveyed, 100% of the title to the common land shall be vested in equal shares in the lot owners or in a homeowners' association owned in equal shares by the owners and the value of the common land shall be taxed by the town in equal shares to the owners of the individual lots. No lots in any subdivision in this district shall include smaller than the minimum lot sizes set forth below. Lots with shore frontage shall require a minimum of 150 feet of contiguous water frontage except as provided in Section 11:3:3.

March 2013

Permitted Uses

1. Forestry;
2. Agricultural;
3. Greenhouses;
4. Outdoor recreational facilities;
5. Camping areas (See Section 5:8)
6. Stables and riding academies;
7. Roadside stands;
8. Motels and hotels;
9. Funeral homes;
10. Any use permitted in the Residential (RES) District
11. Telecommunication towers and facilities

March 2001

Minimum Lot Size

Type of Utilities	**Area in Sq. Ft.**	**Road Frontage in Feet**	**Minimum Area per Family** (Net Density)
Class 1&2	20,000*	125**	20,000
Class 3	40,000	150**	40,000

*Soil conditions except under Class 1

**See 9:4:5

March 2005

(For permitted SPECIAL EXCEPTIONS see APPENDIX A)

March 2001

9:4:3 Commercial and Light Industry (CI) District

This district is established where commercial development has already taken place. It permits further development in the Route 3 area north of the Meredith/Center Harbor town line. These regulations are prescribed with the intention that businesses maintain the character of the area. Lots with shore frontage shall require a minimum of 150' of contiguous water frontage except as provided in Section 11:3:3.

Permitted Uses

1. Retail businesses and banks;
2. Eating and drinking establishments;
3. Offices*;
4. Personal & Professional Services*;
5. Auto services stations*
6. Auto sales, service and repair businesses to include but not limited to: trucks, car motorcycles, lawn and farm tractors, small engine vehicles i.e. snowmobiles, boat engines, ATV's, Jet Skis, Golf Carts ***
7. Wholesale businesses*;
8. Clinics*;
9. Commercial schools*;
10. Light manufacturing, compounding, processing, packing or treatment of goods products*;
11. Research & testing laboratories*;
12. Public facilities*
13. Any use permitted in the Agricultural and Rural (AR) District

Minimum Lot Size

Type of Utilities	Area in Sq. Ft.	Road Frontage & Width in Feet	Minimum Area per Family
Class 1	10,000	100**	10,000
Class 2	20,000*	100**	20,000
Class 3	40,000*	150**	40,000

*Soil conditions permitting

** See 9:4:5 March 8, 2005

*** See Sections 2:2:29 and 2:2:30 March 11, 2014
(For SPECIAL EXCEPTIONS see APPENDIX A)

March 2001

9:4:4 Commercial District (CV) – Village Area

The purpose of this district is to provide an area for business uses which are primarily intended to meet the needs of residents, second homeowners and area tourists. Because of the historic character of the village, great care should be taken to ensure that any proposed uses do nothing to disturb this historic atmosphere. Also, to maintain its general character and aesthetic qualities, the height and location of any and all structures should insure the protection of all scenic views and historic structures and areas. Lots with shore frontage shall require a minimum of 150 feet of contiguous water frontage except as provided in Section 11:3:3.

Permitted Uses

1. Retail business and banks;
2. Personal & professional services;
3. Public facilities;
4. Essential services;
5. Churches;
6. Single-family detached dwellings;
7. Offices;
8. Accessory uses/Accessory structures
9. Home occupations as defined in 4:4:6:1 and 4;4:6:3;
10. Telecommunication facilities except towers

Minimum Lot Size

Type of Utilities	Area in Sq. Ft.	Road Frontage & Width in Feet	Minimum Area per Family
Class 1	10,000	100**	10,000
Class 2	20,000*	100**	20,000

*Soil conditions permitting

**See 9:4:5 March 8, 2005

(For SPECIAL EXCEPTIONS see APPENDIX A)

March 2001

9:4:5 Pie and flag shaped lots are allowed. See Subdivision Regulations) March 8, 2005

SECTION 10 Center Harbor Water Resources Conservation Overlay District (WRCOD)

10:1 Authority

By the enabling authority granted in NH RSA 674:16 and 674:21, and as enacted, the Water Resources Conservation Overlay District is hereby established to guide land use in proximity to wetland, shoreland, and groundwater resources.

10:2 Purpose and Intent

The guiding principles for this ordinance are two-fold: First, to help landowners develop and use their property for their desired purpose while protecting the water resources that drive Center Harbor's economy and wellbeing. This will be achieved through clear, concise and simple common sense regulations based on sound environmental principles. Second, to establish a practical set of standard guidelines that ensure the town and citizens of Center Harbor maintain local control over their water resources. To achieve this, the following purposes and intents apply to this ordinance:

1) To prevent the degradation of surface and ground water quality;

2) To support water resources protection recommendations in the Center Harbor Master Plan and Natural Resource Inventory;

3) To provide floodwater storage, groundwater recharge, and terrestrial retention of sediments, nutrients and other pollutants;

4) To prevent the destruction of habitats for rare, threatened or endangered flora and fauna;

5) To prevent the development of structures and land uses in areas adjacent to surface and groundwater resources that could contribute to the degradation of water quality;

6) To preserve and enhance the aesthetic and recreational values associated with surface waters and wetlands;

7) To protect fish and wildlife habitat, maintain ecological balances, and enhance the ecological values such as those cited in RSA 483-A:1; and

8) Prevent unnecessary or excessive expenditures of municipal funds for the purposes of providing and/or maintaining essential service and utilities which might be required as a result of misuse or abuse of wetlands.

10:3 Definitions

10:3:1 Groundwater: water occurring beneath the surface of the ground.

10:3:2 Impervious: preventing or not readily permitting the infiltration of water.

10:3:3 Infiltration: the slow passage of a liquid through a filtering medium, such as the percolation of rainwater through the soil.

10:3:4 Natural Ground Cover: any herbaceous plant, woody seedling or shrub generally less than 3 feet in height. Ground cover shall not include lawns, landscaped areas, gardens, invasive species as listed by the department of agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by rule of the department of environmental services in accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

10:3:5 Non-Conforming: any structure, alteration, or land use that does not meet the requirements of this Section or any other Section of the Center Harbor Zoning Ordinance.

10:3:6 Primary Structure: a structure that accommodates the primary use of the site or parcel.

10:3:7 Protective Buffer: an upland area adjacent to a wetland or stream, more specifically defined as the area within a specified distance from the edge of a wetland or stream.

10:3:8 Reference Line: for lakes and ponds greater than ten acres means the surface elevation as determined by NH Department of Environmental Services; for streams, reference line means the ordinary high water mark.

10:3:9 Regulated Substance: petroleum, petroleum products, and substances listed under 40 CFR 302, excluding the following substances: ammonia, sodium hypochlorite, sodium hydroxide, acetic acid, sulfuric acid, potassium hydroxide, potassium permanganate, and propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure.

10:3:10 Snow Dump: a location where snow cleared from roadways or parking lots is placed for disposal.

10:3:11 Stormwater Management Plan: a plan certified by a licensed engineer designed to promote stormwater infiltration, minimize erosion and minimize the concentration of stormwater.

10:3:12 Stratified Drift Aquifer: a subsurface, rock, sand or gravel formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for public and private water supplies.

10:3:13 Unaltered State: means native vegetation is allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities.

10:3:14 Wetland: include those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soils conditions.

10:4 Water Resources Conservation Overlay District Boundaries

The Water Resources Conservation Overlay District places additional land use controls on existing Zoning Districts in Center Harbor based on identified water resources. This District consists of all surface and groundwater resources described in the *Natural Resources Inventory of Center Harbor December 2014*, and as shown on the *Center Harbor Water Resources Map,* as approved at the Center Harbor Town Meeting on March 11, 2014. Further, the District is defined by the following:

Table 1: Summary of Water Resources and Their Protective Buffers

Water Resource	Upland Protective Buffer
Lakes and Great Ponds	250 feet
Prime Wetland	125 feet
Designated Wetland	75 feet
Non-Designated Wetland	50 feet
Designated Stream	75 feet *
Non-Designated Stream	50 feet
Stratified Drift Aquifers	Land use restrictions only

* determination required for septic set back see 10:8:1

10:4:1 **Lakes and Great Ponds** (greater than 10 acres in size)

