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TOWN OF HANCOCK ZONING ORDINANCE

TOWN OF HANCOCK HISTORIC DISTRICT ORDINANCE

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Article 1 Authority, Purpose, Applicability and Interpretation

1.1 Authority

This Ordinance is enacted pursuant to the planning and zoning enabling legislation of the State of New Hampshire, which is embodied in New Hampshire Revised Statutes Annotated (hereinafter cited as “NH RSA”), Title LXIV, Chapters 672-677, as amended.

1.2 Purpose

This Ordinance is enacted for the purpose of promoting the health, safety and general welfare of the community. The regulations herein give consideration to the character and suitability for particular uses of areas in the Town of Hancock, the manmade and natural environment, the conservation of the value of buildings and the encouragement of the most appropriate use of the land throughout the Town.

This Ordinance is designed to:

- Lessen congestion in the streets;
- Secure safety from fires, panic and other dangers;
- Promote health and the general welfare;
- Promote adequate light and air;
- Prevent the overcrowding of land;
- Preserve the rural charm of the Town;
- Avoid undue concentration of population;
- Facilitate adequate provision of transportation, solid waste, water, sewerage, school and recreation facilities; and
- Assure proper use of natural resources.

1.3. Applicability

This Ordinance shall apply to:

- All Structures erected, reconstructed, altered, enlarged or relocated after the effective date of this Ordinance or applicable amendment;

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The use of any Structure or land which is different from its use prior to the effective date of this Ordinance or applicable amendment; and

The use of any land which has been subdivided after the effective date of this Ordinance or applicable amendment.

No land in the Town shall hereafter be used for building, Development or otherwise, and no Structure shall be erected, enlarged, materially altered or moved, except in conformance with this Ordinance.

1.4. Interpretation

1.4.1. This Ordinance shall be construed broadly to effectuate its evident purpose.

1.4.2. In interpreting any provision of this Ordinance, it shall be deemed to be the minimum requirement adopted for the promotion of the public health, safety and general welfare of the Town.

1.4.3. Whenever any provision in this Ordinance is at variance with any other provision of the ordinance, or with the requirements of any other lawfully adopted rule or regulation, the most restrictive or that imposing the highest standard shall govern.

1.4.4. Whenever this Ordinance refers to New Hampshire Revised Statutes Annotated (hereinafter "NH RSA"), such reference shall include the statute at the time of the adoption of this Ordinance together with any amendment, successor or replacement statute thereafter adopted.

Article 2 Definitions

As used herein, the following terms with initial capital letters shall have the following meanings:

Accessory Dwelling Unit

An Accessory Use which satisfies the requirements for a Special Exception as provided in Article **Error! Reference source not found.**

Accessory Dwelling

An Accessory Use which satisfies the requirements for a Special Exception as provided in Article 15.6.2.

Accessory Structure

A building or Structure, detached from the principal Structure, use of which is customarily incidental and subordinate to use of the principal Structure.

Accessory Use

A use which exists on the same Lot as the principal use and which is customarily incidental and subordinate to the principal use.

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Affordable Housing for the Elderly

A principal use which satisfies the requirements for a Special Exception as provided in Article 15.6.3.

Apartment Building

A principal use which satisfies the requirements for a Conditional Use as provided in Article 16.2.1.

Astronomy

A principal use which satisfies the requirements for a Conditional Use as provided in Article 16.2.2.

Back Lot

A Lot which has no road Frontage.

Bed and Breakfast

An Accessory Use which satisfies the requirements for a Special Exception as provided in Article 15.6.4.

Boundary Structure

A Structure which is designed solely to mark the boundary of a property, such as a fence or wall.

Building Code

The “Hancock Building Code” shall be:

International Building Code 2009:

International Residential Building Code 2009: and

International Existing Building Code 2009

and the “State Building Code” shall be the codes adopted in NH RSA 155-A and any other such code adopted from time to time by the State of New Hampshire.

Campground

A principal use which satisfies the requirements for a Conditional Use as provided in Article 16.2.4.

Commerce

The sale of goods or services, including accommodation.

Day Care Facility

An Accessory Use which satisfies the requirements for a Special Exception as provided in Article 15.6.5.

Development

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Any man-made change to improved or unimproved real estate, including but not limited to buildings or other Structures, mining, dredging, filling, grading, paving, Excavation or drilling operation.

Dwelling

A habitable Structure containing kitchen, lavatory and living facilities.

Excavation

As the context requires:

The commercial taking of earth products such as stone, sand or gravel for off-premises use; or

The removal of earth as preparation for building a Structure, such as digging foundations; or

A land area which is used, or has been used, for the commercial taking of earth, including all slopes.

Family

A group of individuals operating as a single housekeeping unit, who are either (i) related by blood, marriage or adoption or (ii) three or fewer adults not so related, together with their dependent minor children.

Floodplain Development Ordinance

See Article 9 of this Ordinance. Note that this Article contains additional definitions.

Frontage

The distance along the Lot line dividing a Lot from (a) a public highway (excepting limited access highways as defined by NH RSA 230:44 and class VI highways); or (b) an approved road shown on an approved and recorded subdivision plan, or (c) a body of public water suitable for swimming or boating.

Height

Vertical distance which, in the case of a Structure, is measured from ground level to the highest point of the Structure.

Home-Based Business

An Accessory Use which satisfies the requirements for a Special Exception as provided in Article 15.6.9.

Home Occupation

An Accessory Use which satisfies the requirements set out in Article 3.13.1.

Hotel or Inn

A principal use which satisfies the requirements for a Conditional Use as provided in Article 16.2.8.

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Junkyard

Any place of storage or deposit, whether in connection with a business or not, which has stored or deposited two (2) or more motor vehicles which are no longer intended or no longer in condition for legal use according to their original purpose, used parts of motor vehicles, junk, dismantled, or wrecked motor vehicles, used scrap metal, glass, paper, or other waste or discarded or second-hand material and debris.

Kennel

Any place where five or more dogs of more than eight (8) months of age are housed outside the residence.

Living Area

The area of a Dwelling which (i) is enclosed, (ii) has surfaces finished for residential uses and (iii) is provided with facilities for heating.

Lot

A parcel, tract, or area of land which is either (a) shown on the official Town Tax Map as of March 13, 1990 or (b) has been thereafter created by the Planning Board through Subdivision, Merger or Boundary Line Adjustment and which is occupied by, or designed to be occupied by, one principal building and its Accessory Structures or uses, together with such open spaces and yards as are permitted or required by this Ordinance.

Manufactured Housing

Any Structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on the site, is 320 SF or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein. Manufactured housing as defined herein shall not include pre-site built housing.

Multifamily Dwelling

A single Structure containing more than two (2) separate Dwelling units.

Non-Conforming Lot

Any Lot which meets all other requirements for obtaining a Building Permit except that it does not conform to the frontage or Lot size requirements of this Ordinance.

Non-Conforming Use

A use which does not conform with the use regulations of this Ordinance for the District in which it is located, but which was lawful at the time of adoption of this Ordinance and has been maintained since that date.

Place of Religious Assembly

A principal use which satisfies the requirements for a Conditional Use as provided in Article 16.2.5.

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Private Kennel

An Accessory Use which satisfies the requirements for a Special Exception as provided in Article 15.6.10.

Right of Way

As the context requires:

all public Streets and all town, state and federal highways over which the public has a right to pass together with the adjoining land on both sides of the roadway constituting the legal Right of Way, or
any private road or way over which any person has the legal right established by deed or easement to pass over land owned by another together with the adjoining land on both sides of the roadway constituting the legal Right of Way.

Rural Learning Center

A principal use which satisfies the requirements for a Conditional Use as provided in Article 16.2.10.

School

A principal use which satisfies the requirements for a Conditional Use as provided in Article 16.2.11.

Setback

A line parallel to the front, side, and/or rear lot line and removed from said lot line a distance specified in this Ordinance. The yard setback measurements establish the area beyond which Structures may be erected or placed. No part of a building or Structure shall extend across the setback established by this Ordinance. Such projections include roof eaves, steps, windowsills and similar architectural features, rain leaders, chimneys, fire escapes and other required elements of a means of egress.

Sign

Any object, device, display, or Structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Site Specific Soil Mapping

See Article 3.12.

Slope

With reference to land, a percentage determined by dividing vertical distance (rise) by horizontal distance (run).

“SF”

The number of square feet of a Lot is determined by survey. The number of square feet of a Structure is determined by measuring the area included within its surrounding

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exterior walls (exclusive of vent shafts and courts) or, if a portion of the Structure is not provided with surrounding walls, such areas as fall within the horizontal projection of the roof or floor above.

Steep Slope

A Slope of fifteen percent (15%) or greater over any 100 ft. segment prior to cut or fill.

Street

Any public street, avenue, boulevard, highway, road, alley or other way which has been legally accepted by and is open and maintained by the Town or the State of New Hampshire including the roadway and all adjoining Rights of Way. For the avoidance of doubt, private streets, driveways, roads, Rights of Way and other private ways are not considered to be "Streets".

Structure

A combination of materials for occupancy or use, such as a building, bridge, tower, framework, tank, tunnel, tent, stadium, platform, shelter, pier, wharf, bin, sign, fence or retaining wall over six feet (6') in height, swimming pool, septic system, or the like.

Subdivision

As the context requires:

The division of any Lot, tract, or parcel of land into 2 or more Lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building Development, provided, however, that rental of land for agricultural purposes for a term not exceeding five (5) years shall not be a subdivision. "Subdivision" includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a Subdivision under this Ordinance.

The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned Structure which is less than 200 SF, shall not be construed as a Subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

Trailer or Mobile Home

Any Structure, transportable in one (1) or more sections, which is less than forty (40) body feet in length, or when erected on the site, is less than 320 SF, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein.

Two Family Dwelling

A single Structure containing two separate Dwellings.

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Wetlands Area Conservation District

See Article 10. Note that this Article contains additional definitions.

Article 3 General Provisions

3.1 Uses Exclusive

All uses permitted in any District are enumerated in this Ordinance. Any use which is not expressly permitted is hereby prohibited.

3.2 One Principal Use Per Lot

There shall be permitted only one (1) principal building and one (1) principal use on a Lot.

3.3 Building Codes

Pursuant to the authority granted in NH RSA 674:51-a, the Town of Hancock hereby adopts the Hancock Building Code. This adoption supersedes and shall take precedence over any inconsistent provision of any prior Hancock Building Code or Ordinance. The Hancock Building Ordinance was originally adopted in March 1969 and was amended in March of 1987, 1989, 1990 and 1994. All Developments shall conform to the Hancock and State Building Codes.

3.4 Excavation of Earth Products

No person shall commence Excavation of earth products without first obtaining a Building Permit and, where required, a Special Exception, except that the Town of Hancock may excavate earth products in a manner consistent with NH RSA 155-E:2, IV solely for the purpose of highway construction and maintenance.

3.5 Building Permits

No person shall commence erecting any Structure without first obtaining a Building Permit except that any Structure, otherwise conforming with the requirements of this Ordinance, which is exempt from regulation under the Hancock Building Code may be erected without a Building Permit.

3.5A Building Permit Not Required

The following provision shall be applied in lieu of Section R105.2.1 of the International Building Code 2009 and Section R105.2.1 of the International Residential Building Code 2009 relating to Work Exempt from Building Permits.

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Building permits shall not be required for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 200 square feet (18.58 m²).

This exemption from building permit requirements of the Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Building Code or any other laws or ordinances of the Town of Hancock.

3.6 Subdivision Regulations

Development of tracts of land for residential purposes or for a change or expansion of said uses may be subject to the additional requirements contained in the Town of Hancock Subdivision Regulations, as administered by the Planning Board. The Planning Board may, by regulation, require preliminary review of subdivisions.

3.7 Site Plan Regulations

All Development of tracts of land for non-residential or multi-family purposes or for a change or expansion of said uses shall be subject to the additional requirements contained in the Town of Hancock Site Plan Review Regulations, as administered by the Planning Board.

3.7A Workforce Housing Regulations

All Development of tracts of land for Workforce Housing (see RSA 674:58) or for a change or expansion of said use may be subject to additional regulations contained in the Hancock Workforce Housing Regulations which may be adopted and administered by the Planning Board and which may, consistent with this Ordinance and with RSA 674:58, regulate the development, location, sale, rental, maintenance and affordability of such housing.

3.8 Zoning Maps

The accompanying zoning maps dated March, 2006, respectively showing the zoning districts and overlay districts, are declared to be a part of this Ordinance and are hereby incorporated by reference. They shall be referred to collectively as the "Hancock Zoning Maps". The official maps for administrative purposes are on record at the Town Hall. Where it is not possible or practical for the Planning Board, the Zoning Board of Adjustment or the Building Inspector to determine the location of a Zoning District Boundary line, or if any person contests the Board's or Building Inspector's determination of such boundary, the Zoning Board of Adjustment shall, upon application or appeal, determine and establish the location of said boundary line. In case of conflict between matters shown on such maps and the text of this Ordinance, the text of this Ordinance shall govern. Other matters concerning the location of features shown on such maps shall be resolved as provided in this Ordinance.

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3.9 Parking

All Developments shall comply with parking requirements specified by the Town of Hancock Subdivision and Site Plan Review Regulations, as administered by the Planning Board.

3.10 Waste Disposal and Water Supply

All habitable Structures shall be served by a potable water supply and a sewage disposal system constructed and maintained in accordance with the standards established by the New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division.

3.11 Access for Safety

All habitable Structures shall be served by an access road or driveway which shall allow safe access and egress for fire and rescue vehicles. Where applicable, such access roads or driveways shall conform to the Hancock Driveway Regulations.

3.12 Determination of Soil Types; Site Specific Soil Mapping

Whenever in this Ordinance reference is made to a soil type or slope at a particular location, the Planning Board, the Zoning Board of Adjustment or the Building Inspector, as appropriate, shall determine the same as follows:

- 3.12.1 The United States Department of Agriculture Soil Conservation Service, *Soil Survey of Hillsborough County New Hampshire, Western Part* [1985] shall constitute *prima facie* evidence of soil types.
- 3.12.2 Any applicant or abutter or other interested party may, at its expense, present further evidence concerning soil types or slopes using the methodology set out in New Hampshire Office of State Planning, *Data Requirements for Site Review: Guidance for Planning Boards* [May 1999] and in Appendix C to the Hancock Land Subdivision Control Regulations, *Subdivision and Site Plan Review Regulations Requirements for Soils and Wetland Data*. (hereinafter “Site Specific Soil Mapping” methods).
- 3.12.3 If, in any proceeding where it is relevant to a decision of the Planning Board, the ZBA or the Building Inspector, such Board or Inspector is unable to determine any question concerning soil types or slopes from evidence which has been presented to it, it may require an applicant or other party to prepare and present such evidence which has been (i) prepared in accordance with the methods set out in the foregoing reference and (ii) certified by a licensed Soil Scientist, a licensed wetland scientist or state-permitted septic designer, as appropriate. The expenses of preparing and presenting such evidence shall be borne by the applicant or other party as the Board or Inspector may direct.