1. Squam Lake
2. Lake Winnipesaukee
3. Winona Lake
4. Lake Waukewan
5. Hawkins Pond
6. Bear Pond
7. Otter Pond

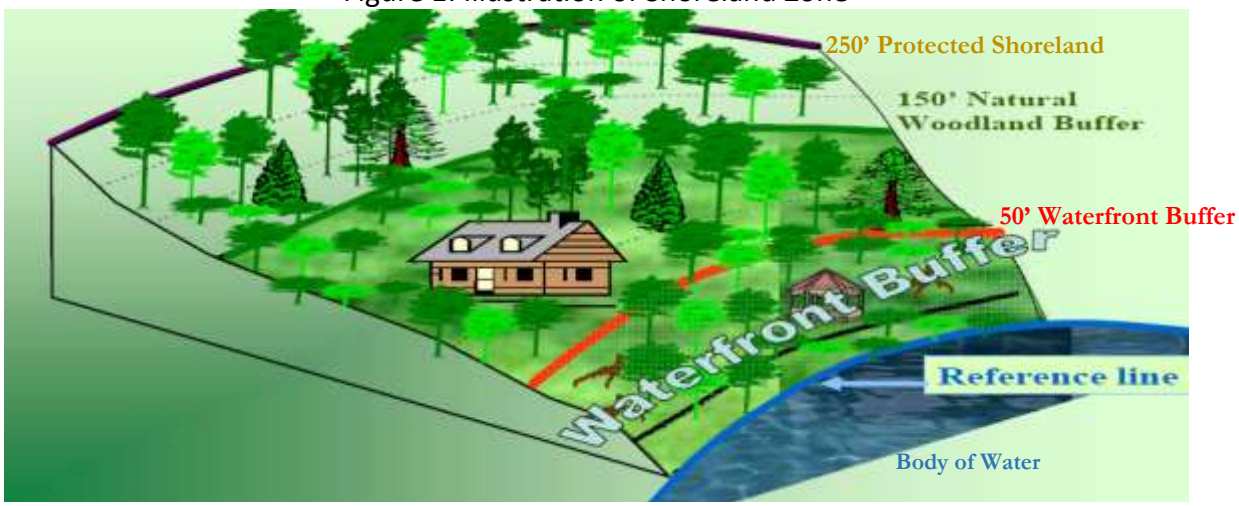
10:4:1:1 The **Shoreland Zone** surrounding each lake and great pond is specifically defined as the following:

1. Protected Shoreland – all lands within 250 feet of the Reference Line.

2. Natural Woodland Buffer – all lands within 150 feet of the Reference Line.

3. Waterfront Buffer – all lands within 50 feet of the Reference Line.

Figure 1: Illustration of Shoreland Zone



10:4:2 **Wetlands**, specifically defined by the following and as referenced on the Center Harbor Water Resources Map:

10:4:2:1 **Prime Wetlands** approved by Center Harbor Voters in 2006, 2011, 2013 and 2014 as follows:

1. Paquette Wetland Complex (#52)
2. Hale Swamp (#54-55)
3. Leroux Wetland Complex (#58)
4. Hawkins Pond (#79-80)
5. Johnson-Perkins Wetland Complex (#87-88)
6. Snake River (#70)
7. Chamberlain-Reynolds / Heron Cove (#41)
8. Newman Trust Wetland (#15)
9. Fogg Hill Bog Complex (#71-72)
10. Otter Pond (#68-69)
11. Sturtevant Bay (#6)
12. Belknap Woods Beaver Ponds (#43)

10:4:2:1:1 Prime Wetland Protective Buffer – all lands within 125 feet of the edge of the prime wetland.

10:4:2:2 **Designated Wetlands** – moderate to high value wetlands approved at the Center Harbor Town Meeting held on March 11, 2014.

10:4:2:2:1 Designated Wetland Protective Buffer – all lands within 75 feet of the edge of the designated wetland.

10:4:2:3 **Non-Designated Wetlands** – meaning all other wetlands identified and mapped in the *Natural Resources Inventory of Center Harbor December 2014*.

10:4:2:3:1 Non-Designated Wetland Protective Buffer – all lands within 50 feet of the edge of a non-designated wetland.

10:4:2:4 **Boundary Disputes** – In accordance with the Center Harbor Town Ordinance where it is determined that an area has been incorrectly delineated as a wetland; or that an area not so designated was subsequently found to meet the criteria for wet- lands designation, the Planning Board shall determine whether the regulations contained herein have applications. An area claimed to be incorrectly delineated as a wetland must be accompanied by a High Intensity Soil Survey to a minimum scale of one (1) inch equals one hundred (100) feet. The planning board shall make their judgment under this section only upon determination by a Certified Soil Scientist on the basis of additional on-site investigation or other suitable research that the information contained on the Center Harbor Water Resources Map is incorrect. This evidence shall be acceptable only when presented in written form to the municipality. Costs involved in the foregoing shall be borne by the appellant.

10:4:3 **Rivers and Streams**, specifically all bodies of water having a channelized flow for some or all of the year, further defined as the following:

10:4:3:1 Designated/ Perennial Streams, as approved at Town Meeting held on March 11, 2014:

1. Winnipesaukee North
2. Dane Road Pond Outflow
3. Swainey Brook
4. Otter Pond Outflow
5. Hawkins Pond West
6. Lands Brook
7. Hawkins Brook
8. Golf Course Drainage
9. Hawkins Pond Outflow
10. Dog Cove South
11. Belknap Woods Brook
12. Swainey Brook – Upper Segments
13. Bear Pond Outflow
14. Winona Lake Inflow

10:4:3:2 Non-Designated Streams – all intermittent or short-term perennial streams identified and mapped in the *Natural Resources Inventory of Center Harbor December 2014.*

10:4:3:2:1 Non-Designated Stream Protective Buffer – all lands within 50 feet of the ordinary high water mark or edge of channel of a non-designated stream.

10:4:4 **Stratified Drift Aquifers** – as defined in the *Natural Resources Inventory of Center Harbor December 2014* and shown on the *Center Harbor Water Resources Map*; all areas of land underlain by stratified drift aquifers shall be known as the Groundwater Protection District.

10:4:4:1 **Groundwater Protection District Boundaries Verification**
Where it is determined that a stratified drift aquifer area has been incorrectly delineated the Planning Board shall determine whether the regulations contained herein have applications.

The Planning Board shall make their judgment under this section only upon the determination of a professional engineer or geologist at the expense of the owner of a parcel of land where the boundaries are in question. This evidence shall be acceptable only when presented in written form to the municipality.

10:5 Applicability

10:5:1 Standards and requirements established herein shall be superimposed over all other zoning districts, or portions thereof, within the Town of Center Harbor.

10:5:2 As deemed appropriate by the Code Enforcement Officer, the edge and extent of the water resource and its protective buffer may require field verification by a licensed or certified professional. The expense for such verification, if not satisfactorily supplied in the application for a building permit, septic system, subdivision, or site plan, shall be borne by the applicant.

10:6 Permitted Uses

The following describes the land uses that are permissible within the Water Resource Conservation Overlay District provided such uses:

1. do not involve a structure (except as expressly referenced);

2. do not alter the surface configuration of the land by the addition of fill, or by excavation or dredging;

3. do not alter the ground or surface water level of any portion of the water resource by the construction of dams, ditching, draining, channelizing, diversion or other means; and

4. are compatible with the Purpose and Intent specified in Section 10:2.

10:6:1 Permitted Uses within the Water Resource

10:6:1:1 Forestry, tree farming and logging operations which utilize Best Management Practices as described in *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire*, NH Department of Resources and Economic Development, 2004 (as amended) and *Best Management Practices for Forestry, Protecting New Hampshire's Water Quality*, UNH Cooperative Extension, 2005 (as amended) and comply with all related state and local laws.

10:6:1:2 Agricultural activities and operations as defined in RSA 21:34-a and governed by RSA 430 which utilize Best Management Practices as described in Best Management Wetland Practices For Agriculture, NH Department of Agriculture, January 2001 (as amended) and Manual of Best Management Practices for Agri-

culture in New Hampshire, NH Department of Agriculture, 1998 (as amended) and comply with all related state and local laws.

10:6:1:3 Water supply wells as permitted by the NH Department of Environmental Services.

10:6:1:4 Outdoor recreation activities including but not limited to hunting, hiking, fishing, swimming, boating, biking and skiing.

10:6:1:5 Nature trails and minor crossings for footbridges, snowmobile bridges, temporary timber harvesting crossings, and boardwalks for educational or scientific purposes that do not significantly alter the banks, channels, edges or underwater topography of the water resource.

10:6:1:6 Wildlife or fisheries management activities.

10: 6:1:7 Educational activities and scientific research consistent with Section 10.2 – Purpose and Intent of this ordinance.

10:6:1:8 Open space and/or conservation.

10:6:1:9 Water resource enhancement and/or restoration.

10:6:1:10 Docks, breakwaters, moorings, and beach maintenance, as permitted by the NH Department of Environmental Services and subject to Section 11:6.

10:6:1:11 All other uses otherwise permitted by the Center Harbor Zoning Ordinance and the laws of the state of New Hampshire subject to the limitations cited in Section 10:4 Applicability and Section 10:2 Purpose and Intent.

10:6:2 Permitted Uses within the Protective Buffer

Protective buffers consisting of upland adjacent to the edge of a water resource are required as specified in Table 1 and Section 10:4. The following general land uses are permitted within the protective buffer:

10:6:2:1 All of the uses listed in Section 10:6:1.

10:6:2:2 Minor accessory structures as defined and restricted in Section 5:3:1.

10:6:2:3 Fences, as regulated by Section 5 of this ordinance, as long as their installation does not alter the natural surface configuration of the buffer area, does not result in surface or groundwater contamination, and conforms to Best Management Practices as cited in Sections 10:6:1:1 and 10:6:1:2.