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This provision shall supersede all prior methods of determining soil types.

3.13 Working at Home

Hancock has a long tradition of people working in or near their homes and wishes to encourage this practice which:

- generates economic activity necessary for the support of the community;
- avoids congestion and the social costs inherent in traveling to and from a remote workplace; and
- enhances the safety and stability of the community by maintaining a workday presence.

At the same time, the community wishes to control business and commercial activities to ensure that they are compatible with the primarily residential character of its residential neighborhoods.

3.13.1 Home Occupation

3.13.1.1 As used in this Ordinance, a “Home Occupation” is an Accessory Use of a Lot for business, professional or commercial purposes which satisfies the following criteria:

- 3.13.1.1.1 The business is owned and operated by, or a profession is practiced by, a person who is ordinarily resident in the principal Dwelling on the Lot.
- 3.13.1.1.2 No person is employed in the business or profession unless ordinarily resident in the principal Dwelling on the Lot.
- 3.13.1.1.3 The business or profession is conducted in or from the principal Dwelling on the Lot or from an Accessory Structure on the Lot.
- 3.13.1.1.4 The principal Dwelling on the Lot is a single family Dwelling.
- 3.13.1.1.5 The use of the Lot for business or professional purposes is secondary to its use for residential purposes.

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- 3.13.1.1.6 The use of the Lot for business or professional purposes shall not require changes to the external appearance of any Structures on the Lot.
- 3.13.1.1.7 No goods or wares associated with the business or profession shall be stored or displayed so as to be visible from the street.
- 3.13.1.1.8 The use shall generate no vehicular traffic in addition to that normally associated with use of the Lot for residential purposes.
- 3.13.1.1.9 Signs shall be permitted for a Home Occupation as provided in Article 4.8..
- 3.13.1.1.10 Not more than one commercial vehicle of not more than 20,000 lbs GVW used in connection with the business or profession shall be stored or maintained on the premises.
- 3.13.1.1.11 The total floor area used by the business or profession (whether in the principal Dwelling or in an Accessory Structure, or both) shall not exceed 30% of the total floor area of the principal Dwelling on the Lot; and
- 3.13.1.1.12 The use of the premises for business or professional purposes shall not render the buildings and premises objectionable or detrimental to the residential character of the neighborhood because of exterior appearance, traffic, noise, odors, fumes, smoke, dust, vibrations, light, sound, or electromagnetic or communications interference or the storage or dissemination of hazardous materials or otherwise be injurious, obnoxious or offensive.
- 3.13.1.1.13 For this purpose, adjoining Lots in a single ownership, only one of which contains a Dwelling, may be treated as a single Lot if the adjoining Lots, taken together, meet the foregoing criteria.

3.13.2 Home-Based Business

A Home-Based Business is a business, profession or commercial enterprise which satisfies the requirements for a Special Exception as provided in Article 15.6.9

Article 4 Prohibitions

Notice: This ordinance may be amended from time to time. Applicants and others should not rely on this internet version of the ordinance (March 2017) without confirming through the Hancock Planning Board that it is current and unamended.

4.1 Persistent Nuisances

Any persistent use that is dangerous to the comfort, peace, enjoyment, health or safety of the community or that may be obnoxious or injurious by reason of the production or emission of noise, odors, fumes, smoke, dust, vibrations, light, sound, or electromagnetic or communications interference or the storage or dissemination of hazardous materials or otherwise be injurious, obnoxious or offensive, is prohibited.

4.2 Fire Ruins

No owner or occupant of land in any district shall permit ruins caused by fire or any other catastrophe to be left upon the property, and said ruins shall be removed and the Lot graded within one (1) year.

4.3 Aircraft

No aircraft takeoff or landing facility shall be maintained in any zoning district.

4.4 Junkyards Prohibited

No Junkyard or place for the storage of junk shall be maintained in any zoning district.

4.5 Trailers

Except as expressly provided in this Ordinance, no person shall use or occupy a trailer or mobile home as a residence.

4.6 Trailer Parks Prohibited

Except as expressly provided in this Ordinance, no person may permit the use of land for the accommodation of trailers or mobile homes in exchange for compensation.

4.7 Waste and Waste Water Discharge

4.7.1 No person shall permit waste water or sewage to run free into any public water or otherwise discharge the same in a way which may be offensive or detrimental to the health of others. All such waste shall be conveyed away underground through the use of a sanitary system designed and constructed in accordance with NH RSA 485-A:29 and in a way which shall not be offensive or detrimental to health.

4.7.2 No privy, cesspool, septic tank, leach field or other sewage disposal area shall be constructed or maintained within:

4.7.2.1 75 feet of a well;

4.7.2.2 75 feet of a dwelling other than the dwelling it serves; or

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4.7.2.3 125 feet of the edge of any portion of the Wetlands Area Conservation District.

4.8 Signs

Except where expressly permitted, commercial, advertising and non-residential identification (such as societies, places of religious assembly and the like) signs are prohibited.

1 Signs pertaining to the lease, sale or use of a Lot or building shall be permitted as follows:

Number: no more than one per property. Each sign may have not more than two (2) sides.

Size: A principal sign shall not exceed five (5 SF) square feet.

Nameplate Signs: Each principal sign may be accompanied by not more than two nameplate signs attached to the principal sign and stating (i) the name and telephone number or other identifying material for the owner or broker or (ii) the status of the property (e.g., "Sale Pending"). Nameplate Signs shall be no larger than one (1) square foot.

Illumination: Such signs shall not be illuminated.

2 Signs identifying a Home Occupation conducted on the premises shall be permitted as follows:

Number: no more than two signs per Lot. Each sign may have not more than two sides.

Size: Such signs shall not exceed one square foot.

Contents: Such signs may state the name of the owner and the type or name of the Home Occupation and may contain a telephone number or business logo but may not contain other advertising material.

Illumination: Such signs shall not be illuminated.

3 Signs identifying a Home-Base Business conducted on the premises shall be permitted as follows:

Number: no more than two signs per Lot. Each sign may have not more than two sides.

Size: Such signs shall not exceed three square feet.

Contents: Such signs may state the name of the owner and the type or name of the Home-Based Business and may contain a telephone number or business logo or call attention to goods or services sold or activities conducted on the premises on which the sign is placed, but not at other locations. .

Illumination: Such signs shall not be illuminated.

4 Wherever this Ordinance permits a commercial, advertising or non-residential identification sign, the following shall apply:

Number: as provided for the relevant District. Each sign may have not more than two sides.

Size: Such signs shall not exceed twelve (12) square feet.

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Content: Such signs may state the name of the owner and the type, name or telephone number of the enterprise and may contain a business logo or call attention to goods or services sold or activities conducted on the premises on which the sign is placed, but not at other locations.

Illumination: Except as otherwise provided, such signs may be illuminated during hours of darkness by a constant external light source such as a flood light, spot light or area light but, except as aforesaid, no sign shall comprise or be illuminated by an internal light source (such as incandescent, fluorescent or neon bulbs or any form of tubular lighting) nor shall any sign contain any intermittent or flashing component or moving display.

5 The regulations set out in this Article 4.8 shall not apply to signs relating to “governmental uses” except as provided in NH RSA 674:54.

Districts

Article 5 Residential District

5.1 Purpose

See Section 1.2.

5.2 District Defined

The Residential District, which is shown on the Zoning Map, is bounded by lines parallel to and 500 feet from the center lines of the indicated Streets, or by Ferguson and Moose Brooks. The district extends on Bennington Road, 1000 feet from its intersection with Longview Road, on Norway Hill road to Duncan Road, on Duncan Road and Forest Road 600 feet from their intersection, on Old Dublin Road 500 feet from its intersection with Cross Road, and on Stoddard Road 750 feet from its intersection with Cross Street, but excluding the areas designated as the Village Commercial District.

5.3 Permitted Uses

The following uses shall be permitted:

5.3.1 Single and Two-family Dwellings

5.3.2 Home Occupations

5.4 Uses Permitted by Special Exception

The following uses may be permitted by Special Exception:

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- 5.4.1 Accessory Dwelling Unit
- 5.4.2 Accessory Dwelling
- 5.4.3 Affordable Housing for the Elderly
- 5.4.4 Bed and Breakfast
- 5.4.5 Day Care Facility
- 5.4.6 Home-based Businesses
- 5.4.7 Temporary Use of a House Trailer

5.5 Conditional Uses

The following uses may be permitted as a Conditional Use:

- 5.5.1 Place of Religious Assembly
- 5.5.2 Schools

5.6 Dimensional Requirements

- 5.6.1 Lot Size – No Lot shall be less than 40,000 SF.
- 5.6.2 Frontage – A Lot shall have a minimum continuous Lot frontage of 150 feet.
- 5.6.3 Setbacks –

5.6.3.1 Front Setback - There shall be between the nearest edge of the right-of-way and extreme front of any Structure (except a Boundary Structure), a minimum distance of 35 feet, except that any new construction may conform to an existing building line if said existing buildings are within 150 feet of the new construction.

5.6.3.2 Side and Rear Setback – No Structure (other than a Boundary Structure) shall be less than 20 feet from the Lot line.

5.7 Signs

Lots having a principal permitted use other than residential (e.g., places of religious assembly, schools, associations, societies, farms or non-conforming businesses) may have one (1) identification or advertising sign. See Article 4.8 for regulations. Signs for Home Occupations and Home-Based Businesses are limited as provided in Article 4.8.

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Article 6 Village Commercial District

6.1 Purpose

See section 1.2.

Hancock has two small areas of commercial and municipal activity in a predominantly residential district. The commercial activity in these areas grew organically prior to the adoption of a zoning ordinance in a way which successfully integrated small-scale commercial activity with residential uses.

The resulting street scene contains important historical features and characteristics. For example, lot dimensions and traffic patterns were established in a pre-automotive era. Thus, the scale of the area is convenient for pedestrian movements. Unlike modern, planned development, provisions for the movement of vehicles and parking are inadequate and cannot readily be accommodated within the framework of existing structures.

Moreover, the design of buildings – even those used for commercial purposes – is domestic in origin. Thus, throughout these areas, the buildings are characterized by a domestic scale and pitched roofs of a traditional design.

In one portion of this area, these historical features have been awarded some legal recognition and protection. Thus, the western portion of the area comprises buildings of historic significance, many of which are listed on the National Register of Historic Places and which are also within the Hancock Historic District.

The special purposes of this Article are:

To protect the historic character of the area and, in particular, to implement fully the Historic District Ordinance;

To protect an historic street scene characterized by buildings of domestic scale, pitched roofs and traditional designs;

To protect the predominantly residential character of Main Street and Forest Road;

To provide for the orderly development of commercial opportunities in the Hancock village area that are consistent with the foregoing purposes and that can serve and support the domestic and residential character of the area;

To provide a clearer demarcation between areas designated for commercial use and those designated as residential;

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To control commercial development that may precipitate unsafe conditions for pedestrians or problems of traffic, parking and potential congestion and other issues of public safety;

To control commercial development that may overburden the capacity of the area to supply water or to dispose of waste to the detriment of public health and safety.

6.2 District Defined

The Village Commercial District, which is shown on the Zoning Map, comprises two areas:

- 6.2.1 Tax Map U4, Lots 1, 6, 7, 8, 8A, 70, 71, 72 , 73, 75 and 76 (“the Western Village Commercial District”) and
- 6.2.2 Tax Map U4, Lots 59 and 60 and Tax Map U3, Lots 8, 8A, 8B, 14, 14A (“the Eastern Village Commercial District”).

6.3 Permitted Uses

The following uses shall be permitted:

- 6.3.1 Any use permitted in the Residential District

6.4 Uses Permitted by Special Exception

The following uses may be permitted by Special Exception:

- 6.4.1 Any use permitted by Special Exception in the Residential District

6.5 Conditional Uses

The following uses may be permitted as Conditional Uses in any part of the Village Commercial District:

- 6.5.1 Apartment Buildings, Hotels and Inns, including such retail business within these permitted buildings as are conducted for the convenience of the residents or guests
- 6.5.2 Restaurants, but take out windows or drive-in windows are specifically prohibited
- 6.5.3 Shops and other retail establishments
- 6.5.4 Business offices

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The following uses may be permitted as Conditional Uses only in the Eastern Village Commercial District:

6.5.5 Garages, parking lots and filling stations

6.6 Dimensional Regulations

6.6.1 Lot Size – No Lot shall be less than 20,000 SF.

6.6.2 Setbacks –

6.6.2.1 Front Setback - There shall be between the nearest edge of the right-of-way and extreme front of any Structure (except a Boundary Structure), a minimum distance of 25 feet.

6.6.2.2 Side and Rear Setback – No Structure (other than a Boundary Structure) shall be less than 10 feet from the Lot line.

6.7 Two-Family Dwellings and Apartment Buildings

6.7.1 Lot Size

Each Two-Family or Multi-Family Dwelling shall be located on a Lot with a minimum lot size of:

6.7.1.1 20,000 SF for the initial Dwelling unit plus

6.7.1.2 10,000 SF for each additional Dwelling unit.

6.7.2 Parking

Off-street parking for two (2) cars for each Dwelling shall be provided.

6.8 Parking

Except as expressly provided in this Ordinance, if any proposed use is such as to attract vehicles, space shall be provided on the property to accommodate all such vehicles attracted by the business, in accordance with the Planning Board's Subdivision and Site Plan Review Regulations.

6.9 Signs

Lots having a principal permitted use other than residential (e.g., businesses, places of religious assembly, schools, associations or societies) may have two (2) identification or

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advertising signs. See Article 4.8 for regulations. Signs for Home Occupations and Home-Based Businesses are limited as provided in Article 4.8.

6.10 Building Height

No building shall exceed two (2) stories in height above finished grade. Each story shall not exceed eleven feet (11') in height.

6.11 New Uses in Existing Structures

Notwithstanding the provisions of this Article relating to Lot Size, Set Backs and Building Heights, no application to change the use of an existing Lot or Structure shall be denied solely on the ground that the Lot or Structure fails to meet such dimensional requirements.

Article 7 Rural and Agricultural District

7.1 Purpose

See Section 1.2.

7.2 District Defined

The Rural and Agricultural District shall be that area shown on the Zoning Map and shall comprise all areas of Hancock other than the Residential District and the Village Commercial District.

7.3 Permitted Uses

The following uses shall be permitted:

7.3.1 Any use permitted in the Residential District

7.3.2 General farming, including horticulture, dairying, livestock and poultry raising, veterinary clinics, other agricultural enterprises or uses and the care and raising of other domestic animals

7.3.2.1 Accessory Uses: Occupations such as sale of handi-crafts made on the premises and sale of farm produce grown on the property are permitted as Accessory Uses

7.3.3 Forestry

7.4 Uses Permitted by Special Exception

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The following uses may be permitted by Special Exception:

- 7.4.1 Any use permitted by Special Exception in the Residential District
- 7.4.2 Excavation
- 7.5 Conditional Uses

The following uses may be permitted as Conditional Uses:

- 7.5.1 Any use permitted as a Conditional Use in the Residential District
- 7.5.2 Astronomy
- 7.5.3 Campgrounds
- 7.5.4 Rural Learning Centers
- 7.5.5 Workforce Housing multi-family units
- 7.6 Dimensional Requirements
 - 7.6.1 Lot Size – No Lot shall be less than four (4) acres.
 - 7.6.2 Frontage – A Lot shall have a minimum continuous Lot frontage of 350 feet.
 - 7.6.3 Setbacks
 - 7.6.3.1 Front Setback - There shall be between the nearest edge of the right-of-way and extreme front of any Structure (except a Boundary Structure), a minimum distance of 50 feet.
 - 7.6.3.2 Side and Rear Setback – No Structure (other than a Boundary Structure) shall be less than 30 feet from the Lot line.

7.7 Signs

7.7.1 On-premises signs.

Lots having a principal permitted use other than residential (e.g., places of religious assembly, schools, associations, societies, farms or non-conforming businesses) may have two (2) identification or advertising signs. See Article 4.8 for regulations. Signs for Home Occupations and Home-Based Businesses are limited as provided in Article 4.8.

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7.7.2 Off-premises sign.

Directional signs relating to a business operated in the Town of Hancock shall be permitted, provided that said directional signs for any one enterprise do not exceed one in any two-mile length of road, not including those to indicate changes of direction. Each sign shall have not more than two sides, and the area of each side shall not exceed four square feet (4 SF).

7.8 Manufactured Housing

In order to allow for a broad range of housing types within the Town, Manufactured Housing is hereby allowed for single-family dwelling units on individual lots in the Rural and Agricultural District, subject to the following requirements:

7.8.1 Compliance

Manufactured housing shall comply with lot size, frontage, setback requirements and all other controls similarly applied to conventional single-family housing in this District.

7.8.2 Building Code

Manufactured Housing must comply with the standards set out in the United States Department of Housing and Urban Development (HUD) Manufactured Housing Construction and Safety Standards, 24 Code of Federal Regulations 3280, as amended through December 31, 2004.

7.8.3 Foundations

All Manufactured Housing shall be located upon a permanent foundation.

7.9 Trailers and Mobile Homes

Trailers and Mobile Homes may be:

7.9.1 used as a Dwelling as long as they comply with all provisions of this Ordinance;

7.9.2 used as an Accessory Dwelling by a non-paying guest for a period not to exceed ninety (90) days in any calendar year; and

7.9.3 stored or parked on premises owned or occupied by the owner of the Trailer or Mobile Home during periods of non-use.

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No more than one Trailer or Mobile Home shall be present on any Lot at any given time.

7.10 Flexible Zoning

7.10.1 Authority

This provision creating Flexible Zoning Regulations is enacted pursuant to NH RSA 674:21.

7.10.2 Purpose

The purpose of this provision is to secure the benefits specified in section 1.2 and to conserve scarce resources and environmentally significant areas within the Town.

7.10.3 Applicability

The Flexible Zoning Regulations shall apply to any application for:

- a major Subdivision of a Lot of 16 or more acres, and
- a minor Subdivision of such a Lot unless the applicant shall covenant that no further Subdivisions of such Lot shall be sought at a future date.

Upon any such application, the Planning Board shall determine, in its sole discretion, whether the Subdivision shall proceed as a conventional Subdivision (that is, a Subdivision in which each resulting Lot must meet the minimum Lot size, frontage, setback and other requirements of this Ordinance without regard to the Flexible Zoning Regulations) or as a Flexible Zoning Subdivision. In making this determination, the Planning Board shall consider, among other things, information provided by the applicant or otherwise available that will identify the significant environmental attributes of the parcel, including wetlands, prime farmland soils, frontage on the Contoocook River or great ponds, and significant wildlife habitat as identified by the N.H. Natural Heritage Program or the N.H. Fish and Game Department and shall further consider the differing impacts of conventional Subdivision and Flexible Zoning Subdivision on such matters.

7.10.4 Flexible Zoning Regulations

If the Planning Board determines that Flexible Zoning Regulations shall apply to any parcel, the following provisions shall govern its Development:

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7.10.4.1 Number of Lots

The maximum number of buildable Lots shall be the lesser of:

- a) the number of buildable Lots permitted for such parcel under conventional subdivision, or
- b) the largest whole integer produced by dividing the Net Acreage of such parcel by 4.

For this purpose, Net Acreage is to be computed by deducting from the total acreage of a parcel 100% of any land which is not “buildable”, that is, which comprises:

1. roadways
2. flood plain
3. ledge
4. areas subject to an easement of record which prohibits building Dwellings
5. Steep Slopes District
6. Wetlands Area Conservation District.

7.10.4.2 One Lot Smaller Than Four Acres

There shall be at least one Lot of less than 4 acres.

7.10.4.3 Permitted Uses

The following uses shall be permitted:

Any use permitted in the Residential District

7.10.4.4 Uses Permitted by Special Exception

The following uses may be permitted by Special Exception:

Any use permitted by Special Exception in the Rural and Agricultural District

7.10.4.5 Uses Permitted as Conditional Uses

The following uses may be permitted as Conditional Uses:

Any use permitted as a Conditional Use in the Rural and Agricultural District

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7.10.4.6 Dimensional Requirements

7.10.4.6.1 Lot Size:

For Single-Family Dwellings, no Lot shall have less than one contiguous acre of buildable land;
For Two-Family Dwellings, no Lot shall have less than two contiguous acres of buildable land; and
For any other use, no Lot shall have less than four acres of contiguous buildable land,

provided that no Lot shall be approved which cannot meet the setback and water supply requirements (Section V-K.) of the Subdivision Regulations as well as the leach field requirements for major Subdivisions (Section VI-E.)

7.10.4.6.2 Frontage

Each Lot shall have a minimum continuous frontage of 150 feet on a private access road or, if permitted, a minimum continuous frontage of 350 feet on a Street.

7.10.4.6.3 Setbacks –

Front Setback - There shall be between the nearest edge of the right-of-way and extreme front of any Structure (except a Boundary Structure), a minimum distance of 50 feet.

Side and Rear Setback – No Structure (other than a Boundary Structure) shall be less than 30 feet from the Lot line.

7.10.4.7 Road Access

Unless the Planning Board finds that direct access from a Lot to a Street provides significant environmental benefits, all Lots must have access to a Street via a private access road. The private access road must be constructed to full current town standards, except that the Planning Board may, in its sole discretion, determine whether paving shall be permitted or required. The private access road shall be subject to the provisions of NH RSA 674:41-I(d).

7.10.4.8 Screening

There shall be an effective screen of natural foliage at least 50 feet in width along any Streets abutting the parcel. The Planning Board may require that the screen area be extended to all or part of the outside perimeter of the Subdivision if it determines that present or future Development of adjoining land parcels might be

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adversely affected. Within the screen area, there shall be no construction or clear cutting. If some of the screen area has previously been cleared, the Planning Board may require replanting.

7.10.4.9 Other Restrictions

No Lot may be further subdivided. Boundary line adjustments and mergers are permitted if they do not defeat the requirement that there shall be at least one lot of less than 4 acres in the subdivision or reduce the size of any lot of less than 4 acres as originally laid out. A statement to this effect shall be set forth on the Final Plan and shall be contained in the deeds of all lots.

Overlay Districts

Article 8 Historic District

8.1 Authority and Purpose

This Article is adopted pursuant to the authority granted in NH RSA 674:45-50 and is intended to re-codify the Hancock Historic District Ordinance adopted in 1975. The regulations in this Ordinance shall overlay and supplement the regulations in the Town of Hancock Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration, enforcement and appeals under state law. If any provision of this Ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall govern.

It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, and continued use of buildings, Structures, sites and areas within the Historic District defined in this Ordinance having historical, architectural, cultural, or design significance are required in the interest of the economic prosperity, cultural enrichment, health and general welfare of the community.

The purposes of this Ordinance are to:

- 8.1.1 Safeguard the heritage of the Town of Hancock by providing for the protection of the Structures and areas representing significant elements of its cultural, social, economic, political, and architectural history.
- 8.1.2 Enhance the visual character of the Town by encouraging and regulating the compatibility of new construction within the Historic District to reflect or respect established architectural traditions.

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- 8.1.3 Foster public appreciation of and civic pride in the beauty of the Town of Hancock and the accomplishments of its past.
- 8.1.4 Strengthen the economy of the Town of Hancock by protecting and enhancing the attractiveness of the community to residents, tourists and visitors.
- 8.1.5 Conserve property values within the Town of Hancock; and
- 8.1.6 Promote the private and public use of Structures and areas within the Historic District of the Town of Hancock for the education, pleasure, prosperity, and general welfare of the community.

8.2 District Defined

The description is developed with reference to a related map of the Main Street area of Hancock with title “Map of the Village of Hancock, N.H. – Plot of Area Designated as a Historic District” and dated in September 1974.

Distances specified in the description are as scaled from the map. Point locations are in accordance with map designations.

Beginning at the Southwest corner of Pine Ridge Cemetery at Point 1, as established by Cemetery stone boundary wall and continuing in a straight line, past the South side of the Town School, across Sand Hill Road to a granite post boundary marker at the property line of N/F Wilbur.

From the intersection of this line with the center line of Sand Hill Road at Point 2, Southerly along the center line of Sand Hill Road 150 feet to Point 3, thence Easterly 300 feet to Point 4, thence Northerly across Hosley Road 200 feet to Point 5 located 250 feet South of Main Street center line.

From Point 5 easterly along a straight line running generally parallel to Main Street and 250 feet South of its center line, continuing to the center line of Forest Street at Point 6.

From Point 6 Northerly along the center line of Forest Street 170 feet to the junction of Forest Street with Norway Hill Road at Point 7, thence Northeasterly across said junction to the Northerly side of Norway Hill Road at Point 8.

From Point 8 Southeasterly along the North side of Norway Hill Road to the boundary line between the properties N/F of Stearns and Moore at Point 9, thence Northerly along said boundary line to the property line N/F of Quinn at Point 10.

From Point 10 Northerly along a straight line to the Fire Hydrant located at the junction of School Street and Bennington Road. Point 11 is established on this

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line at its intersection with a straight line 11-12 extending through two granite post markers on the Northerly property line N/F of Gould.

From Point 11 Northwesterly along a straight line to Point 12 at one of the two aforementioned granite post markers.

From Point 12 Southwesterly along a straight line generally parallel to Bennington Road 400 feet to Point 13 located 80 feet Easterly of the center line of School Street and 300 feet Northerly of the center line of Main Street.

From Point 13 Westerly along a straight line generally parallel to Main Street, across School Street and continuing to the Northeasterly corner of the Pine Ridge Cemetery boundary wall at Point 18.

Beginning at Point 14, the intersection of line 13-18 with the Easterly side of Norway Plain Cemetery driveway, Northerly along said driveway and continuing along the Cemetery boundary Easterly to Point 15, thence Northerly and Westerly to Point 16 on the Easterly shore line of Norway Pond adjacent to the Northernmost point of the Cemetery boundary. From Point 16 along the aforementioned shore line to intersection with line 13-18 to Point 17.

From Point 17 along aforementioned line 13-18 to Point 18 thence along the Westerly boundary wall of Pine Ridge Cemetery through Point 19 to point of beginning.

8.3 Historic District Commission

8.3.1 There is established a Historic District Commission, consisting of five (5) members, to be appointed by the Board of Selectmen, at least one of whom shall be a resident of the Historic District, one shall be a member of the Board of Selectmen, and one shall be a member of the Planning Board.

8.3.2 Each member shall serve for a term of three (3) years.

8.3.3 There shall be three (3) alternate members appointed by the Board of Selectmen, whose terms shall be three (3) years.

8.4 Powers and Duties of Historic District Commission

The Historic District Commission shall have the following powers:

8.4.1 To adopt and amend regulations for the administration of the Historic District.

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- 8.4.2 To administer this Ordinance and the regulations adopted by the Commission within the Historic District.
- 8.4.3 To review all applications for permits for construction, alteration, removal, or demolition within the Historic District, provided, however that the review of such applications shall be limited to those considerations which will have an impact on the character and integrity of the District.
- 8.4.4 To consult with other Boards and officers of the Town, or with historical, cultural, or educational groups, or persons to reach an informed decision.
- 8.4.5 To accept and use (with the approval of the Selectboard) gifts, grants, or contributions for the exercise of its functions.
- 8.4.6 To exercise powers of enforcement to the full extent provided in NH RSA 674:50.

8.5 Regulations

8.5.1 Regulated Activities

No person shall construct, alter, repair, move, or demolish any building, Structure, or improvement which lies within the Historic District without first obtaining a certificate of approval from the Historic District Commission.

8.5.2 Historic Commission Review

For the purpose of this Article, the following activities shall be reviewed by the Historic District Commission:

- 8.5.2.6 Erection, alteration, repair, sand blasting, abrasive cleaning, relocation, or demolition of the building or Structure, and construction on any site.
- 8.5.2.7 Erection, alteration, or removal of any exterior or visible feature of a building or Structure.
- 8.5.2.8 Construction, reconstruction, or repair of any stone wall or fencing; and
- 8.5.2.9 Grading, Excavation, or removal of stone walls, and fences.

8.6 Exemptions

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The Historic District Commission shall not require review of the following activities:

8.6.1 Ordinary Maintenance and Repair

Ordinary maintenance and repair of any architectural feature which does not involve removal or a change in design, dimensions, materials, color or outer appearance of such features.

8.7 Application Procedure

The following procedures shall be followed in processing applications for approval of work covered by this Article:

8.7.1 Application

An application, on forms established by the Historic District Commission, shall be submitted to the Historic District Commission for review and approval of any work to be performed within the Historic District of the Town of Hancock.

8.7.2 Fees

The applicant shall be required to pay an application fee and legal notice fee as established by the Historic District Commission.

8.7.3 Project Description

The application shall include a narrative description of the project and graphic materials of sufficient clarity and detail to give the Commission a clear and certain understanding of the applicant's intention regarding the work contemplated and its consistency with the Historic District Ordinance and regulation.