10:6:3 Permitted Uses and Standards within the Shoreland Zone

The standards in this section are designed to protect public waters by minimizing shoreland disturbance while accommodating reasonable levels of development in the protected shoreland. The following restrictions apply to the Shoreland Zone as defined in Section 10:4:1:1.

10:6:3:1 **Protected Shoreland Improvement Standards**- the following standards apply to the Protected Shoreland; defined as the area within 250 feet of the Reference Line:

1) Impervious surfaces in excess of 20 percent require implementing a stormwater management plan to increase infiltration of stormwater from the development.

2) Not more than 30 percent of the area of a lot may be comprised of impervious surfaces.

3) Salt storage yards, auto junkyards, solid waste and hazardous waste facilities shall not be established or expanded.

4) All new lots are subject to soils based minimum lot size standards by the NH Department of Environmental Services as outlined in NH RSA 485-A.

5) When selling a developed waterfront property, a site assessment study as defined by RSA 485-A:39 is required for all properties with on-site septic that are contiguous to or within 200 feet of water bodies.

6) An Alteration of Terrain permit is required for any project that proposes to disturb more than 50,000 square feet of contiguous terrain if any portion of the project is within the Protected Shoreland or disturbs an area having a grade of 25 percent or greater within 50 feet of any lake or pond.

10:6:3:2 **Natural Woodland Buffer Improvement and Maintenance Standards** The following improvement and maintenance standards apply to the Natural Woodland Buffer; defined as the area within 150 feet of the Reference Line:

10:6:3:2:1 Natural Woodland Buffer Improvement Standards

1) Woodland buffers ½ acre or more in size must remain in an unaltered state excluding impervious surfaces.

2) Lots that contain less than ½ acre between the reference line and landward 150' from the reference line, at least 25 percent of the area between 50 feet and 150 feet from the reference line must remain in an unaltered state.

10:6:3:3 **Waterfront Buffer Improvement and Maintenance Standards** - The following improvement and maintenance standards apply to the Waterfront Buffer; defined as the area within 50 feet of the Reference Line:

10:6:3:3:1 Waterfront Buffer Improvement Standards

1) No primary structures are allowed within the Waterfront Buffer.

2) Within the Waterfront Buffer, tree coverage is managed with a 50 foot by 50 foot grid and point system. Trees and saplings may be cut, provided the sum score of the remaining trees and saplings within the grid segment is at least 50 points.

3) No natural ground cover shall be removed except for a footpath to the water that does not exceed six feet in width and does not concentrate stormwater or contribute to erosion.

4) Natural ground cover must remain intact; no cutting or removal of vegetation below three feet in height (excluding previously existing lawns and landscaped areas). Stumps, roots, and rocks must remain intact in and on the ground.

5) Pesticide and herbicide applications can be applied by a licensed applicator only.

6) Only low phosphorous, slow release nitrogen fertilizer can be used beyond 25 feet of the reference line. Only limestone may be used within 25 feet of the reference line.

10:6:3:3:2 Maintenance of a Waterfront Buffer - Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into 50 foot by 50 foot segments. Within each segment a minimum combined tree and sapling score of at least 50 points shall be maintained. If for any reason there is insufficient area for a full segment, the number of points required to be maintained in that partial segment shall be proportional to that required of a full segment.

1) Tree and sapling diameters shall be measured at 4 ½ feet above ground and are scored as follows:

Diameter (measured in inches)	**Score**
1" - 6"	1 point
greater than 6" less than 12"	5 points
greater than 12"	10 points

2) Dead, diseased, or unsafe trees or saplings shall not be included in scoring.

3) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees and saplings may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points.

4) Normal trimming, pruning, and thinning of branches to the extent necessary to protect structures, maintain clearances, and provide views is permitted. Trimming, pruning, and thinning of trees and saplings for the purpose of providing views shall be limited to the bottom ½ of the trees and saplings.

5) When necessary for the completion of construction activities, a 12 foot wide access path shall be allowed. The access path shall be completely restored and replanted within 14 days with native vegetation upon completion of construction.

10:6:4 Permitted Uses within the Stratified Drift Aquifer Protection Zones

All uses permitted by right or allowed by special exception in the underlying district that are also located within Groundwater Protection District remain permitted by right or special exception, as applicable, unless they are identified as prohibited in Section 10:8:3:1. All uses must comply with the Performance Standards unless specifically exempted.

10:7 Special Exceptions

Special Exceptions shall be administered by the Zoning Board of Adjustment in accordance with Section 8:1:1. Table 2 defines the uses allowable by Special Exception.

Table 2: Uses Permitted by Special Exception

Designated Wetlands

a.	The construction of a wetland crossing for purposes of access or utilities, such as a road, driveway, or sewer line.
b.	The construction of a water storage basin or impoundment.

Non-Designated Wetlands

In addition to a and b above:

c.	The placement of fill for lot development purposes, in conjunction with a Mitigation Plan that addresses: restoration, replacement, enhancement and/or preservation.

Designated and Non-Designated Streams

d.	The construction of a stream crossing for purposes of access or utilities, such as a road, driveway, or sewer line.
e.	The construction of a water storage or impoundment.
f.	Streambank alteration for the purposes of forestry or agriculture

Protective Buffers (Section 10:4:2)

In addition to the above uses:

g.	The undertaking of a use otherwise not permitted within a Protective Buffer, provided it can be shown that such proposed use is consistent with the intent of the provisions of Section 10:2 Purpose and Intent.

Additionally, the following shall apply:

1) Applications for Special Exception shall include written comments and/or recommendations from the Conservation Commission or an authorized subcommittee of the Conservation Commission, Planning Board, and Health Officer. Where the application has been referred to the Conservation Commission, Planning Board, and Health Officer by the Zoning Board of Adjustment for review and comment at least 45 days prior to a hearing.

2) Applications for Special Exception impacting a Prime Wetland Buffer, a Designated Wetland or its Buffer, a Designated Stream or its Buffer shall be accompanied by a wetland assessment report prepared by a Certified Wetland Scientist along with the credentials of the individual preparing the report. The assessment report shall include: a) an assessment of the functions and values of the water resource; b) an assessment of the anticipated impacts resulting directly and indirectly from the proposed activities; and c) demonstrated compliance with conditions set forth in Item 3) a-d below.

3) In granting a Special Exception, the Zoning Board of Adjustment must determine that each of the following conditions has been met:

a. The proposal is consistent with Section 10:2 Purpose and Intent and with all applicable State of New Hampshire regulations including applicable Best Management Practices as referenced in Section 10:6:1; and

b. Alternative proposals have been considered, and that the submitted proposal represents the minimum amount of reasonable, unavoidable environmental impact to the water resource and/or associated buffer areas; and

c. Environmental impacts to abutting or downstream properties and natural resources have been considered and minimized, and the proposed use will not create a hazard to public health or safety; and

d. The proposed construction and design shall include provisions for restoration of the disturbed site as closely as possible to its original grade and topography.

10:8 Special Provisions

The Water Resource Conservation Overlay is an overlay district. If any provision of the Water Resource Conservation Overlay District conflicts with any other zoning requirement, the more restrictive standard shall apply.

10:8:1 Septic Leach fields

Minimum setbacks for subsurface waste water systems shall be established from the edge of water resource to the edge of leach bed as specified in Table 3. The setback for Prime Wetlands shall be measured from the outermost limit of the wetland regardless of soil drainage class. For all streams, setbacks shall be measured from the top of the defined stream channel. In the event that two setbacks are in conflict with each other, the more restrictive shall apply.

Table 3: Subsurface Wastewater Leach Field Setback

Water Resource	Wetland and Stream Setback Requirements
Designated Prime Wetland	125 feet
Designated Wetland	75 feet
Non-Designated Wetland	75 feet
Designated Stream	75 - 125 feet (see below)
Non-Designated Stream	75 feet

10:8:1:1 Setbacks to Designated Streams

Setback requirements to Designated Streams for all new septic systems are determined by soil characteristics. The following setbacks are measured from the reference line:

1) Percolation rates of greater than two minutes (areas with no restrictive layer and the soil down gradient is not porous sand and gravel): 75 feet.
2) For soils with a restrictive layer within 18 inches of the natural surface: 100 feet.
3) Percolation rates equal to or greater than two minutes per inch (where the soil down gradient of the leach field is porous sand and gravel): 125 feet.

10:8:2 Prime Wetlands – the following uses are prohibited in Prime Wetlands:

1) Forestry and Agriculture
2) Water wells
3) Motorized recreation of any type
4) Docks, breakwaters, moorings or beaches

10:8:3 Groundwater Protection District - the following applies to all Stratified Drift Aquifers as referenced on the Center Harbor Water Resource Map:

10:8:3:1 Prohibited in the Groundwater Protection District are as follows:

1) The development or operation of a hazardous waste disposal facility as defined under RSA 147-A;

2) The development or operation of a solid waste landfill;

3) The outdoor storage of road salt or other deicing chemicals in bulk;

4) The development or operation of a junkyard;

5) The development or operation of a snow dump;

6) The development or operation of a petroleum bulk plant or terminal;

7) The development or operation of gasoline stations;

8) Storage of animal manure unless covered or contained in accordance with the specifications of the Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 2005, and any subsequent revisions;

9) Facilities that generate, treat, store, or dispose of hazardous waste subject to Env-Hw 500-900 except for:

   a. household hazardous waste centers and events regulated under Env-Hw 401.03(b)(1) and Env-Hw 501.01(b); and
   b. water remediation treatment works approved by NH Department of Environmental Services for the treatment of contaminated ground or surface waters.

10) Storage of regulated substances in quantities greater than five gallons, unless in a free-standing container within a building or above ground with covered secondary containment adequate to contain 110 percent of the largest container's total storage capacity;

11) Storage of fertilizers, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff.

10:8:3:2 Special Exceptions may be granted by the Zoning Board of Adjustment for a use in the Groundwater Protection District which is otherwise permitted, if the permitted use is involved in one or more of the following:

1. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate Spill Prevention, Control and Countermeasure (SPCC) Plan, is approved by the Center Harbor Code Enforcement Officer;

2. Any use that will render impervious more than 15 percent of any lot.

   10:8:3:2:1 In granting a Special Exception the Center Harbor Zoning Board of Adjustment:

   1. Must determine that the proposed use is not a prohibited use;

   2. Must determine that the proposed complies with the Performance Standards in Section 10:8:3:3 as well as all applicable local, state and federal requirements; and

   3. May require a performance or other surety bond, in an amount and with conditions satisfactory to the Board, to ensure completion of construction of any facilities required for compliance with the Performance Standards.

   4. The Zoning Board may require that the applicant provide data or reports prepared by a NH licensed geologist or engineer to assess any potential damage to the aquifer that may result from the proposed use. The Zoning Board shall engage such professional assistance as it requires at the expense of the applicant.

10:8:3:3 The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Section 10:8:4.

1) Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 2005, and any subsequent revisions;

2) All regulated substances stored in containers with a capacity of 5 gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;

3) Facilities where regulated substances are stored must be secured against unauthorized entry;

4) Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be lo-

cated at least 125 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;

5) Secondary containment with a cover must be provided for outdoor storage of regulated substances if an aggregate of regulated substances exceeding 5 gallons are stored outdoors on any particular property;

6) Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;

7) Prior to any land disturbing activities, all inactive or abandoned wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules;

8) Any proposed development or construction activity that will increase the amount of impervious surfaces - including but not limited to roads, driveways, rooftops, sidewalks, parking areas, and other areas of compacted soils to a level above 10 percent of the affected lot(s) shall provide provisions for infiltration that meets or exceeds 2 inches per hour.

10:8:3:3:1 In addition, Special Exception applicants shall:

1. Develop and submit a stormwater management and pollution prevention plan that shall include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators (US EPA 2009). The plan shall demonstrate that the use will:

    a. minimize the release of regulated substances into stormwater through a source control plan that identifies pollution prevention measures;
    b. demonstrate that stormwater systems are designed to treat expected contaminants sufficiently in order to ensure that groundwater quality will not be degraded and result in violation of Ambient Groundwater Quality Standards (Env-Ws 410.05) at the property boundary;
    c. stipulate that expansion or redevelopment activities subject to subsequent Planning Board approval may require an amended stormwater plan; and
    d. not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in

conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI).

2. For any use that will render impervious more than 10 percent of any lot, a stormwater management plan shall also be consistent with the New Hampshire Stormwater Manual Volumes 1-3, December 2008, NH Department of Environmental Sciences.

3. For any use of regulated substances, a spill control and countermeasure (SPCC) plan shall be submitted to the Code Enforcement Officer, who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. The SPCC plan shall include:

    a. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas;
    b. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment;
    c. A list of all regulated substances in use and locations of use and storage;
    d. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure;
    e. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.

10:8:4 Exemptions

The following uses are exempt from the specified provisions of this Section provided they comply with all other applicable local, state, and federal requirements:

1) A mobile fuel tank specifically manufactured for the purpose of being transported from site to site for the sole purpose of fueling motor vehicles and/or equipment, provided fuel transfers are conducted over an impervious area and utilize portable spill containment equipment with trained personnel present during transfers. Said tank, transportation and fueling shall comply with all other applicable Regulations.

2) Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks (except for liquid propane) are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard 3;

3) Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards 3 through 6.

4) Storage and use of office supplies is exempt from Performance Standards 3 through 6;

5) Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards 3 through 6 if the construction materials are incorporated within the site development project within twelve months of their deposit on the site;

6) The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;

7) Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Hw 401.03(b)(1) and 501.01(b) are exempt from Performance Standards 3 through 6;

8) Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules.

10:8:5 Maintenance and Inspection

1) For uses requiring Planning Board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards, shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Belknap County. The descrip-

tion so prepared shall comply with the requirements of RSA 478:4-a.

2) Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Center Harbor Code Enforcement Officer at reasonable times with prior notice to the landowner.

3) All properties within the Groundwater Protection area of jurisdiction known to the Center Harbor Code Enforcement Officer as using or storing regulated substances in containers with a capacity of five gallons or more shall be subject to inspections unless exempted by Section 10:8:4.

4) The Board of Selectmen may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Board of Selectmen as provided for in RSA 41-9:a.

Adopted March 2016

SECTION 11 USE OF WATERFRONT LOTS

11:1 General

Rights to gain access to a water body through or by means of any land in the Town of Center Harbor shall not be created, or attached to any real estate, except in accord with the standards set forth herein and subject to the approval of the Center Harbor Planning Board. Any owner granting rights of use and access shall comply with the following standards.

11:2 Definitions

For the purpose of this Section the following definitions shall govern:

11:2:1 Dwelling Unit – Any structure or vehicle, stationary or mobile, temporary or permanent, which is capable of containing living and/or sleeping accommodations. Such structure or vehicle shall be considered a dwelling unit whether it be owned or rented, or whether it be on land owned by the occupant or rented or leased. The term "dwelling unit" shall include but not be limited to: house; camp; mobile home; overnight cottage; tourist home; motel; hotel; or inn-unit; tent; travel trailer; pick-up camper; or other self-contained recreational or living vehicle. Each unit under these regulations has, or is planned to have, deeded or other legal access to the shorefront lot under consideration.

In addition to the structures and vehicles specified and intended above, the following types of development are dwelling units for the purposes of this Section:

11:2:1:1 Residential Development – Lots containing or suitable for single-family residences, either detached or attached, multi-family developments or other forms or unit ownership; or other development intended for use by a family, either as a temporary or permanent residence. Each unit of multi-family residence, condominium, or other form of unit ownership development shall be considered a separate dwelling unit.

11:2:1:2 Group Development – Lots containing or suitable for use by clubs or groups including but not limited to recreational clubs, associations, and fraternal or religious organizations, in which participation is generally on an individual or family basis. Four individuals shall constitute one dwelling unit.

11:2:1:3 Commercial Development – Lots containing or suitable for development as hotels, motels, inns, or lodging houses; camps; mobile home parks; travel or other trailer parks; tenting areas; or any other use of real property for purposes other than residential or group development.

11:2:2 Water Body – A lake, pond, river, or stream, which is available for use by two or more abutting shorefront landowners and/or the general public.

11:2:3 Shorefront Lot – A natural or created plot of land which borders on a water body. For the purpose of this Section, it is a lot set aside for recreational use and/or ac-

cess to the water by persons who do not reside on the lot but have deeded or other legal rights to its use. It shall include a waterfront area and, if required, adequate areas for parking and toilet facilities.

11:2:4 **Water Frontage** – Water frontage shall be calculated by averaging the contiguous curvilinear distance at the mean high water level and the straight line distance between the points of intersection of the side lot lines with the mean high water level.

11:2:5 **Waterfront Area** – A lot or parcel of land, or a portion thereof, from which direct access may be gained to a water body and which for the purposes of this Section forms a portion of a shorefront lot.

11:3 Waterfront Area

11:3:1 **Area:** Eight hundred (800) square feet of waterfront area per dwelling unit to be granted rights of use or access, or two hundred (200) square feet of waterfront area per person to be granted rights of use or access in the case of group development.

11:3:2 **Depth:** seventy-five (75) feet minimum depth.

11:3:3 **Water Frontage:** The minimum linear feet of contiguous frontage per dwelling unit as shown below:

Lake	Min.Feet	For Number of Units	Add'l Feet Per Additional Dwelling Unit
Winnipesaukee	150'	1	50'
Squam	150'	1	50'
Waukewan	150'	1	50'
Winona	150'	1	100'
Hawkins Pond	200'	1	200'
Tuttle Pond (Otter Pond)	200'	1	200'
Bear Pond	200'	1	200'
All remaining water bodies	200'	1	200'

11:3:4 Bathing and boating areas shall be separated in conformance with State and local safety statutes, ordinances, and regulations.

11:4 Area for Parking

An area of three hundred (300) square feet for parking shall be reserved for each dwelling unit (or for each four persons in the case of a group development) to be granted rights of use or access. The area shall be not more than eight hundred (800) feet from the waterfront area, nor less than one hundred (100) feet from the high water line, and shall be off any public or private road. No trailer parking and no overnight parking shall be allowed. This requirement shall not apply to dwelling units within eight hundred (800) feet of the shore.