8.7.4 Application Documents

The applicant shall supply site plans, building plans, elevations, perspective sketches, photographs, building material samples, or other information reasonably required by the Commission to make its determination of approval or disapproval.

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8.7.5 Review by Additional Town Officials

In reviewing the application package, the Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Inspector, Health Officer, and other administrative officials who may possess information concerning the impact of the proposal on the Historic District.

8.7.6 Hearing

The Historic District Commission shall conduct a hearing on all applications, providing notice as required by law to each abutting property owner and the general public.

8.7.7 Approval

The Commission shall issue a certificate of approval or notice of disapproval within ten (10) days of the date of the final hearing unless the applicant shall agree to an extension in writing.

8.8 Review Criteria

In making a determination on an application, the Historic District Commission shall take into account the purposes of this Ordinance and consider, but not be limited by, the following:

8.8.1 Historical, Architectural, or Cultural Value

The historical, architectural, or cultural value of the subject building(s), Structure(s), or landscape(s), and their relationship and contribution to the setting.

8.8.2 Compatibility

The compatibility of the exterior design, arrangement of elements, texture, and materials proposed to be used in relationship to existing buildings or Structures and their settings.

8.8.3 Painting or Repainting of Buildings or Structures

8.8.3.6 Colors employed shall be consistent with that of the balance of the District and shall be presented in a conventional manner.

8.8.3.7 Unconventional designs, colors, or color combinations are prohibited.

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8.8.4 Scale and Size

The scale and general size of new construction in relation to existing surroundings with consideration of such factors as height, width, street frontage, number of stories, roof type, façade openings, and architectural detail.

8.8.5 Other Factors

Other factors, including yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs, lights, and /or landscaping which might affect the character of any building or Structures within the District and similar factors which relate to the setting for such Structure or grouping of Structures.

8.8.6 Project Impact

The impact that the applicant’s proposal will have on the setting and the extent to which it will preserve and enhance the historical, architectural, and cultural qualities of the District and community.

8.8.7 Compatible Use

Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, Structure, site, and its environment.

8.8.8 Historical Preservation

The distinguishing original qualities or character of a building, Structure, site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible.

8.8.9 Alterations

All buildings, Structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

8.8.10 Appropriate Changes

Changes which may have taken place in the course of time are evidence of the history and development of a building, Structure, site, and its

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environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

8.8.11 Stylistic Features and Examples of Skilled Craftsmanship

Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, Structure, or site shall be treated with sensitivity.

8.8.12 Restoration vs. Replacement

8.8.12.6 Deteriorated architectural features shall be repaired rather than replaced, whenever possible.

8.8.12.7 In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities.

8.8.12.8 Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or Structures.

8.8.13 Cleaning

The surface cleaning of Structures shall be undertaken with the gentlest means possible. Sand blasting and other cleaning methods that will damage the historical building material shall not be undertaken.

8.8.14 Preservation of Archaeological Resources

Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

8.8.15 New Design

New designs for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

8.8.16 Additions or Alterations

Whenever possible, new additions or alterations to Structures shall be done in such a manner that if such additions or alterations were removed

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in the future, the essential form and integrity of the original Structure would be not impaired.

8.8.17 Demolition or Relocation of Buildings or Other Structures

8.8.17.6 Before a building or other Structure is demolished or moved out of the district or neighborhood, the applicant shall, in good faith, prepare a detailed plan for reuse of the vacated site which the Commission determines shall meet the requirements of a certificate of approval.

8.8.17.7 Such certificates of approval for demolition, relocation, or reuse shall only be granted upon a showing by the applicant that to deny such certificate would result in a hardship unique to the property in question and that such hardship is not common to the neighboring properties within the district or neighborhood.

8.9 Certificate of Approval

8.9.1 No Building Permit shall be issued and no construction, repair, demolition, reconstruction, or removal of buildings, Structures, stone walls or fences shall occur without first receiving a Certificate of Approval from the Historic District Commission.

8.9.2 Modifications to an application must be reapproved by the Historic District Commission at a regular public hearing.

8.9.3 In the event that an unanticipated modification is discovered to be necessary during the actual construction process, the Hancock Building Inspector may allow a reasonable substitution in design or materials. The applicant shall then immediately file an amended plan with the Historic District Commission.

8.10 Appeals

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission shall have the right to appeal that decision to the Zoning Board of Adjustment in accordance with state law.

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Article 9 Flood Plain District (amended March 2007; maps adopted May 09)

9.1 Purpose

The purpose of the Flood Plain District is to protect the public health and safety of persons and property against the hazards of flood-water inundation, to prevent the Development of Structures and land uses that may contribute to pollution of surface or ground water by sewage, and to prevent the destruction of natural wetlands that provide flood protection.

9.2 Authority

The following ordinance, adopted pursuant to the authority of NH RSA 674:16, shall be known as the Town of Hancock Floodplain Development Ordinance. The regulations in this Ordinance shall overlay and supplement the regulations in the Town of Hancock Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this Ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall govern.

9.3 District Defined

The Flood Plain District shall consist of all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Hillsborough, N.H." dated September 25, 2009, together with the associated Flood Insurance Rate Maps dated September 25, 2009 or as amended.

9.4 Applicability

The following regulations in this Ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Hillsborough, N.H." dated September 25, 2009, together with the associated Flood Insurance Rate Maps dated September 25, 2009 or as amended, which are declared to be a part of this Ordinance and are hereby incorporated by reference.

9.5 Definitions

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

- 9.5.1 "Area of Special Flood Hazard" is the land in the floodplain within the Town of Hancock subject to a one percent or greater chance of flooding in

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any given year. The area is designated as Zone(s) A and AE on the Flood Insurance Rate Map (FIRM)..

- 9.5.2 “Base Flood” means the flood having a one percent possibility of being equaled or exceeded in any given year.
- 9.5.3 “Basement” means any area of a building having its floor subgrade on all sides.
- 9.5.4 “Building” - see “Structure”.
- 9.5.5 “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or to other Structures, mining, dredging, filling, grading, paving, Excavation, or drilling operation or storage of equipment or materials.
- 9.5.6 “FEMA” means the Federal Emergency Management Agency.
- 9.5.7 “Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters, and (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- 9.5.8 “Flood Elevation Study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood - related erosion hazards.
- 9.5.9 “Flood Insurance Rate Map” (FIRM) means an official map incorporated with this Ordinance, on which FEMA has delineated both the special flood hazard areas and risk premium zones applicable to the Town of Hancock.
- 9.5.10 “Flood Insurance Study” - see “Flood elevation study”.
- 9.5.11 “Floodplain” or “Flood prone area” means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).
- 9.5.12 “Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to Structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, Structures and their contents.
- 9.5.13 “Floodway” - see “Regulatory Floodway”.
- 9.5.14 “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are

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necessary for the loading/unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

- 9.5.15 "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a Structure.
- 9.5.16 "Historic Structure" means any Structure that is:
- 9.5.16.1 Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - 9.5.16.2 Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - 9.5.16.3 Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - 9.5.16.4 Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 9.5.16.4.1 By an approved state program as determined by the Secretary of the Interior, or
 - 9.5.16.4.2 Directly by the Secretary of the Interior in states without approved programs.
- 9.5.17 "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such an enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements of this Ordinance.
- 9.5.18 "Manufactured Home" means a Structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured

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home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a Manufactured Home Park or Subdivision.

9.5.19 "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

9.5.22 "100-year flood" - see "base flood"

9.5.23 "Recreational Vehicle" is defined as:

9.5.23.1 Built on a single chassis;

9.5.23.2 400 square feet or less when measured at the largest horizontal projection;

9.5.23.3 Designed to be self-propelled or permanently towable by a light duty truck; and

9.5.23.4 Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

9.5.24 "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

9.5.25 "Special flood hazard area" See "Area of Special Flood Hazard".

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

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- 9.5.27 "Start of Construction:" includes substantial improvements, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of Excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the Excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main Structure.
- 9.5.28 "Substantial damage" means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred.
- 9.5.29 "Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a Structure in which the cumulative cost equals or exceeds 50 percent of the market value of the Structure. The market value of the Structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the Structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the Structure. This term includes Structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a Structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic Structure", provided that the alteration shall not preclude the Structure's continued designation as a "historic Structure".
- 9.5.30 "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

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

9.6 Permits

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

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

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

9.6.1.2 be constructed with materials resistant to flood damage;

9.6.1.3 be constructed by methods and practices that minimize flood damages; and

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

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

9.6.3 For all new or substantially improved Structures located in Zones A and AE, the applicant shall furnish the following information to the building inspector:

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- 9.6.3.1 the as-built elevation (in relation to the NGVD) of the lowest floor (including basement) and include whether or not such Structures contain a basement.
- 9.6.3.2 if the Structure has been flood proofed, the as-built elevation (in relation to NGVD) to which the Structure was flood proofed.
- 9.6.3.3 any certification of flood proofing. The Building Inspector shall maintain for public inspection, and shall furnish such information upon request.
- 9.6.4 The Building Inspector shall not grant a Building Permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- 9.6.5 Riverfront Properties
 - 9.6.5.1 In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the N.H. Environmental Services Department and submit copies of such notification to the Conservation Commission in addition to the copies required by NH RSA -482--A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Conservation Commission, including notice of all scheduled hearings before the Wetlands Board and Conservation Commission.
 - 9.6.5.2 The applicant shall submit to the Conservation Commission certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
 - 9.6.5.3 Along watercourses with a designated Regulatory Floodway, no encroachments, including fill, new construction, substantial improvements and other Developments are allowed within the floodway.
 - 9.6.5.4 Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements, or other Development (including fill) shall be permitted within zones AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined

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with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point in the community.

9.6.5.5 The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

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

9.6.6 Special Areas - In special flood hazard areas the Building Inspector shall determine the 100 year flood elevation in the following order of precedence according to the data available:

9.6.6.1 In zones AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.

9.6.6.2 In A zones, the Building Inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from any federal, state, or other source including data submitted for development proposals submitted to the community (i.e., subdivisions, site approvals).

9.6.7 The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in zones A and AE that:

9.6.7.1 All new construction or substantial improvement of residential Structures having the lowest floor (including basement) elevated to or above the 100 year flood elevation;

9.6.7.2 That all new construction or substantial improvements of non-residential Structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:

9.6.7.2.1 be flood proofed so that below the 100 year flood elevation, the Structure is watertight with walls substantially impermeable to the passage of water;

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- 9.6.7.2.2 have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- 9.6.7.2.3 be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
- 9.6.7.2.4 All manufacturing homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces:
- 9.6.7.2.5 All Recreational Vehicles placed on sites within zones AE shall either:
 - 9.6.7.2.5.1 be on the site for fewer than 180 consecutive days;
 - 9.6.7.2.5.2 be fully licensed and ready for highway use; or
 - 9.6.7.2.5.3 meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c) (6) of Section 60.3
- 9.6.7.2.6 For all new construction and substantial improvements, fully enclosed areas below the lowest floor that is subject to flooding are permitted provided they meet the following requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed

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the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

9.7 Variances and Appeals

- 9.7.1 Any order, requirement, decision or determination of the building inspector made under this Ordinance may be appealed to the Zoning Board of Adjustment as set forth in NH RSA 676:5.
- 9.7.2 If the applicant, upon appeal, requests a variance as authorized by NH RSA 674.33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
- 9.7.2.1 that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
- 9.7.2.2 that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
- 9.7.2.3 that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 9.7.3 The Zoning Board of Adjustment shall notify the applicant in writing that: (I) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) 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.
- 9.7.4 The community shall: a. Maintain a record of all variance actions taken relative to the above, including the justification for their issuance, and b. report such variances in its annual or biannual report submitted to F.E.M.A.'s Federal Insurance Administrator.

9.8 Additional Provisions

Notice: This ordinance may be amended from time to time. Applicants and others should not rely on this internet version of the ordinance (March 2017) without confirming through the Hancock Planning Board that it is current and unamended.

- 9.8.1 The Floodplain District shall include all lands subject to flowage easements, during the existence of the easement.
- 9.8.2 The land uses permitted in the Floodplain District are general farming, pasture, grazing, livestock and poultry raising, horticulture, forestry, parks, picnic grounds, and wildlife and nature preserves. Within this District, except within the Floodway, buildings such as sheds and storage buildings associated with the above uses are permitted.
- 9.8.3 The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes, but larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Floodplain District or land uses permitted within the District will be free from flooding or flood damage. This Ordinance shall not create liability on the part of the Town of Hancock or any officer or employee thereof for any flood damage that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Article 10 Wetlands Area Conservation District

10.1 Authority and Purpose

By the authority granted in NH RSA 483-B, RSA 674:16-17, and RSA 674:20-21; and in the interest of public health, safety and general welfare and for the following purposes, Hancock hereby creates a Wetlands Area Conservation District which shall be subject to the following provisions.

The purposes of this Ordinance are to:

- 10.1.1 Control the development of Structures and land uses on naturally occurring wetland, which would contribute to the pollution of surface and groundwater.
- 10.1.2 Prevent unnecessary or excessive expense to the Town which can arise from improper use of wetlands.
- 10.1.3 Prevent the destruction of natural wetlands which provide flood protection, groundwater recharge, pollution abatement and augmentation of stream flow during dry periods and provide other benefits set out in NH RSA 482-A:1.
- 10.1.4 Encourage those uses that can be appropriately and safely located in wetlands areas.

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10.1.5 Preserve and enhance those aesthetic values associated with wetlands of this Town.

10.1.6 Prevent overcrowding of the land adjacent to wetlands.

10.2 District Defined

10.2.1 The Wetlands Area Conservation District shall comprise:

10.2.1.1 “Wetlands” as defined in NH RSA 482-A:2, that is, any “area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions”; and

10.2.1.2 any area comprising soil classified as “poorly drained” or “very poorly drained” as those terms are used in the USDA Soil Conservation Service publication, Soil Survey of Hillsborough County, New Hampshire, Western Part 1985, as from time to time amended; and

10.2.1.3 buffers adjacent to rivers, lakes, great ponds and perennial streams in Hancock, as follows:

10.2.1.3.1 100 feet (measured horizontally) from the high water line of the Contoocook River;

10.2.1.3.2 50 feet (measured horizontally) from the high water mark of each lake or great pond (that is, any pond comprising more than ten acres), and

10.2.1.3.3 25 feet (measured horizontally) from the stream edge on each side of all perennial streams (that is, Davis Brook, Ferguson Brook, Hoseley Brook, Jaquith Brook, Kimball Brook, Moose Brook and an unnamed stream that arises in Juggernaut Pond).

10.2.2 Determination of District Boundaries

10.2.2.1 The following maps (copies of which are available in the Hancock Town Administrator’s Office) shall constitute *prima facie* evidence of the existence of conditions pertinent to the determination of district boundaries, that is,

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10.2.2.1.1 Maps published by the UDSA Soil Conservation Service in Soil Survey of Hillsborough County, New Hampshire, Western Part 1985, as from time to time amended; and

10.2.2.1.2 The Zoning Maps.

10.2.3 Where such maps or field investigation indicate that pertinent conditions exist on a proposed development site, an applicant for a Building Permit or Subdivision or Site Plan approval shall submit a site plan prepared in accordance with the Site Specific Soil Mapping methodology adopted in Article 3.12 which shall be certified as correct by a Qualified Soils Scientist.

10.2.4 The Planning Board, the Selectboard, the Conservation Commission or any affected party (that is, any party having a right to notice of hearing) may, by written petition, challenge any such application in whole or in part and, in that connection, present evidence using the Site Specific Soil Mapping methodology.

10.2.5 Following such submissions, the Planning Board shall determine whether, and to what extent, the restrictions set forth in this article shall apply.

10.3 Lot Size Determinations

Areas within the Wetlands Area Conservation District may be used to fulfill 25 percent of the minimum lot size required by town ordinance and subdivision regulations, provided that the non-wetland area is contiguous and sufficient in size and configuration to adequately accommodate all improvements and required utilities such as sewage disposal, including primary and auxiliary leach field locations and water supply.

10.4 Septic Setback

No septic tank or leach field may be located closer than 125 feet from any portion of the Wetland Area Conservation District. No wetland may be filled to meet the setback requirement.

10.5 Permitted Uses

10.5.1 The following uses shall be permitted in areas of “poorly drained” soil:

10.5.1.1 Any use otherwise permitted by the Zoning Ordinance and State and Federal laws that does not involve the erection of a Structure or that does not alter the surface configuration of the land by the addition of fill or by dredging except as commonly associated with a permitted use.

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- 10.5.1.2 Agriculture, including grazing, truck gardening, hay or silage production, provided that such use does not cause an increase in surface or groundwater contamination by pesticides or other toxic or hazardous substances and that such use shall not cause or contribute to soil erosion.
- 10.5.1.3 Forestry and tree farming to include the construction of access roads for said purposes, using scientifically-based practices recommended by the US Soil Conservation Service to protect streams from damage and sedimentation.
- 10.5.1.4 Wildlife habitat development and management, conservation areas, nature trails, park and recreation uses consistent with the purpose and intent of this article.
- 10.5.1.5 The construction of well water supplies and state-approved water impoundment.
- 10.5.1.6 Maintenance of existing drainage ways, such as streams, creeks, agricultural land drainage or other paths of normal runoff.
- 10.5.1.7 Dry hydrants and fire protection ponds.
- 10.5.2 The following uses shall be permitted uses in areas containing “very poorly drained” soils, marshes, bogs, open water and major streams and buffers:
 - 10.5.2.1 Uses specified under Section 10.5.1 shall be permitted except that no alteration of the surface configuration of the land by filling or dredging and no use which results in the erection of a Structure, except as provided for in Section 10.5.2.2 below, shall be permitted.
 - 10.5.2.2 The construction or reconstruction of fences, footbridges, catwalks and wharves only provided that: (1) said Structures are constructed on posts or pilings of non-toxic material, so as to permit the unobstructed flow of water; (2) the natural contour of the wetland is preserved; and, (3) the Planning Board has reviewed and approved the proposed construction.
- 10.5.3 In all cases where the Wetlands Conservation District is superimposed over another zoning district in the Town of Hancock, that District whose regulations are more restrictive shall apply.

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10.5.4 Conditional Uses

10.5.4.1 A Conditional Use Permit may be granted by the Planning Board (NH RSA 674:21 II) for the construction of roads and other access ways, and for pipelines, power lines, and other transmission lines provided that all of the following conditions are found to exist:

10.5.4.1.1 The proposed construction is essential to the productive use of land not within the Wetlands Conservation District.

10.5.4.1.2 Design and construction methods must minimize detrimental impact upon the wetland in the opinion of the Conservation Commission in consultation with an appropriate expert of the Conservation Commission's choice (the expense to be borne by the applicant) and shall include restoration of the site as nearly as possible to its original grade and condition.

10.5.4.1.3 No alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible.

10.5.4.1.4 Economic advantage alone is not reason for the proposed construction.

10.5.4.2 Prior to the granting of a Conditional Use Permit under this Section, the applicant shall agree to submit a performance security to the Board of Selectmen. The security shall be submitted in a form and amount, with surety and conditions satisfactory to the Selectmen and approved by Town Counsel, to ensure that the construction be carried out in accordance with the approved design. The security shall be submitted and approved prior to issuance of any permit authorizing clearing of the site and/or construction.

10.5.4.3 The Planning Board, with the concurrence of the Conservation Commission, may require the applicant to submit an environmental impact assessment, when necessary, to evaluate an application made under this Section. The cost of this assessment shall be borne by the applicant. The Planning Board may also assess the applicant reasonable fees to cover the cost of other special investigative studies and for the review of documents required by particular applications.

10.6 Exemption for Residential Structures

Notice: This ordinance may be amended from time to time. Applicants and others should not rely on this internet version of the ordinance (March 2017) without confirming through the Hancock Planning Board that it is current and unamended.

Notwithstanding other provisions of this article, no Planning Board or Zoning Board of Adjustment approval shall be required for construction of additions and extensions to one and two family Dwellings, provided that:

10.6.1 The Dwelling lawfully existed prior to the effective date of this article.

10.6.2 That the proposed construction conforms with all other applicable ordinances and regulations of the Town of Hancock.

Article 11 Steep Slope District

11.1 Authority and Purpose

By the authority granted in NH RSA 674:16-17 and RSA 674:20-21, and in the interest of the health, safety and welfare of individual land owners, the owners of abutting property and the Town of Hancock, and to ensure proper use of natural resources, these regulations shall guide and restrict the use of steeply sloping land.

Where Steep Slopes exist in the Town of Hancock, the land is vulnerable to erosion and pollution which could potentially endanger the community. The intent of these regulations is to:

11.1.1 Prevent soil erosion and protect the town from undue expense caused by such erosion.

11.1.2 Protect property from uncontrolled storm water runoff through proper storm water management on Steep Slopes.

11.1.3 Protect surface waters from sedimentation, turbidity, and effluent from sewage disposal systems.

11.2 District Boundaries

11.2.1 The Steep Slope district is an overlay district superimposed on all other zoning districts in the town, and is comprised of all areas of Steep Slope.

11.2.2 The following maps (copies of which are available in the Hancock Town Administrator's Office) shall constitute *prima facie* evidence of the existence of conditions pertinent to the determination of district boundaries, that is,

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11.2.2.1 Maps published by the USDA Soil Conservation Service in Soil Survey of Hillsborough County, New Hampshire, Western Part 1985, as from time to time amended; and

11.2.2.2 The Zoning Maps.

11.2.3 Where such maps or field investigation indicate that pertinent conditions exist on a proposed development site, an applicant for a Building Permit or Subdivision or Site Plan approval shall submit a site plan showing contour information sufficient to determine Slopes. If the applicant contends that the actual site conditions vary from those shown in the foregoing map references, the site plan shall be certified as correct by a qualified surveyor or engineer licensed to practice in the State of New Hampshire.

11.2.4 Upon submission of any application for a Building Permit for a project which involves earth disturbance, the Building Inspector shall determine whether all or any portion of a building site not shown as Steep Slope on the pertinent plan is within the Steep Slope District and, if so, shall refer the matter to the Planning Board for hearing and determination. If there is a dispute concerning the Building Inspector's determination, the Selectmen or Planning Board may obtain a report from the Hillsborough County Conservation District or a qualified surveyor or engineer licensed to practice in the State of New Hampshire concerning the existence pertinent of Steep Slope areas; any necessary surveying expenses shall be paid by the applicant. Thereafter, the applicant and any affected party shall be given an opportunity to present survey evidence at a hearing.

11.2.5 Following such submissions, the Planning Board shall determine whether, and to what extent, the restrictions set forth in this article shall apply.

11.3 District Regulations

For areas within the Steep Slope District, a Building Permit may be issued only after evidence has been submitted which is satisfactory to the Building Inspector that the following conditions shall be met:

11.3.1 If any driveway is to be located on a Steep Slope:

11.3.1.1 Driveways and other land clearing shall be designed so as not to cause erosion.

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- 11.3.1.2 An adequate surface storm water drainage system shall be designed in order to minimize erosion and sedimentation to the maximum extent possible both during and after construction.
- 11.3.1.3 Engineering data prepared by an engineer licensed to practice in the State of New Hampshire shall be submitted to show that the following conditions have been met:
 - 11.3.1.3.1 Sediment in the runoff water both during and after construction shall be trapped by the use of sediment basins or other acceptable methods, until the disturbed area is stabilized.
 - 11.3.1.3.2 The storm drainage system and culvert capacity shall be based upon a design flow with a minimum return interval of a 10 year/24 hour storm.
 - 11.3.1.3.3 No new drainage ways shall be created nor additional runoff directed to adjacent properties unless necessary easements are obtained.
- 11.3.2 If any septic system or leaching area is to be located on a Steep Slope:
 - 11.3.2.1 The septic system and leach field must be designed by a certified septic designer registered with the State of New Hampshire.
 - 11.3.2.2 The septic system must be designed to overcome the adverse land conditions to the satisfaction of the Building Inspector. This may include Slope stability as well as effluent seepage problems.
- 11.3.3 If any building site is to be located on a Steep Slope:
 - 11.3.3.1 Engineering data shall be submitted to show that the proposed Structure is of sound engineering design.
 - 11.3.3.2 Footings shall extend to stable soil or rock.
- 11.3.4 In addition to the foregoing provisions, if any application is made for any permit (including Building Permits) for any project involving earth disturbance on four or more lots (regardless of the date the subdivision was created), no Building Permit shall be issued until after the project has been reviewed and certified by the Planning Board for Adequate Control of Soil Erosion and Sedimentation in the Development of Land, contained in the Town of Hancock Land Subdivision Control Regulations.

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Article 12 Groundwater Protection District

12.1 Authority and Purpose

By the authority granted in NH RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls, and in the interest of public health, safety and general welfare and for the following purposes, Hancock hereby creates a Groundwater Protection District which shall be subject to the following provisions:

The purposes of this Ordinance are to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater.

The purpose is to be accomplished by regulating land uses which could contribute pollutants to designated wells and/or aquifers identified as being needed for present and/or future public water supply.

12.2 Definitions

The following definitions shall apply only to this Article:

- 12.2.1 Aquifer: a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.
- 12.2.2 Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations.
- 12.2.3 Impervious: not readily permitting the infiltration of water.
- 12.2.4 Impervious surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Asphalt, earthen, wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.
- 12.2.5 Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
- 12.2.6 Public water system: a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

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12.2.7 Regulated substance: petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-90 edition, excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquified fuels which exist as gases at normal atmospheric temperature and pressure.

12.2.8 Sanitary protective radius: The area around a well which must be maintained in its natural state as required by Env-Ws 378 or 379 (for community water systems) and Env-Ws 372.13 (for other public water systems).

12.2.9 Secondary containment: a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110% of the volume of the largest regulated substances container that will be stored there.

12.2.10 Snow dump: For the purposes of this ordinance, a location where snow which is cleared from roadways and/or motor vehicle parking areas is placed for disposal.

12.2.11 Stratified-Drift Aquifer: A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

12.2.12 Surface water: streams, lakes, ponds and tidal waters, including marshes, water courses and other bodies of water, natural or artificial.

12.3 District Defined

12.3.1 The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries and shall comprise the Stratified Drift Aquifer Area, that is, the land area which is underlain by a zone of unconsolidated deposits containing predominantly sand or gravel deposits that (i) contain a usable water supply or (ii) directly contribute to more transmissive sand and gravel deposits that contain a usable water supply. The boundary of the zone is the contact of sand or gravel deposits with other geological boundary conditions within the subsurface.

12.3.2 The area shown as Groundwater Protection Area on the Zoning Map shall, *prima facie*, constitute the Groundwater Protection District.

12.3.3 If the actual boundary of the District comes into dispute, the Planning Board, upon application and hearing, may (i) receive evidence from professional geologists or professional hydrogeologists retained by any

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party in a proceeding before it and (ii) further retain, at the expenses of any applicant or abutter in such proceeding, a professional geologist or professional hydrogeologist, to conduct tests, prepare reports and advise the board upon such evidence. Based upon such evidence, the Board may determine the actual boundary and adjust the map of the District to conform to such evidence.

12.4 Applicability

This Ordinance applies to all uses in the Groundwater Protection District, except for those uses exempt under Article 12.10 of this Ordinance.

12.5 Performance Standards

The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Article 12.10

- 12.5.1 Any permitted facility that involves the handling, processing, recycling, disposal or storage of hazardous or toxic materials must provide a plan certified by a professional engineer that explains in detail the proposed use and the methods for handling and monitoring such materials;
- 12.5.2 For any use that will render impervious more than 15 % or more than 2,500 square feet of any Lot, whichever is greater, a stormwater management plan shall be prepared which the Planning Board determines is consistent with Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992 and Management Practices for Urban Stormwater Runoff, NH Department of Environmental Services, January 1996;
- 12.5.3 Stormwater management plans prepared pursuant to § 12.5.2 shall demonstrate that stormwater recharged to groundwater will not result in violation of Ambient Groundwater Quality Standards (Env-Ws 410.05) at the property boundary;
- 12.5.4 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 1998, and any subsequent revisions;
- 12.5.5 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;

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- 12.5.6 Facilities where regulated substances are stored must be secured against unauthorized entry by means of door(s) and/or gate(s) which is (are) locked when authorized personnel are not present and must be inspected weekly by the facility owner;
- 12.5.7 Outdoor storage areas for regulated substances must be protected from exposure to precipitation and must be located at least 50 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;
- 12.5.8 Secondary containment must be provided for outdoor storage of regulated substances if an aggregate of 275 gallons or more of regulated substances are stored outdoors on any particular property;
- 12.5.9 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.

12.6 Permitted Uses

All uses permitted by right or allowed by Special Exception in the underlying District are permitted in the Groundwater Protection District unless they are Prohibited Uses or Conditional Uses. All uses must comply with the Performance Standards unless specifically exempt under Article 12.10

12.7 Prohibited Uses

The following uses are prohibited in the Groundwater Protection District.