11:5 Toilets

11:5:1 One facility shall be provided for five (5) to ten (10) dwelling units. One facility each for males and females shall be provided for eleven (11) through fifty (50) dwelling units, and an additional facility for each sex for each additional fifty (50) dwelling units or fraction thereof to be granted rights of use or access.

11:5:2 In the case of a group development, facilities shall be provided as follows:

One facility for the first 20 persons;
Two facilities for 21 to 50 persons;
Three facilities for 51 to 125 persons;
Four facilities for 126 to 200 persons; and
One additional facility for each 100 or fraction thereof over 200 persons.

11:5:3 Facilities must be located and constructed subject to applicable State and Local rules and regulations. They must not be less than seventy-five (75) feet or more than two hundred fifty (250) feet from the shoreline.

11:5:4 Subsurface Sewage Disposal – Any leachfield shall be set back a minimum of one hundred (100) feet from the normal high water level. The Planning Board may require a greater setback where more than one dwelling unit uses a common sewage disposal facility or as soils may require.

11:6 Docking

Dock construction will require a permit as set forth in N.H. RSA ch 482-A and the regulations of the Wetlands Board. The Conservation Commission shall review all permit applications submitted to the Wetlands Board. A Town Construction Permit as per Section 5:1 of the Zoning Ordinance will also be required. If the proposed activity involves wetlands soils, as defined in Section 10:4:2 of the Zoning Ordinance; a Special Exception must be obtained from the Zoning Board of Adjustment in accordance with Section 10:7; docks, breakwaters, moorings or beaches are prohibited in Prime Wetlands (Section 10:8:2).

Amended March 2016

11:7 Restrictions

There shall be no dwelling unit on the shorefront lot.
There shall no dwelling unit, parking area, toilet facility, or any portion thereof, located on the waterfront area.

11:8 Prohibited Uses

The following are prohibited within the waterfront area:

11:8:1 All junkyards and salt/chemical storage;

11:8:2 Application of any fertilizer, pesticide, or herbicide with one hundred (100 feet of a water body.

11:8:3 Storage, processing, or disposal of materials which may contribute to the degradation of the quality of the water, are flammable or toxic, or which could be injurious to human, animal, or aquatic life. Storage and use of essential materials associated with boating may be permitted provided all state and local requirements are met.

11:9 Administration and Enforcement

Development prior to the enactment of this Amendment is excepted from its provisions; providing, however, that any proposed change on waterfront property which will increase the level of usage in existence on the effective date must conform to the requirements of this Amendment.

March 10, 1992

SECTION 12. TELECOMMUNICATION FACILITIES

12:1 In recognition of the Federal Communications Act of 1996, this ordinance is designed and intended to balance the interests of the residents of Center Harbor, telecommunications providers, and telecommunication customers in the siting of telecommunication facilities within the Town of Center Harbor so as to insure coordinated development of communication infrastructure while preserving the health, safety and welfare of the Town and its residents. This ordinance establishes general guidelines for the siting of telecommunication towers and antennas to enhance and fulfill the following goals:

12:1:1 To comply with the provisions of the Center Harbor Master Plan dated 1983: specifically Page 1-17 and Master Plan Update dated 1990 Page 1-17.

12:1:2 To preserve the authority of the Town of Center Harbor to regulate and provide reasonable opportunities for the siting of telecommunication facilities and by enhancing the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.

12:1:3 To reduce impacts such facilities may create, including, but not limited to, impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety from accidents to persons and/or property, and prosperity through protection of property values.

12:1:4 To provide for collocation and minimum siting options through assessment of technology, current location options, future available locations, innovative siting techniques, and siting possibilities beyond the political jurisdiction of the Town.

12:1:5 To permit the construction of new towers only where all other reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas.

12:1:6 To require cooperation and collocation, to the greatest extent possible, between competitors in order to reduce cumulative negative impacts on the Town.

12:1:7 To provide constant maintenance and safety inspections for any and all facilities.

12:1:8 To provide for the removal of abandoned facilities that are no longer inspected for safety and building code compliance, and to provide a mechanism for the Town to remove abandoned towers, antennas and facilities to protect the citizens and their property from harm and danger.

12:1:9 To provide for the removal or upgrade of facilities that are technologically outdated.

12:2 DEFINITIONS

12:2:1 Alternative tower structure Innovative siting techniques such as artificial trees, clock towers, steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas and towers.

12:2:2 Antennas Any exterior apparatus designed for telephonic, radio, television, personal communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

12:2:3 Collocation The use of an existing tower or an existing telecommunications facility for multiple purposes or users.

12:2:4 Guy-Wires Cables used to secure and steady a tower.

12:2:5 Height The distance measured from ground level to the highest point on the tower or other structure, including antennas.

12:2:6 Monopole A tower consisting of a single pole, constructed without guy-wires or ground anchors.

12:2:7 Preexisting towers and antennas Any tower or antenna legally constructed or permitted prior to the adopting of this ordinance.

12:2:8 Secondary use A use of land or of a building or portion thereof which is unrelated to the principle use of the land or building.

12:2:9 Telecommunication facilities Any structure, antenna, tower or other device that provides commercial mobile wireless services, unlicensed wireless services, cellular phone service, specialized mobile radio communications (SMR) and personal communications services (PCS) and common carrier wireless exchange access services.

12:2:10 Tower A structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

12:3 APPLICABILITY

12:3:1 Amateur Radio, Receive Only Antennas This ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. This application adopts the provisions and limitations of the governing RSA.

12:3:2 Essential Services and Public Utilities Telecommunications facilities shall not be considered infrastructure, essential services or public utilities as defined elsewhere in the Town's ordinances and regulations. Siting for telecommunications facilities

is a use of land and is subject to the Town's Zoning Ordinance and all other applicable ordinances and regulations.

12:4 SITING STANDARDS – GENERAL PROVISIONS

12:4:1 The uses in this section are permitted when authorized by Center Harbor Zoning Ordinance section 9:4 or by Appendix A of the same. There shall be Site Plan Review by the Center Harbor Planning Board.

12:4:2 Antennas and towers may be considered either principal or accessory uses. A differing existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on the lot.

12:4:3 For the purposes of determining whether the installation of a tower or antenna complies with development standards, the dimensions of the entire lot shall govern, even though the antennas and towers may be located on leased parcels within such lots.

12:4:4 Towers that are constructed, and antennas that are installed, in accordance with this ordinance on a nonconforming lot or in conjunction with a nonconforming use, shall not be deemed to construe an expansion of a nonconforming use or structure.

12:5 DISTRICTS PERMITTED

See Section 9:4 and Appendix A of the Center Harbor Zoning Ordinance.

12:6 BONDING, SECURITY AND INSURANCE

Cognizant of the extremely hazardous situations presented by abandoned or unmonitored towers and antennas, the Center Harbor Planning Board shall set the form and the amount of security that represents the cost of removal and disposal of abandoned towers and antennas in the event the tower/antenna is abandoned in accordance with Section 12:7. Bonding and security shall be consistent with the provisions in the Center Harbor Subdivision Regulations. Further, the Planning Board shall require submission of proof of adequate insurance covering accident or damage.

12:7 REMOVAL OF ABANDONED TOWERS AND ANTENNAS

Any tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, unless the

owner of said tower/antenna provides proof of quarterly inspections. The owner shall remove the abandoned structure within ninety (90) days of receipt of a declaration of abandonment from the Town. A declaration of abandonment shall only be issued after a public hearing, properly noticed, with notice to the abutters and the last known owner/operator of the tower/antenna. If the abandoned tower/antenna is not removed within ninety (90) days of notice, the Town may execute the security and have the tower/antenna removed. If there are two or more users of a single tower, this provision shall not become effective until all uses cease.

March 2001

SECTION 13 FLOOD MANAGEMENT ORDINANCE

The following regulations in this ordinance shall apply to all flood-prone areas.

13:1 Definitions

The following definitions shall apply only to this Floodplain Management Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Center Harbor.

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

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

c. **Floodplain or Floodprone Area** means any land area susceptible to being inundated by water from any source.

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

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

f. **New Construction** means for the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of December 31, 1974 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after this effective date of a floodplain management regulation and includes any subsequent improvements to such structures.

g. **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.

h. **Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

i. **Substantial Improvement** means any combination or repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or ex-

ceeds fifty (50) percent of the market value of the structure. The market value should equal: the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

For the purpose 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 the alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. This 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."

j. **Variance** means a grant of relief from the terms of a flood plain management regulation.

13:2 Permits

All proposed development, including manufactured homes, in floodprone areas shall require a permit.

13:3 Construction Requirements

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 floodprone area, all new construction or substantial improvements shall:

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

b. Be constructed with materials resistant to flood damage.

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

13:4 Water and Sewer Systems

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

13:5 Variances and Appeals

1. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment

2. If the applicant, upon appeal, requests a variance, the applicant shall have the burden of showing in addition to the usual variance standards under state law that:

    a. The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

    b. The variance is the minimum necessary, considering the flood hazard, to afford relief.

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

    a. The issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage; and

    b. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

March, 2004

SECTION 14 CLUSTER RESIDENTIAL SUBDIVISION ORDINANCE

14:1 PURPOSE

This Cluster Residential Subdivision Ordinance is intended to create opportunities for environmentally sound planning, conserve undeveloped land and high priority natural resources,

preserve the rural character of town, and provide for efficient use of land and community services to advance the goals stated in the Master Plan.