- 12.7.1 The siting or operation of a hazardous waste disposal facility as defined under NH RSA 147-A;
- 12.7.2 The siting or operation of a solid waste landfill;
- 12.7.3 The outdoor storage of road salt or other deicing chemicals in bulk;
- 12.7.4 The siting or operation of a Junkyard;
- 12.7.5 The siting or operation of a snow dump;
- 12.7.6 The siting or operation of a wastewater or septage lagoon.

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12.8 Conditional Uses

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted within the underlying district, if the permitted use is or is involved in one or more of the following:

- 12.8.1 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 plan is in place to prevent, contain, and minimize releases from catastrophic events such as spills or fires which may cause large releases of regulated substances;
- 12.8.2 Any use that will render impervious more than 15 % or 2,500 square feet of any lot, whichever is greater. In granting such approval the Planning Board must first determine that the proposed use is not a Prohibited Use and will be in compliance with the Performance Standards as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

12.9 Existing Non-Conforming Uses

Existing non-conforming uses may continue without expanding or changing to another non-conforming use, but must be in compliance with all applicable state and federal requirements, including Env-Ws 421, Best Management Practices Rules.

12.10 Exemptions

The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

- 12.10.1 Any private residence is exempt from all Performance Standards. For the avoidance of doubt, this exemption does not pertain to any business, commercial or agricultural use which is conducted as an Accessory Use;
- 12.10.2 Any business or facility where regulated substances are not stored in containers with a capacity of 5 gallons or more is exempt from Performance Standards 12.5.6 through 12.5.9.
- 12.10.3 Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard 12.5.6;

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12.10.4 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 12.5.6 through 12.5.9;

12.10.5 Storage and use of office supplies is exempt from Performance Standards 12.5.6 through 12.5.9;

12.10.6 Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards 12.5.6 through 12.5.9;

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

12.10.8 Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b) are exempt from Performance Standards 12.5.6 through 12.5.9;

12.10.9 Underground storage tank systems and above-ground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Article 12.12 of this ordinance.

12.11 Relationship between State and Local Requirements

Where both the State and the municipality have existing requirements, the more stringent shall govern.

12.12 Maintenance and Inspection

12.12.1 For uses requiring Planning Board approval for any reason, a narrative description of maintenance requirements for any 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 Hillsborough County. The description so prepared shall comply with the requirements of NH RSA 478:4-a.

12.12.2 Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Building Inspector at reasonable times with prior notice to the landowner.

12.12.3 All properties within the Groundwater Protection District known to the Building Inspector as using or storing regulated substances in containers with a capacity of 5 gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under Article 12.10, shall be subject to inspections under this Article.

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12.12.4 The Selectboard may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Selectboard as provided for in NH RSA 41-9:a.

Article 12 A Agriculture

12A.1 Purpose

Within living memory, the Town of Hancock was a rural community of farms. Its residents commonly grew the food that they and their livestock consumed. Though times have changed, the residents of Hancock continue to value the rural aspects of the town. They wish to encourage the prosperity of the remaining farms and the establishment of new farms and agricultural activities. The purpose of this Article XIIA, “Agriculture” of the Hancock Zoning Ordinance is to promote agricultural activities in Town, while ensuring that these activities are suitable for the context in which they occur.

12A.2 Authority

This Article is based on the provisions and authority of New Hampshire:

RSA 21:34-a I-VI (2017) Farm, Agriculture, Farming
RSA 432:33 Right to Farm; Immunity from Suit
RSA 672:1 (III-b) Declaration and Purpose
RSA 672:1 (III-d) Declaration and Purpose RSA 674:21
Innovative Land use Controls
RSA 674:26 Districting Under Interim Zoning Ordinance
RSA 674:32-a through c, Agricultural Uses of Land

12A.3 Definitions:

As used in this Article 12A and related provisions, the following terms having the meanings indicated:

12A.3.1. “Agriculture” and “Agricultural Operation” mean any farming activity that involves the cultivation of plants or the raising of livestock – including animals or poultry as defined in RSA 21:34-a.

12A.3.2. “Farm Stand” means a temporary or permanent structure located on a property and used to display and sell agricultural products. 12A.3.3. “Farmers’ Market” means an event or series of events at which two (2) or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture. 12A.3.4. “Animal Density” means (i) the number of animals or poultry in an Animal Husbandry Operation divided by (ii) the number of acres available to such animals or poultry. In determining the number of such acres, the Planning Board may deduct wetlands or other areas unsuitable for such use.

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12A.3.5. “Agricultural Product” means any agricultural commodity or product derived from crops grown under cultivated conditions or livestock and poultry raised for human or livestock consumption.

12A.3.6. “Plant Cultivation Operations” comprise:

- a. The cultivation, conservation, and tillage of the soil;
- b. The storage, use of, and spreading of fertilizer, lime, wood ash, sawdust, compost, animal manure, and, other lawful soil amendments;
- c. The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to forestry or lumbering operations; berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any other plant that can be legally grown and harvested extensively for profit or subsistence;
- d. Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

12A.3.7. “Animal Husbandry Operations” comprise:

- a. The raising and sale of livestock, which shall include but not be limited to dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*Cervus elephus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), and reindeer (*Rangifer tarandus*);
- b. The breeding, boarding, raising, training, riding instruction, and selling of equines;
- c. The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products;
- d. The raising, breeding, or sale of poultry, game birds and eggs;
- e. The raising of bees and the sale of honey;
- f. The raising, breeding, or sale of domesticated strains of fur-bearing animals.

12A.3.8 “Other Agricultural Operations” comprise:

- a.. The operation of roadside Farm Stands as provided in NH RSA 21:34-a,III(2017).
- b. The operation of Farmer’s Markets
- c. Any other practice on the farm (other than Plant Cultivation or Animal Husbandry) incident to, or in conjunction with such farming operations, including, but not restricted to:
 - i. Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm;

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- ii. The transportation to the farm of supplies and materials;
- iii. The transportation of farm workers;
- iv. The marketing or selling at wholesale or retail, on-site and offsite, any products from the farm;
- v. The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II (a)(4);
- vi. The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

12A.4 General Requirements

12A.4.1. Public health, safety, and welfare

Nothing in this ordinance shall apply to or be deemed to permit any aspect of an Agricultural Operation determined to be injurious to public health or safety under RSA 147. Nothing in this ordinance shall be deemed to modify or limit the duties and authority of the Department of Environmental Services under RSA 485 or RSA 485-A or the Commissioner of the Department of Agriculture, Markets, and Food under Title XL

12A.4.2 . Restrictions and Lot Size Regulations

12A.4.2.1. Plant Cultivation Operations. All Plant Cultivation operations may be conducted on lots of any size provided that these Plant Cultivation Operations comply with provisions of this ordinance and the New Hampshire Department of Agriculture and Food & Markets: “Manual of Best Management Practices (BMPs) for Agriculture.”

12A.4.3. Animal Husbandry Operations

a. *Lots wholly in the Rural and Agricultural District and Lots of Five (5) Acres or More.*

All Agricultural Operations, including Animal Husbandry and Other Agricultural Operations may be conducted (i) on lots wholly within the Rural and Agricultural District without regard to size of such lots and (ii) on Lots consisting of Five (5) acres or more in other Districts, provided that these Agricultural Operations comply with the provisions of this ordinance and the New Hampshire Department of Agriculture and Food & Markets: “Manual of Best Management Practices (BMPs) for Agriculture.

b. *Lots of Less Than Five (5) Acres in Districts other than Rural and Agricultural District”*

(1) Roosters. Regardless of the number of animals or poultry on a lot of less than Five (5) acres wholly or partly within a District other than the Rural and Agricultural District, husbandry of poultry that includes one (1) or more roosters shall require a Conditional Use Permit as provided under Article 16.2.0 Animal Husbandry Operations.

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(2) Animal Husbandry Operations involving no more than four animals, no more than 12 poultry per lot, and no roosters may be conducted on lots consisting of less than Five (5) acres wholly or partly within a District other than the Rural and Agricultural District, provided that these Operations comply with the provisions of this ordinance and the New Hampshire Department of Agriculture and Food & Markets: “Manual of Best Management Practices (BMPs) for Agriculture.

(3) Conditional Use Permit Required for Certain Animal Husbandry Operations. Animal Husbandry Operations involving more than four animals per lot or more than 12 poultry per lot or one (1) or more roosters may be conducted on lots consisting of less than Five (5) acres wholly or partly within a District other than the Rural and Agricultural District *provided* that these Operations comply with the provisions of this ordinance and the New Hampshire Department of Agriculture and Food & Markets: “Manual of Best Management Practices (BMPs) for Agriculture and *provided further* that the Planning Board approves a Conditional Use Permit for such Operations as provided in Article 16.2.0 of this Ordinance.

(4) Conditional Use Permit Required for Certain Other Agricultural Operations. Other Agricultural Operations may be conducted on lots consisting of less than Five (5) Acres wholly or partly within a District other than the Rural and Agricultural District provided that such Operations comply with the provisions of this ordinance and provided further that the Planning Board approves a Conditional Use Permits for such Operations as provided in Article 16.2.0 of this Ordinance.

Article 13 Non-conforming Lots, Structures and Uses

13.1 Lots

13.1.1 Notwithstanding the failure of a Lot to meet the frontage and lot size requirements of this Ordinance, it shall nevertheless be deemed to be a Lot for which a Building Permit may be issued if:

13.1.1.1 It was a separate lot of record shown on the Town Tax Map dated March 13, 1990, as from time to time thereafter amended by action of the Planning Board; and

13.1.1.2 It is capable of supporting a well and septic system designed and installed in compliance with all applicable Town and State of New Hampshire Water Supply and Pollution Control Division regulations; and

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13.1.1.3 All proposed uses, buildings, Structures, wells and septic systems comply with the setback requirements in this Ordinance; and

13.1.1.4 It has sufficient frontage to accommodate a private driveway intersecting with a public highway (except Class I or VI) or an approved subdivision road located in the Town of Hancock.

13.1.2 No portion of such lot shall be used or sold in a manner which diminishes compliance with frontage and area requirements established by this Ordinance, nor shall any subdivision be made which creates a Lot with frontage or area below said requirements.

13.2 Structures

13.2.1 Where a lawful building or Structure exists at the effective date of this Ordinance, or applicable amendment, that could not be built under the terms of this Ordinance or amendment by reason of restrictions on area, lot coverage, height, yards, or other dimensional requirements, the building or Structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

13.2.1.1 No such non-conforming building or Structure may be enlarged or altered in a way which increases its nonconformity, but any building or Structure or portion thereof may be altered to decrease its nonconformity;

13.2.1.2 A non-conforming building or Structure which is destroyed by fire or other hazard may be restored to its former bulk provided that it was not destroyed voluntarily and provided further that restoration is begun within twelve (12) months after the act of destruction; and

13.2.1.3 Should a non-conforming building or Structure be intentionally moved for any reason for any distance whatsoever, it shall thereafter be required to conform to the regulations for the District in which it is located after it is moved.

13.3 Uses

13.3.1 Where, on the effective date of this Ordinance or applicable amendment, a lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided that:

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13.3.1.1 No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

13.3.1.2 No such non-conforming use shall be moved, in whole or in part, to any portion of the Lot other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;

13.3.1.3 If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall be required to conform to the regulations specified by this Ordinance for the District in which such use is located; and

13.3.1.4 No additional Structure not conforming to the requirements of this Article shall be erected in connection with such non-conforming use of land.

Article 14 Zoning Board of Adjustment - Organization

14.1 Membership and Terms

There is hereby established a Zoning Board of Adjustment (hereinafter “the ZBA”) which shall consist of five (5) members who shall be appointed by the Board of Selectmen, and serve for three (3) year terms.

14.2 Alternates

The Board of Selectmen shall appoint three (3) alternates, who shall serve for three (3) year terms.

Article 15 Zoning Board of Adjustment – Powers

15.1 Administrative Appeals

The ZBA shall have the power to hear and decide appeals if it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the provisions of this Ordinance.

15.2 Variances

The ZBA shall have the power to authorize variances from the terms of this Ordinance as provided in state law upon appeals in specific cases.

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15.3 Equitable Waivers

The ZBA shall have the power to grant an equitable waiver of dimensional requirements, in accordance with the terms of NH RSA 674:33-a.

15.4 Building Code Board of Appeals

The ZBA shall serve as the Building Code Board of Appeals.

15.5 Special Exceptions – General Conditions

The ZBA shall have the power to grant Special Exceptions to the terms of this Ordinance, upon the following terms and conditions. Special Exceptions may be approved in particular cases if the ZBA finds, upon application and hearing and when applicable, that:

1. the proposed use is similar to one or more of the uses already authorized in the District;
2. the specific site is an appropriate location for the proposed use;
3. the proposed use would not adversely affect property values of neighboring properties;
4. the proposed use and the associated plans for parking, access and egress would not create a nuisance or serious hazard to pedestrian or vehicular traffic or excessive traffic congestion nor create excessive wear and tear on public Streets;
5. the proposed use, following installation of visual and noise screening measures by natural or structural means to the extent and in the manner as may be specifically determined by the Board, would not create a nuisance to neighboring properties by reason of noise, odors, fumes, smoke, dust, vibrations, light, sound, or electromagnetic or communications interference or the storage or dissemination of hazardous materials or otherwise be injurious, obnoxious or offensive;
6. adequate and appropriate facilities will be provided for the proper operation of the proposed use, including (where applicable) facilities for potable water and disposal of waste;
7. the proposed use is consistent with the purposes and intent of the Zoning Ordinance and the Hancock Master Plan, after having given due consideration to recommendations, if any, received from the Planning Board; and
8. the proposed use falls within and meets all of the conditions of a Special Exception hereinafter listed.

Special Exceptions may be approved by the ZBA subject to specific operating or physical conditions in order to provide reasonable and necessary protection for surrounding property owners and otherwise implement the intent of this Ordinance.

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The conditions imposed by this Ordinance and otherwise shall be continuing conditions of use, that is, any permission granted pursuant to a Special Exception shall continue only so long as the conditions continue to be met and shall lapse if relevant conditions are materially violated.

Following a hearing on any application for a Special Exception, the ZBA shall render a decision in writing which contains specific findings of fact on each material issue before it.