14:2 OBJECTIVES

14:2:1. To preserve and maintain rural character, unique landscapes, steep slopes, ridgelines, viewscapes, farmland, and forests, for open space, agricultural and recreational opportunities.

14:2:2. To preserve those areas of a proposed subdivision that have the highest ecological value, including, unfragmented blocks of undeveloped land, open space networks and greenways, areas of highest condition wildlife habitat identified based on NH Fish and Game's Wildlife Action Plan, water resources, wetlands, streams, rivers, and other natural resources.

14:2:3. To locate buildings and structures on those portions of the site that are the most appropriate for development, minimize the overall land area consumed for housing, and avoid developing areas ill-suited for development, including, but not limited to, areas having poor soil conditions, floodplains, ridgelines, or that have excessively steep slopes.

14:2:4. To create an opportunity for a more compact form of development that makes more efficient use of the land, requires shorter networks of streets, sidewalks, stormwater management and utilities, and fosters more economical development so as to increase the diversity of housing supply, allow for smaller lot sizes, and potentially reduce housing costs.

14:2:5. To preserve historic, archeological, natural, and cultural features located on the site.

14:3 DEFINITIONS

For the purpose of this section, the terms used herein are defined as follows:

14:3:1 Applicant: The owner of land proposed to be subdivided or their formally designated representative.

14:3:2 Buffer: Land area within which adequate vegetation is maintained or provided to visibly separate or screen one use from another and/or to minimize potentially negative impacts on surrounding areas, e.g., shield or block noise, light or other nuisances, reduce water pollution. Also known as a "vegetated buffer."

14:3:3 Buildable Area: Land area of a parcel excluding non-buildable area.

14:3:4 Building Envelope: Area of a building lot identified on a subdivision plan indicating the allowed limits of clearing and grading, and within which all structures, and, when applicable, the well and septic systems, including the tank and leach field, shall be located.

14:3:5 Conservation Easement: A permanent legal restriction against future development and other activities as specified in a conservation easement deed pursuant to NH RSA 477:45, et seq. An easement may be worded to permit or restrict public access, allow or disallow recreational uses, allow or disallow other uses, such as limited development, agriculture, or forestry. Conservation easements permanently encumber the land, regardless of subsequent ownership.

14:3:6 Cluster Residential Subdivision: An alternative form of residential development where, instead of subdividing an entire tract into individually conforming lots of conventional size, a similar number of housing units are arranged on lots of reduced dimensions, with the remaining area of the parcel permanently protected as designated open space pursuant to a conservation easement and/or deed restriction.

14:3:7 Deed Restriction: A restriction on the use of land usually set forth in the deed for the property. Also known as a "restrictive covenant" or "negative reciprocal easement."

14:3:8 Designated Open Space: Reserved land that is permanently protected from further development and remains in a natural condition or is managed according to an approved management plan for natural resource functions, e.g., forestry, agriculture, habitat protection, recreation, or limited uses as approved by the planning board under this ordinance as part of a cluster residential subdivision.

14:3:9 Easement: The right or privilege that a person may have in another person's property, often for the purposes of installing and maintaining utilities and drainage ways or allowing a right of passage.

14:3:10 Homeowners Association: A private corporation, association, or other legal entity organized in accordance with state law and established by the applicant or the member individuals for the benefit and enjoyment of its members, including oversight and management of designated open space, and/or shared facilities.

14:3:11 Non-buildable Area: Land area that cannot be counted toward the minimum lot size under a conventional subdivision, including areas with the following characteristics: wetlands or wetland soils as defined by RSA 482-A: 2, X and Section 10:4:2 of the Zoning Ordinance; slopes greater than 25 percent; submerged areas; utility rights-of way; land area within the 100-year floodplain; or land that is restricted from development by restrictive covenant, easement or other restriction.

Amended March 2016

14:3:12 Principal Structure: The buildings in which the principal use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings. Storage buildings, garages and other clearly accessory uses shall not be considered

"principal structures."

14:3:13 <u>Recreation</u>: Includes outdoor leisure activities, organized or informal, such as trail networks, fields, playgrounds, beaches, or other activities compatible with natural resource protection.

14:3:14 <u>Restrictive Covenant</u>: A restriction on the use of land usually set forth in the deed for the property. Also known as a "deed restriction" or "negative reciprocal easement."

14:3:15 <u>Ridgelines</u>: a line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another.

14:3:16 <u>Scenic Vistas</u>: An area in which a view of a particular scenic beauty or historically significant areas is achievable.

14:4 AUTHORITY AND APPLICABILITY

14:4:1. To facilitate the implementation of the goals of the Master Plan, cluster residential subdivisions are permitted as a innovative land use control, pursuant to RSA 674:21, for all residential subdivisions within the Agricultural and Rural District. All applications required to be filed with the Planning Board for a cluster development, such as Subdivision and Multi-Family Site Plan applications, shall be filed concurrently.

14:4:2. **<u>Authorization to Issue a Conditional Use Permit</u>:** Notwithstanding other provisions of Center Harbor's Zoning Ordinance, authority is hereby granted to the planning board, as allowed under RSA 674:21, II, to issue a conditional use permit for a cluster residential subdivision design consistent with the purpose and objectives of this section to allow for variations from the density and dimensional requirements of Section 14:7 and/or the permitted uses of the designated open space of Section 14:10 to protect:

14:4:2:1. Public health, safety or welfare.

14:4:2:2. The natural resources specified in Section 14:5:1:1 and allow for a configuration of dwelling units and open space lands that better meets the purpose and objectives of this ordinance and improves the use and long-term management of the open space.

14:4:3. **<u>Sequential Subdivisions:</u>** The provisions of this ordinance shall apply to the sequenced development of a parent parcel over time through separate successive applications. When a subdivision is proposed that involves part of a larger parcel or includes lots that are capable of further subdivision, the Planning Board may require that a conceptual (non-binding) site plan be submitted for the entire parcel and used to evaluate the proposed subdivision. The intent shall be to provide adequate information to ensure the individual lots, buildings, streets and parking

areas are designed and located on the overall parcel so as to minimize alteration of the natural, cultural, and/or historic site features. However, the areas to be excluded from the final application are not subject to the conceptual review process of Sections 14:5:1:1 through 14:5:1:4.

14:5 REVIEW PROCESS

14:5:1. **Conceptual Review:** A subdivision application under this section shall comply with the following four step conceptual review process, in addition to the application and review process specified in the subdivision regulations. The four-step design and conceptual review process will determine the layout of the proposed subdivision and identify the most appropriate areas for land conservation and development based upon the site's unique features.

14:5:1:1. **Step One: Site Inventory:** The applicant shall identify and map the following high value natural, cultural, and scenic resources on the site, including, but not limited to:

a. Agricultural lands
b. Aquifer recharge areas
c. Cemeteries
d. Contiguous, high-productivity woodlands
e. Drinking water supply and wellhead protection areas
f. Floodplains
g. Habitat for threatened or endangered species including highest condition habitat defined by the NH Wildlife Action Plan
h. Hiking, biking, walking, skiing or snowmobile trails
i. Historic sites
j. Productive agricultural or forest soils
k. Ridgelines
l. Riparian areas and surrounding uplands
m. Scenic vistas
n. Soil types
o. Topography
p. Undeveloped and/or unique landscapes
q. Wetlands and vernal pools
r. Wildlife corridors

14:5:1:2. **Step Two: Map Site Priorities:** The applicant shall present a map of high-value resources identified in Section 14:5:1:1 to the Planning Board along with selected areas for potential development to establish the priority locations for conservation of resources and development. High-value characteristics of the land are to be protected as open space.

14:5:1:3. **Step Three: Identify Building Sites:** The applicant shall identify the approximate sites of individual buildings within the proposed development areas to include the delineation of buildings envelopes, private yards and shared amenities so as to reflect an integrated community.

14:5:1:4. **Step Four: Align Streets and Approximate Property Lines:** The applicant shall align streets and site amenities in order to protect high-value characteristics of the land, access buildings, optimize efficiency of infrastructure, and provide the potential for connectivity to external sites and amenities.

14:5:2. **Formal Application:** The applicant shall proceed to the formal submittal upon completion of the four step design and conceptual review process of Section 14:5:1 and recommendation of the Planning Board.

14:5:3. **Legal Review:** Prior to final approval by the Planning Board, the applicant shall submit for review by town legal counsel any restrictive covenants, condominium or cooperative agreements, conservation easement, deed restrictions, or other legal agreements proposed for use in the cluster residential subdivision. Town legal counsel shall advise the Planning Board of the adequacy of such legal provisions. The applicant shall pay all associated costs of the legal review.

14:6 PERMITTED USES

14:6:1. **Uses:** All uses permitted in the Agricultural and Rural District and specified within Section 9:4:2 shall be allowed within the cluster residential subdivision.