15.6 Special Exceptions – Specific Conditions

15.6.1 Accessory Dwelling Units

The Zoning Ordinance generally limits the density of housing. Notwithstanding such general limitations, the ZBA may, upon application and hearing, grant a Special Exception to permit the construction and use of an Accessory Dwelling Unit in any District if it finds that:

- 15.6.1.1 There shall be no more than one Accessory Dwelling Unit on each Lot, which shall include what were formerly accessory apartments.
- 15.6.1.2 The principal Dwelling on the Lot shall be a single family dwelling. The Owner of the Lot shall occupy either the principal Dwelling or the Accessory Dwelling Unit.
- 15.6.1.3 The Accessory Dwelling Unit shall be constructed within or (where permitted) attached to the principal Dwelling on the Lot.
- 15.6.1.4 The lot area accommodating the principal Dwelling and the Accessory Dwelling Unit shall be not less than the minimum lot size for the pertinent District.
- 15.6.1.5 Each Accessory Dwelling Unit shall have no more than two bedrooms or sleeping areas and no more than 768 SF of Living Area.
- 15.6.1.6 There shall be an interconnecting door between the principal Dwelling and the Accessory Dwelling Unit which may be locked from time to time.
- 15.6.1.7 Within the Hancock Historic District, the structure containing the Accessory Dwelling Unit shall comply with the Historic District Ordinance with respect to aesthetic matters.

15.6.2 Accessory Dwellings

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The Zoning Ordinance generally limits the density of housing. Notwithstanding such general limitations, the ZBA may, upon application and hearing, grant a Special Exception to permit the erection and use of an Accessory Dwelling in the Residential District or the Rural and Agricultural District if it finds that:

- 15.6.2.1 There shall be no Accessory Dwelling Unit on the Lot.
- 15.6.2.2 There shall be no more than one Accessory Dwelling on each Lot.
- 15.6.2.3 The principal Dwelling on the Lot shall be a single family Dwelling ordinarily occupied by the Owner of the Lot.
- 15.6.2.4 The lot area accommodating the principal Dwelling and the Accessory Dwelling shall be not less than four acres.
- 15.6.2.5 Each Accessory Dwelling shall have no more than one bedroom or sleeping area and no more than 768 SF of Living Area.

15.6.3 Affordable Housing for the Elderly

The ZBA may, upon application and hearing, grant a Special Exception to permit the erection, use and operation of Affordable Housing for the Elderly in the Residential District or the Rural and Agricultural District if it finds that:

- 15.6.3.1 There shall be no more than one Structure containing dwelling units on any Lot.
- 15.6.3.2 There shall be no more than three dwelling units within any such Structure.
- 15.6.3.3 If the dwelling units are to be contained in an existing Structure, there shall be no change in the exterior appearance of that Structure or of any other Structures on the Lot as a result of this use, unless such changes are specifically approved or required by the ZBA. Each newly-created dwelling unit within any such existing Structure shall have no more than one bedroom or sleeping area and no more than 768 SF of Living Area.
- 15.6.3.4 If the dwelling units are to be contained in a new Structure, it shall:
 - 15.6.3.4.1 be no more than one story in height
 - 15.6.3.4.2 contain an aggregate of no more than 3,000 useable SF of floor space;

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15.6.3.4.3 contain dwelling units, each of which shall have no more than one bedroom or sleeping area and no more than 768 SF of Living Area; and

15.6.3.4.4 have a single entranceway giving access to all units.

15.6.3.5 The operator of the Affordable Housing for the Elderly shall be (i) the Town of Hancock or (ii) the Hancock Housing Authority or (iii) another not-for-profit or charitable entity.

15.6.3.6 The operator of the Affordable Housing for the Elderly may rent or lease dwelling units solely for residential occupation by one or two persons, each of whom is 62 years of age or more. No such lease shall exceed 5 years in duration, but any such lease may be renewed or extended from time to time for one or more additional periods, but no such renewal or extension shall exceed 5 years from the date on which it is granted.

15.6.4 Bed and Breakfast

The ZBA may, upon application and hearing, grant a Special Exception to permit the erection, use and operation of a Bed and Breakfast Facility in the Residential District or the Rural and Agricultural District if it finds that:

15.6.4.1 The proposed Bed and Breakfast shall be operated by a person who is ordinarily resident within the Bed and Breakfast.

15.6.4.2 The Bed and Breakfast facility shall have not more than eight (8) guest rooms.

15.6.4.3 The Bed and Breakfast facility shall offer short term lodging to paying guests together with a morning meal or other light refreshments for residential guests the price of which shall be included in the cost of lodging, and no other hotel or restaurant services.

15.6.5 Day Care Facilities

The ZBA may, upon application and hearing, grant a Special Exception to permit the erection, use and operation of a Day Care Facility in the Residential District or the Rural and Agricultural District if it finds that:

15.6.5.1 The applicant is duly licensed by the State of New Hampshire and is in compliance with the terms of such license or demonstrates that no such license is required.

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- 15.6.5.2 The facility shall have adequate off-street parking area to accommodate the safe drop-off and pick-up of children and others visiting the facility.
- 15.6.5.3 A minimum of fifty square feet (50 SF) for each enrolled child shall be provided as outside play area. No portion of the outside play area shall be located within twenty-five feet (25') of any property line.
- 15.6.5.4 Setback dimensions and screening shall be adequate to provide protection for neighboring properties from noise or other disturbances caused by indoor or outdoor play activities.
- 15.6.5.5 There shall be no change in the exterior appearances of the building or other Structures on the property as a result of the use, unless specifically approved or required by the ZBA.

15.6.6 Excavation of Earth Materials

Ordinarily, Excavation of earth materials is prohibited in all Districts. The ZBA may, upon application and hearing, grant a Special Exception to allow Excavation of Earth Materials in the Rural and Agricultural District if it finds that:

- 15.6.6.1 The excavation and removal of the earth materials shall not cause a diminution in property values of neighboring properties.
- 15.6.6.2 The excavation and removal of earth materials shall not unreasonably accelerate the deterioration of the highways or create safety hazards in the use thereof.
- 15.6.6.3 The excavation and removal of earth materials shall not create any nuisance or create health or safety hazards; and
- 15.6.6.4 The exception complies with such other Special Exception criteria as may be set out in applicable local ordinances.

15.6.7 Flexible Zoning Usage

Lots of less than four acres in areas designated for flexible zoning are normally restricted to Single Family and Two-Family Dwellings. The ZBA may, upon application and hearing, grant a Special Exception to this use restriction if it finds that:

- 15.6.7.1 The proposed use would otherwise be permitted in the Rural and Agricultural District; and
- 15.6.7.2 The proposed use shall not cause a diminution in property values of neighboring properties.

15.6.8 Frontage

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Ordinarily, the Planning Board may not create a new Lot through subdivision unless all Lots resulting from the subdivision satisfy certain dimensional requirements which pertain generally to the District in which the Lot is located, including minimum Frontage on a public road. The ZBA may, upon application and hearing, grant a Special Exception to this Frontage requirement if it finds that:

- 15.6.8.1 circumstances of topography, soil characteristics, Street configuration, or configuration of adjacent properties are, in the judgment of the Board, such as to justify the use of reduced Frontage to make the best use of the land, provided, however, that
- 15.6.8.2 the average legal frontage of all lots resulting from the proposed subdivision shall be equal to or greater than such Frontage requirements unless otherwise specifically approved by the ZBA.

15.6.9 Home-Based Businesses

Ordinarily, certain business and professional activities are restricted or prohibited in the Residential District and the Rural and Agricultural District. The ZBA may, upon application and hearing, grant a Special Exception to permit a Home-Based Business as an Accessory Use in these Districts if it finds that:

- 15.6.9.1 The proposed Home-Based Business is of a type which is customarily incidental to the principal use of a Lot for residential purposes.
- 15.6.9.2 The proposed Home-Based Business shall be owned and operated strictly by the owner or owners of the principal Dwelling on the Lot which shall be the principal and ordinary Dwelling of said owner or owners. Should the owner or owners move his/her/their residence, the owner or owners must obtain a new Special Exception or discontinue the Home-Based Business within three (3) months.
- 15.6.9.3 There shall be no changes to the exterior appearance of the buildings which alter the character of the Dwelling unit or Accessory Structure unless specifically approved or required by the Zoning Board of Adjustment.
- 15.6.9.4 The proposed Home-Based Business shall normally be operated on or from the Lot of the resident's Dwelling unit, but the ZBA may expressly approve the use of an abutting Lot owned by the resident for this purpose.
- 15.6.9.5 The proposed Home-Based Business shall be operated in or from the owner's Dwelling and existing or new accessory buildings, or such new Structures as may be expressly approved by the ZBA. New Structures

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constructed for use by the business shall not exceed two stories, and their height, area, design, and appearance shall not alter the character of the neighborhood. In the Residential District, the height of new Structures shall not exceed that of the residence by a significant amount, and the footprint of the building shall be compatible in scale to the residence. Trailers may not be used for storage or as accessory Structures other than a mobile home used as the primary residence.

- 15.6.9.6 In the Residential District, no more than three (3) non-resident persons employed in a Home-Based Business may be on-site at one time. In the Rural and Agricultural District, no more than six (6) non-resident persons employed in a Home-Based Business may be on-site at one time.
- 15.6.9.7 The use shall not result in excessive increases in traffic. No business traffic or heavy equipment activity shall occur before 6:00 a.m. or after 6:00 p.m. except for situations when trucks are used for snow or ice removal. The ZBA may further limit the hours or days of operation to such an extent as it deems necessary to prevent adverse effects on the surrounding properties.
- 15.6.9.8 One truck up to 20,000 lb. GVW, which is used in the business, may be parked on the premises. More than one truck or larger trucks and other equipment may be permitted only if the ZBA finds that they shall not violate any of the conditions for the proposed use.
- 15.6.9.9 Outdoor storage of goods, materials, or equipment shall be screened from roads and surrounding properties by natural or structural means or a combination of both to such an extent and in such manner as may be required and approved by the ZBA.
- 15.6.9.10 There shall be no window displays or other additions or changes made to the property which are normally associated with business or commercial use.
- 15.6.9.11 Signs shall be permitted for a Home-Based Business as provided in Article 4.8.
- 15.6.9.12 The Special Exception shall become void if any significant changes in the business occur, if any conditions of approval of the use are violated, or when the business ceases operation. If the business is proposed to continue following sale or transfer of the property where the business is located, a new application for Special Exception must be approved before continuation of the business use.

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15.6.10 Private Kennels

The ZBA may, upon application and hearing, grant a Special Exception to permit the erection, use and operation of a Private Kennel in the Residential District or the Rural and Agricultural District if it finds that

15.6.10.1 Each Private Kennel shall be located on a Lot of ten acres or more. Not more than one Private Kennel may be located on any Lot.

15.6.10.2 Each Private Kennel shall be located at least 200 feet from the edge of the Right of Way of a state road, a town road, a road Right of Way or a road Right of Way in an approved subdivision, and shall be at least 150 feet from the other boundaries of the Lot.

15.6.10.3 Each Private Kennel shall provide a satisfactory plan for disposal of animal waste by means other than the public provisions for solid waste disposal.

15.6.10.4 No permit shall be granted for a Private Kennel which has capacity to house more than ten dogs of more than eight months of age.

15.6.10.5 No permit shall be granted for a Private Kennel which offers services to the public.

15.6.10.6 Each Private Kennel:

15.6.10.6.1 shall be clearly incidental and secondary to the residential use of the property

15.6.10.6.2 shall be adequately screened visually and for noise from roads and surrounding properties by natural or structural means to such an extent and in such manner as may be specifically determined by the Board, and

15.6.10.6.3 shall have a sewage disposal system approved in writing by the Water Supply and Pollution Control Commission in accordance with the provisions of state law.

15.6.11 Rights of Way for Existing Backlots

Certain Lots exist which have no Frontage on a public Street and accordingly would not satisfy access requirements of this Ordinance. The ZBA may, upon application and hearing, grant a Special Exception permitting such access requirements to be satisfied by a permanent Right of Way across an abutting Lot if, upon application and hearing, it finds that:

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- 15.6.11.1 Each proposed lot (that is, the existing backlot and the abutting lot across which the Right of Way runs) shall have access to a Street provided either directly or by a permanent Right of Way of not less than fifty feet in width.
- 15.6.11.2 Such Right of Way shall be located no less than 500 feet from any existing Street or other Right of Way which is recorded or which is proposed at the same time, and shall be configured so as to be suitable for future accommodation of a Street that shall meet the requirements of the Hancock Subdivision Regulations, provided, however, that this requirement shall not preclude the creation of one Right of Way for each existing backlot.
- 15.6.11.3 Each proposed lot shall have frontage either on the Right of Way or on a public Street equivalent to the stated frontage requirements of the zoning district.
- 15.6.11.4 Lot areas, frontages and all set back requirements for each Lot shall be met to the extent possible without including the area of the Right of Way in the area, frontage or set back requirements for either Lot. For this purpose, all set back dimensions shall apply with reference both to the proposed Right of Way and any Street abutting the Lot.
- 15.6.11.5 No more than one Lot shall be served by one Right of Way. The ZBA shall not grant Special Exceptions involving a series of subdivisions that would provide Right of Way access to more than a single Lot.
- 15.6.11.6 The owner of each proposed Lot (that is, the existing backlot and the abutting lot across which the Right of Way runs) shall have consented in writing to the following waiver and condition subsequent pursuant to NH RSA 674:41:
 - 15.6.11.6.1 Waiver: “The Town of Hancock shall have no responsibility to maintain said right of way nor any liability for any damages resulting from the use thereof.”
 - 15.6.11.6.2 Condition subsequent: Prior to the issuance of a building permit for any Lot served by said Right of Way, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the Hillsborough County Registry of Deeds.

15.6.12 Rights of Way for New Backlots

Notice: This ordinance may be amended from time to time. Applicants and others should not rely on this internet version of the ordinance (March 2017) without confirming through the Hancock Planning Board that it is current and unamended.

Ordinarily, the Planning Board may not create a new Lot through Subdivision unless all Lots resulting from the Subdivision satisfy certain dimensional requirements which pertain generally to the District in which the Lot is located, including minimum frontage on a public Street. For this purpose, a New Backlot is a proposed Lot which has no such frontage. The ZBA may, upon application and hearing, grant a Special Exception to this frontage requirement if it finds that

- 15.6.12.1 Each proposed Lot resulting from the proposed Subdivision shall have access to a Street provided either directly or by a permanent Right of Way of not less than fifty feet in width.
- 15.6.12.2 Such Right of Way shall be located no less than 500 feet from any existing Street or other Right of Way which is recorded or which is proposed at the same time, and shall be configured so as to be suitable for future accommodation of a Street that shall meet the requirements of the Hancock Subdivision Regulations
- 15.6.12.3 Each proposed lot shall have frontage either on the Right of Way or on a public Street equivalent to the stated frontage requirements of the zoning district.
- 15.6.12.4 Lot areas, frontages and all set back requirements for each lot resulting from the proposed subdivision shall be met without including the area of the Right of Way in the area, frontage or set back requirements for either lot. For this purpose, all set back dimensions shall apply with reference both to the proposed Right of Way and any Street abutting the Lot.
- 15.6.12.5 No more than one Lot shall be served by one Right of Way. The ZBA shall not grant Special Exceptions involving a series of subdivisions that would provide Right of Way access to more than a single Lot.
- 15.6.12.6 The owner of each proposed Lot (that is, the existing backlot and the abutting Lot across which the Right of Way runs) shall have consented in writing to the following waiver and condition subsequent pursuant to NH RSA 674:41:
 - 15.6.12.6.1 Waiver: “The Town of Hancock shall have no responsibility to maintain said right of way nor any liability for any damages resulting from the use thereof.”
 - 15.6.12.6.2 Condition subsequent: Prior to the issuance of a building permit for any Lot served by said Right of Way, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the Hillsborough County Registry of Deeds.