14:6:2. **Additional Permitted Uses within a Cluster Residential Subdivision:** Cluster residential subdivision applicants are encouraged to provide a mix of dwelling unit types within the Agricultural and Rural District. A maximum of 50 percent of the total dwelling units in a cluster residential subdivision may be comprised of two-family and multi-family dwelling units, provided that:

14:6:2:1 Two-family units are encouraged to be designed so as to be consistent in architectural style and character with the cluster residential subdivision's single-family dwelling units.

14:6:2:2 Multi-family units may include up to five (5) dwelling units per building, provided that each unit shall have direct access (not through a common corridor) to the ground and have some living area at ground level.

14:7 DENSITY AND DIMENSIONAL REQUIREMENTS

14:7:1. **Allowable Density:** The maximum number of dwelling units shall be determined by dividing the total buildable area by the minimum lot size for the Agricultural and Rural District. Density shall not exceed what would be allowed under a conventional subdivision.

14:7:2. **Lot Ownership:** Buildings in a cluster residential subdivision may be located on individual residential lots, on common lots, or a combination thereof. If more than one dwelling unit will be located on a lot, the ownership and management arrangements for that lot, and the units thereon, shall be included in the subdivision application. The legal arrangements shall be subject to review and approval as required in Section 14:5:3.

14:7:3. **Minimum Lot Size:** The following minimum lot sizes shall apply for cluster residential subdivisions within the Agricultural and Rural Zoning District based on the specified conditions, except as provided for in Section 14:7:4.

14:7:3:1 Where municipal or community sewer and/or water are available, the minimum lot size shall be 20,000 SF for each building containing a single-family dwelling.

14:7:3:2 Where individual well and septic is required, the minimum lot size shall be 40,000 SF for each building containing a single-family dwelling.

14:7:3:3 For buildings containing more than one attached dwelling, the minimum lot size, as provided in Sections 14:7:3:1 and 2, shall be increased by 10,000 square feet for each additional dwelling unit.

14:7:4. **Alternative Lot Sizing:** The Planning Board may authorize variations from the minimum lot sizes specified under Section 14:7:3 by conditional use permit issued pursuant to Section 14:4:2, provided the Planning Board determines the following conditions are met:

14:7:4:1. All lots comply with the New Hampshire Department of Environmental Services requirements for subsurface wastewater management; and

14:7:4:2. The Planning Board determines, in its sole discretion, that the goals and design specifications of this section are otherwise achieved.

14:7:5. **Structure Setbacks:** A building envelope shall be identified for each new lot. Structure setbacks used to determine the building envelope within a cluster residential subdivision may be reduced from those established in Section 5:3 as follows:

14.7.5.1. The minimum separation distance of building envelopes for new lots from existing structures on adjacent parcels shall be 30 feet and the minimum separation distance between building envelopes for new lots shall be 20 feet. Variations from this standard may be granted by the Planning Board under conditional use permit provided that the intent of this section is met and an adequate vegetated buffer is maintained or provided between new structures.

14.7.5.2. Principal structures located on a common lot (and within a common

building envelope) shall be no less than 20 feet apart and shall conform to the requirements of the town's building code and the NFPA fire protection codes based upon the type of construction and proposed use.

14.7.5.3 Building envelopes shall provide for a minimum setback of at least 10 feet from the lot boundaries, except the boundary with street frontage which shall comply with Section 5:3:1 of the Zoning Ordinance.

14:7:6. **Road Frontage:** Cluster subdivisions are exempt from the road frontage requirements of Section 9:4:2 and the dimensional requirements of Section 10 of the Subdivision Regulations. The minimum frontage within a cluster residential subdivision shall be 50 feet. Pie shaped and flag lots are permitted.

14:7:7. The Planning Board may authorize variations from the above standards by up to 50 percent by conditional use permit issued pursuant to Section 14:4:2, for the purpose of providing flexibility in the design of the subdivision to meet the objectives of this section or to support the creation or continuation of a traditional village-style development pattern.

14:7:8. The size of the lots shall be shown on the cluster residential subdivision plan and shall be subject to Planning Board approval. The Planning Board may require lots to be larger than the minimums above to meet the stated objectives or satisfy other requirements of this section, particularly dimensional and design standards of this ordinance to support the goals of the Master Plan, to comply with other elements of the Zoning Ordinance, or to protect the health, safety and welfare of the public.

14:8 DESIGN SPECIFICATIONS

Individual lots within a cluster residential subdivision shall conform to the following design specifications.

14:8:1. Lots may be irregular in size and shape provided they conform to the natural topography and features of the parcel (e.g., the lot lines follow an existing stone wall, stream, or other natural dividing feature).

14:8:2. Applicants are encouraged to vary lot sizes, lot dimensions, and the location of building envelopes and structures from the access road from lot to lot within the subdivision to retain significant, natural vegetation along the road; provide increased privacy for residents on adjacent lots; and increase the visual variety provided by the arrangement of homes within the subdivision.

14:8:3. All interior streets shall be designed and constructed in a accordance with the Town of Center Harbor road standards outlined in the Subdivision Regulations. Applicants are encouraged to layout roads so as to encourage a sense of neighborhood place and scale, but not at the expense of public safety. The Planning Board may require special safety measures such as posted reduced speed limits,

speed barriers, or other features that encourage safe use of any proposed roadway.

14:8:4. Pedestrian and bicycle paths shall be provided within the cluster residential subdivision and connect to adjacent developments to create walkable neighborhoods. In the design and placement of pedestrian and bicycle paths, the Planning Board shall consider pedestrian and bicyclist safety and the creation of a sense of neighborhood and community. Where appropriate, pedestrians and bicyclists may share the same pathway.

14:8:5. Cluster residential subdivision plans shall comply with any additional applicable standards governing the location and layout of lots and structures found elsewhere in this Zoning Ordinance and as set forth in the Subdivision and Site Plan Review Regulations.

14:9 OPEN SPACE DESIGN REQUIREMENTS

14:9:1. **Designated Open Space Areas:** At least 50 percent of the buildable area and 80 percent of the non-buildable area of the parcel shall be permanently protected as designated open space subject to the additional conditions below.

14:9:2. No more than 50 percent of the designated opens space may consist of wetlands, water bodies or other undevelopable or difficult to utilize land.

14:9:3. **Exclusions from the Designated Open Space Area:** Portions of the parcel that comprise part of an individual house lot, roadway, driveway, access road, roadway right-of-way, other new or existing right-of-way, utility easement, private or community leachfields or other components of a wastewater management system, stormwater management structures, or are part of a required buffer between any new structure and an existing right-of-way, or any area that is less than 100 feet wide shall not count toward the calculation of the designated open space.

14:9:4. **Design of Open Space Areas:** The location and layout of the designated open space shall conform to the results of the four step design and conceptual review

14:9:5. process set forth Section 14:5:1.

14:10 PERMITTED USES WITHIN DESIGNATED OPEN SPACE

14:10:1. **Approval Required:** Any use of the designated open space, other than non-motorized pedestrian outdoor recreation that requires no land alteration other

than trails, is subject to approval of the Planning Board and shall demonstrate that such uses shall not negatively impact the natural and/or cultural amenities preserved through the cluster residential subdivision design.

14:10:2. **Permitted Uses:** The following uses are permitted in the designated open space, unless specifically prohibited or restricted as a condition of subdivision approval for the purposes of protecting important natural features or characteristics of the parcel:

a. Forestry
b. Agriculture
c. Trails and recreation

14:10:3. **No Disturbance:** The designated open space shall be retained in a natural, undisturbed state, except for those activities permitted and approved as provided above, or as required for active management of the protected open space in accordance with an approved conservation easement or deed restriction.

14:10:4. The designated open space shall not be used as the location for dwelling units, roadways, other access, private recreation structures or play equipment, private accessory structures, or other nonresidential buildings or parking except as approved by the Planning Board.

14:10:5. **Contiguous Open Spaces:** To the extent practical, the designated open space shall be contiguous within the parcel and adjacent to existing undeveloped land on adjoining parcels to form a continuous, integrated open space system. Particular attention shall be paid to maintaining and expanding existing trail networks.

14:10:6. **Access points** to the designated open space shall be clearly identified on plans and posted with permanent signage indicating allowed uses.

14:11 DESIGNATED OPEN SPACE PROTECTION AND MANAGEMENT

14:11:1. **Area Boundaries** of the designated open space shall be clearly identified:

14:11:1:1. Boundaries shall be clearly delineated on plans including plats.

14:11:1:2. With the exception of areas identified for permitted uses, boundaries of "No Disturbance" areas shall be clearly marked and identified prior to commencing construction activities, including tree cutting, site clearing and grading; temporary markings are acceptable.

14:11:1:3. Boundaries shall be clearly and permanently marked in the field to identify the area as protected open space.

14:11:2. **Future development** in and/or subdivision of designated open space areas shall be prohibited and shall be so noted on the approved subdivision plan/plat.

14:11:3. **Permanent Protection Required:** The designated open space shall be perma-

nently protected by a conservation easement and/or deed restriction running with the land, which must be reviewed and approved by town counsel prior to subdivision approval from the Planning Board per Section 14:5:3.

14:11:4. Deed restrictions and/or conservation easement documents shall be placed on file with the Town Clerk upon receipt of Planning Board subdivision approval and duly recorded at the County Registry of Deeds. Such documents shall clearly indicate whether the property is open to the general public, open only to residents of the municipality, or open only to residents of the subdivision.

14:11:5. **Open Space Management:** The designated open space shall be held, managed and maintained by the developer until it is controlled and maintained in one or more of the following ways, subject to the approval by the Planning Board:

14:11:5:1. Owned and maintained in common ownership by a homeowners association or other cooperative legal entity. If an association or cooperative is formed to own and maintain the designated open space, it may not be dissolved without the consent of the Planning Board.

14:11:5:2. By the Town of Center Harbor, which may, if approved by the voters at Town Meeting, accept dedication of any portion of the designated open space for perpetual public use.

14:11:5:3. Ownership by a homeowners association or other cooperative legal entity with a conservation easement granted to and maintenance provided by a recognized conservation or land trust organization.

14:11:5:4. Transfer, with permanent restrictions, to a land trust or other recognized conservation organization.

14:11:6. A management plan for the designated open space and facilities shall be prepared and approved by the Planning Board, which at a minimum:

14:11:6:1. Identifies the entity assuming responsibility for stewardship and management of the designated open space, provides regular inspections to confirm continued compliance with the terms of the subdivision approval and conservation easement or deed restrictions.

14:11:6:2. Includes detailed standards and schedules for maintenance of the designated open space, including maintenance of vegetation and repair of storm or other damage.

14:11:6:3. Provides that any amendment to the plan be reviewed and approved by the Planning Board.

14:11:7. For properties containing open space protected under a conservation easement to be held and enforced by a third-party, such as a land trust or conservation organization, a one-time stewardship fee may be collected and provided to that entity to be held in a trust account and used to support the monitoring and enforcement

of the conservation restrictions. The amount of the stewardship fee shall be determined by third-party easement holder based on the size and restrictions in place on the open space and the requirements of the easement holder.

14:11:8. **Current Use:** The designated open space in an approved subdivision is considered to be part of the residential use of the development and shall not be considered to be eligible for any current use taxation assessments under RSA 79-A. The proportionate value shall be taxable to the individual dwelling lots or units entitled to the benefit of the designated open space.

14:12 ENFORCEMENT

14:12:1. **Board of Selectmen:** It shall be the duty of the Town of Center Harbor Board of Selectmen, or their designee, to enforce the provisions of this Ordinance.

14:12:2. **Violations:** In the case of a violation of this Ordinance, The Town of Center Harbor Board of Selectmen, or their designee, may take steps to enforce the provisions of this ordinance as provided for in Section 4:3 of the Center Harbor Zoning Ordinance and NH RSA 676:17, 676:17-a, and 676:17-b.

March 2012

APPENDIX A – SPECIAL EXCEPTIONS

The uses listed below are not normally permitted in the respective districts but can be allowed if approved by the Center Harbor ZBA. Each district stands alone. A use must be expressly deline-

ated under the respective district before a Special Exception shall be considered. Each list should be considered as an index.

Residential

1. Nursing and convalescent homes
2. Non-profit recreational areas
3. Hospitals & clinics
4. Water recreation & water storage
5. Public buildings

!6. Indoor theaters & playhouses
7. Funeral homes
8. Motels
9. Essential service buildings
***10.** Two-family dwellings in existing structures
***11.** Multi-family dwellings in existing structures
****12.** Changes in non-conforming use
*****13.** Accessory apartments
******14.** Day care facilities
*******15.** Certain limited structures in the water-front setback
+16. Changes in non-conforming structures
++17. Private schools and colleges (Amended March 8, 1994)
******18.** Low intensity retail sales
******19.** Electronic based sales
******20.** Professional offices of Federal or State licensed medical practitioners except veterinarians
!!21. Telecommunication facilities

***See 5:9**
****See 5:10:4**
*****See 5:9:2**
******See Section 4**
*******See 5:3:1**
+See 5:11:2
++See 8:1:1:5
!See 5:2:2
!! See Section 12

APPENDIX A – SPECIAL EXCEPTIONS (Continued)

Agricultural & Rural

1. Nursing and convalescent homes

2. Non-profit recreational areas
3. Hospitals and clinics
4. Water recreation & water storage

+++5. Indoor theaters, playhouses, live theaters and playhouse
6. Two-family dwellings
7. Public uses and buildings
8. Removal of fill, gravel, sand, stone, or loam
++9. Private schools & colleges
10. Veterinary offices & facilities
11. Drive-in theaters
12. Temporary sawmills
13. Clubhouses
14. Restaurants
15. Essential service buildings
***16.** Two-family dwellings in existing structures
***17.** Multi-family dwellings in existing structures
****18.** Changes in non-conforming uses
*******19.** Certain structures in the waterfront setback
+20. Changes in non-conforming structures
*****21.** Accessory apartments
******22.** Professional offices of Federal or State licensed practitioners

***See 5:9**
****See 5:10:4**
****See 5:9:2**
******See Section 4**
*******See 5:3:1**
+See 5:11:2
++See 8:1:1:5
+++See 5:2
!!See section 12

APPENDIX A – <u>SPECIAL EXCEPTIONS</u> (Continued)

<u>Commercial & Light Industry</u>

1. Nursing & convalescent homes
2. Hospitals & clinics

3. Water recreation & storage
+++4. Indoor Theaters & playhouse
5. Public uses & buildings
6. Removal of fill, sand, gravel, loam or stone
++7. Private schools & colleges (Amended March 8, 1994)
6. Veterinarian offices & facilities
7. Drive-in theaters
8. Temporary sawmills
9. Clubhouses
10. Restaurants, drive-in restaurants & refreshment stands
11. Essential service buildings
12. Supply yards
13. Warehouses
14. Trucking terminals
15. Commercial recreation
***18.** Two-family dwellings in existing buildings
****19.** Changes in non-conforming uses
+20. Changes in non-conforming structures
*****21.** Accessory apartment
******22.** Professional offices of Federal or State licensed practitioners

***See 5:9**
****See 5:10:4**
*****See 5:9:2**
******See Section 4**
+See 5:11:2
++See 8:1:1:5
+++See 5:2:2

APPENDIX A – <u>SPECIAL EXCEPTIONS</u> (Continued)

<u>Commercial District – Village Area</u>

1. Essential services buildings
***2.** Hotels, Inns, Bed & Breakfast in existing structures
***3.** Two-family dwellings in existing structures

***4.** Multi-family dwellings in existing structures
5. Restaurants except those with drive-up and/or window take-out service
****6.** Changes in non-conforming uses
!7. Hotels, Inns, and Bed & Breakfasts, all in new structure that conform to the narrative
paragraph of 9:4:4 and whose design will complement the historic character of the district
+8. Changes in non-conforming structures
++9. Private schools & colleges (Amended March 8, 1994)
10. Low intensity retail sales
11. Electronic based operation
*****12.** Accessory apartments
13. Professional offices of Federal or State licensed practitioners

***See 5:9**
****See 5:10:4**
*****5:9:2**
******See Section 4**
*******See 5;3:1**
See 5:11:2
++See 8:1:1:5
+++See 5:2
!5:2:1

APPENDIX B – <u>PARKING GUIDELINES</u>

The following standards may be used as a guide for Off-Street Parking and Loading.

B-1 In commercial and light industry zones, all parking spaces are to be paved unless exception is granted by the Planning Board.

B-2 Off-street parking facilities are normally to be provided on the same site as the use they are designed to serve. If off-site parking is allowed by the Planning Board, the parking agreement must be in attested document and the continued operation of the subject occupation/business shall be contingent on the life of the agreement.

B-3 Each required car parking space will not be less than ten (10) feet in width and twenty (20) feet in length. Parking space or loading space for business owned or delivery vehicles will be specified by the Planning Board. In commercial and light industry zones, parking area access will be at least twenty (20) feet in width.

B-4 When a site is used for more than one purpose, parking requirements will be determined by the Planning Board (i.e., a motel with a restaurant will be required to provide parking space for both the rental units and the restaurant.)

B-5 PARKING REQUIREMENTS

SITE USE	SPACES NEEDED
B-5-1 Elderly housing	1 space per residential suite
B-5-2 One and two family dwellings and accessory apartments	2 spaces per dwelling unit
B-**5-3 Multi-family dwelling**	2 spaces per dwelling unit
B-5-4 Hospitals	1 space per staff & 1 space per 4 beds
B-5-5 Convalescent & nursing homes	1 space per staff & 1 space per 3 beds
B-5-6 Hotels & motels	1 space per employee &1 space per rental unit
B-5-7 Offices in residence	2 spaces plus 1 space per employee
B-5-8 Retail stores & services	1 space per 150 square feet of gross floor area
B-5-9 Restaurants	1 space per 2 seats

APPENDIX B – PARKING REQUIREMENTS (Continued)

B-5-10 Theaters/Concert halls	1 space per 2 seats
B-5-11 Places of assembly	To be determined by Planning Board
B-5-12 Bowling alleys	2 spaces per alley

B-5-13 Offices and professional centers	To be determined by Planning Board
B-5-14 Warehouses & commercial or industrial buildings	1 space per day shift employee plus space for loading and customer parking
B-5-15 Drive-in restaurants & snack bars and outdoor amusement areas	Sufficient number of spaces to assure no on-street parking

March 2001