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15.6.13 Temporary Use of a Trailer or Mobile Home

Ordinarily, a Trailer or Mobile Home may not be used as a Dwelling on the same Lot as another Dwelling. The ZBA may, upon application and hearing, approve the temporary use of such a Trailer or Mobile Home as a Dwelling during construction of a permanent Dwelling in any District if it finds that:

- 15.6.13.1 permission for such temporary use shall expire at the earlier of (i) 30 days following actual occupancy of the principal Dwelling on the Lot or (ii) 30 days following issuance of a Certificate of Occupancy for such Dwelling or (iii) twelve (12) months following issuance of the permit, provided, however, that for good cause shown and upon a further application and hearing, the ZBA may extend such permission for up to one additional year, and
- 15.6.13.2 the use shall comply with the sanitary protection requirements of this Ordinance.

15.6.14 Wetlands Area Conservation District – Non-Conforming Lots

Development on unimproved Lots in the Wetlands Area Conservation District may be restricted or prohibited. The ZBA may, upon application and hearing, grant a Special Exception to permit the erection of a Structure on an unimproved Lot within the Wetlands Area Conservation District if it finds:

- 15.6.14.1 The Lot for which an exception is sought is shown separately and distinctly on the official Tax Map as of 3/13/90.
- 15.6.14.2 The use for which the exception is sought cannot feasibly be carried out on a portion or portions of the Lot which are outside the Wetlands Conservation District.
- 15.6.14.3 The design and construction of the proposed use shall, to the extent practical, be consistent with the purpose and intent of the Wetlands Area Conservation District.
- 15.6.14.4 The proposed use shall not create a hazard to individual or public health, safety and welfare, or cause the loss of wetland or the contamination of groundwater.
- 15.6.14.5 The ZBA may itself, or upon petition from the Selectmen, Conservation Commission or abutters, hire a qualified consultant or consultants to prepare such studies as are necessary to determine

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whether the conditions set forth above have been met. The cost of such studies shall be borne by the applicant.

Article 16 Conditional Use Permits

The Planning Board shall have the power, upon application and hearing, to grant a Conditional Use Permit under this Ordinance upon the following terms and conditions and upon such additional terms and conditions as may be set out in Site Plan Regulations adopted from time to time pursuant to NH RSA 674. The Planning Board shall have the further power to waive such conditions in individual cases.

16.1 Conditional Uses - General Conditions

No Conditional Use Permit shall be granted unless the Planning Board finds that:

1. the specific site is an appropriate location for the proposed use;
2. the proposed use would not adversely affect property values of neighboring properties;
3. the proposed use and the associated plans for parking, access and egress would not create a nuisance or serious hazard to pedestrian or vehicular traffic or excessive traffic congestion nor create excessive wear and tear on public Streets;
4. the proposed use, following installation of visual and noise screening measures by natural or structural means to the extent and in the manner as may be specifically determined by the Board, would not create a nuisance to neighboring properties by reason of noise, odors, fumes, smoke, dust, vibrations, light, sound, or electromagnetic or communications interference or the storage or dissemination of hazardous materials or otherwise be injurious, obnoxious or offensive;
5. adequate and appropriate facilities will be provided for the proper operation of the proposed use, including (where applicable) facilities for potable water and disposal of waste;
6. the proposed use is consistent with the purposes and intent of the Zoning Ordinance and the Hancock Master Plan; and
7. the proposed use falls within and meets all of the conditions hereinafter listed for a specific Conditional Use.

In making such determinations, the Planning Board may also consider whether a proposal in an individual case meets those standards set out in NH RSA 674:44, II.

Conditional Use Permits may be approved by the Planning Board subject to specific operating or physical conditions in order to provide reasonable and necessary protection for surrounding property owners and otherwise implement the intent of this Ordinance.

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The conditions imposed by this Ordinance and otherwise shall be continuing conditions of use. Any permission granted pursuant to a Conditional Use shall lapse if relevant conditions are materially violated.

The Planning Board may, by regulations adopted under provisions relating to Site Plan Review, adopt further provisions consistent with this Ordinance.

Hearings on Conditional Use Permits may be consolidated with Site Plan Review hearings which relate to the same properties.

16.2 Conditional Uses – Specific Conditions

16.2.0 Animal Husbandry Operations; Other Agricultural Operations

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow Animal Husbandry Operations or Other Agricultural Operations as provided in Article 12A if it finds that:

16.2.0.1 *Animal Husbandry Operations*: the type and extent of the Animal Husbandry Operations proposed for the property, including the quantity and type of animals and/or poultry, location of pens or shelters, location of manure storage and plan for manure disposal, comply with:

16.2.0.1.1 statewide Best Management Practices for any relevant activities including:

- (a) best management practices for manure handling based on the New Hampshire Department of Agriculture manual entitled “Best Management Practices for Handling of Compost, Fertilizer and Manure,” or any successor publication;
- (b) best management practices for Animal Density based on The University of New Hampshire Cooperative Extension publication entitled “Guidelines for Space and Housing of Farm Animals,” by David C. Seavey and John C. Porter or any successor publication; and
- (c) general best management practices based on New Hampshire Department of Agriculture and Food & Markets: “Manual of Best Management Practices (BMPs) for Agriculture” and

16.0.2.1.2 plans in such detail as the Planning Board may require which demonstrate to the Board that the Animal Husbandry Operation or Other Agricultural Operation will not cause pollution, soil degradation, unreasonable odor, unreasonable noise or disturbance of the peace affecting neighbors or members of the public.

16.2.0.2 *Other Agricultural Operations*: the type and extent of such Other Agricultural Operations proposed for the property are:

16.2.0.2.1 otherwise permitted as a Home Occupation or Home Based Business or

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16.2.0.2 are reasonably related to a permitted agricultural use and
16.2.0.2.3 in either such case, otherwise satisfy the General Requirements of a Conditional Use.

16.2.0.3 In order to facilitate periodic review of conditions, and for the avoidance of doubt, the Planning Board shall have authority to limit the duration of any permit to allow for periodic review of the Animal Husbandry Operations or Other Agricultural Operations.

16.2.1 Apartment Buildings

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of an Apartment Building in the Village Commercial District if it finds that:

- 16.2.1.1 There shall be no more than one Apartment Building on any Lot.
- 16.2.1.2 Each Apartment Building shall contain three, four or five separate Dwellings, together with facilities used in common by the residents.
- 16.2.1.3 Minimum Lot Size – Each Lot containing an Apartment Building shall be a minimum of 10,000 SF plus 10,000 SF per Dwelling.
- 16.2.1.4 Set Backs – Minimum set backs shall be as set forth in this Ordinance for the pertinent District.
- 16.2.1.5 Parking; Access – Each Apartment Building shall provide a minimum of two off-street parking spaces for each Dwelling. The Planning Board may require screening or improvement of sight lines for traffic entering or leaving the site. No on-street parking shall be allowed.

16.2.2 Astronomy

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of a facility for Astronomy in the Rural and Agricultural District if it finds that:

- 16.2.2.1 Minimum Lot Size – Each Lot containing an Astronomy facility shall be a minimum of ten acres.
- 16.2.2.2 Set Backs – Minimum set backs shall be as set forth in this Ordinance for the pertinent District. Set back dimensions and screening shall further be adequate to provide visual and noise protection for neighboring properties from disturbances caused by indoor or outdoor activities incidental to the operation of the Astronomy facility.

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- 16.2.2.3 **Parking; Access** – Each Astronomy facility shall provide a minimum of one off-street parking space for each person employed at such facility. The Planning Board may require screening or improvement of sight lines for traffic entering or leaving the site. No on-street parking shall be allowed.

16.2.3 Business Offices

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of a Business Office facility in the Village Commercial District if it finds that:

- 16.2.3.1 **Minimum Lot Size** – Each Lot containing a Business Office shall be the minimum size for the pertinent District.
- 16.2.3.2 **Set Backs** – Minimum set backs shall be as set forth in this Ordinance for the pertinent District.
- 16.2.3.3 **Maximum Floor Area** – The total floor area of Structures on any Lot used for a Business Office facility shall not exceed 6,000 SF.
- 16.2.3.4 **Parking; Access** – Each Business Office shall provide reasonable parking for the business intended and at least one off-street parking space for each person employed at such facility plus reasonable facilities for clients, customers or other visitors. The Planning Board may require screening or improvement of sight lines for traffic entering or leaving the site. No on-street parking shall be allowed.

16.2.4 Campgrounds

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of a Campground facility in the Rural and Agricultural District if it finds that:

- 16.2.4.1 **Minimum Lot Size** – Each Lot containing a Campground facility shall be a minimum of 30 acres.
- 16.2.4.2 **Set Backs** – Minimum set backs shall be as set forth in this Ordinance for the pertinent District. Set back dimensions and screening shall further be adequate to provide visual and noise protection for neighboring properties from disturbances caused by indoor or outdoor Campground activities
- 16.2.4.3 **Parking; Access** – Each Campground facility shall provide reasonable parking for the business intended and at least one off-street parking

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space for each person employed at such facility plus reasonable facilities for clients, customers or other visitors. The Planning Board may require screening or improvement of sight lines for traffic entering or leaving the site. No on-street parking shall be allowed.

16.2.4.4 State Standards - The Campground facility shall comply with NH RSA § 216-I and regulations, if any, thereunder.

16.2.4.5 Structures Permitted - A Campground facility may include:

16.2.4.5.1 Campsites, as defined in NH RSA 216-I:1, for the transient accommodation of tents and recreational vehicles;

16.2.4.5.2 Sanitary stations, as so defined

16.2.4.5.3 Staff accommodations; and

16.2.4.5.4 Office space, storage, utility, maintenance and other facilities as may be reasonably necessary for the operation of the Campground facility.

16.2.4.6 Structures Prohibited - For the avoidance of doubt, Recreational Camping Cabins (as defined in NH RSA 216-I:1) and other permanent Dwellings are prohibited.

16.2.4.7 Noise and other Potential Nuisances - Setback dimensions and screening shall be adequate to provide protection for neighboring properties from noise or other disturbances caused by Campground activities.

16.2.4.8 Density of Use; Open Space Provision - In order to maintain appropriate limits on the intensity of land use of such facilities, and to maintain a rough parity between the intensity of residential and agricultural uses and those of a Campground facility, the maximum number of spaces for overnight accommodation for guests, staff and others shall be fixed at a level which does not exceed the average density for residential housing calculated using the Flexible Zoning regulations set out in this Ordinance.

16.2.4.9 Seasonal Use – In order to maintain appropriate limits on the intensity of land use, the Planning Board may by Site Review Regulations fix periods of time in which the Campground facility may be operated on a seasonal basis.

16.2.5 Place of Religious Assembly

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The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of a Place of Religious Assembly in the Residential or the Rural and Agricultural Districts if it finds that:

- 16.2.5.1 Floor Area - The total floor area of Structures on any Lot shall not exceed 10,000 SF.
- 16.2.5.2 Access - The facility shall have adequate off-street area to accommodate the safe drop-off and pick-up of persons visiting the facility.
- 16.2.5.3 Parking - There shall be an adequate off-street parking area to accommodate the automobiles of the persons visiting the facility.
- 16.2.5.4 Congestion - Access to the pick up/drop off area and the parking area from the Street shall be constructed to minimize traffic congestion or hazards.
- 16.2.5.5 Screening; Buffers - Set back dimensions and screening shall be adequate to provide visual and noise protection for neighboring properties from disturbances caused by indoor or outdoor activities associated with the facility.
- 16.2.5.6 A Place of Religious Assembly conforming with the foregoing requirements may be incorporated into a Rural Learning Center (see Art 16.2.10) or School (see Art 16.2.11).

16.2.6 Filling Stations

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of a Filling Station in the Eastern Village Commercial District.

16.2.7 Garages

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of a Garage in the Eastern Village Commercial District.

16.2.8 Hotels and Inns

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The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of a Hotel or Inn in the Village Commercial District.

16.2.9 Restaurants

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of a Restaurant in the Village Commercial District.

16.2.10 Rural Learning Centers

Hancock has benefited for many years from organizations which use outdoor spaces for suitable educational purposes, principally environmental education and study of the natural sciences, training for outdoor recreation and athletics and enjoyment of outdoor pursuits. The purpose of this Conditional Use is:

- 1 to facilitate and encourage such educational opportunities;
- 2 to ensure that such uses are compatible with other permitted uses in the pertinent districts
- 3 to ensure public health and safety and
- 4 to preserve and enhance features of the natural environment which, among other things, are necessary as a basis for the educational purposes.

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to permit the erection, use and operation of a Rural Learning Center in the Rural and Agricultural District if it finds that:

16.2.10.1 Not-for-Profit. The owner and operator of the Rural Learning Center (“RLC”) shall be a charitable or not-for-profit entity having educational activities as a charitable purpose.

16.2.10.2 Minimum Acreage: The operator of the RLC shall own or have the exclusive right to use not less than the following contiguous acres exclusively for the charitable purposes of the RLC, that is:

16.2.10.2.1 Non-residential: if the RLC provides no overnight accommodation for students (that is, attendees or participants other than staff), 20 acres.

16.2.10.2.2 Residential: if the RLC provides overnight accommodation for students, 40 acres;

16.2.10.3 Density of Use; Open Space Offset: In order to maintain appropriate limits on the intensity of land use of such facilities, and to maintain a rough parity between the intensity of residential and agricultural uses

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and those of a RLC, the maximum number of spaces for overnight accommodation for staff, students and others shall be fixed at a level which does not exceed the average density for residential housing calculated using the Flexible Zoning regulations set out in this Ordinance.

16.2.10.4 Non-residential Structures – Structures at an RLC which does not provide overnight accommodation for students may include:

- 16.2.10.4.1 Classrooms, meeting rooms and other indoor or outdoor educational and recreational facilities;
- 16.2.10.4.2 Dining facilities to accommodate participants and guests;
- 16.2.10.4.3 Sanitary facilities;
- 16.2.10.4.4 Staff accommodations; and
- 16.2.10.4.5 Office space, storage, utility, maintenance and other facilities as may be reasonably necessary for the operation of the RLC.

16.2.10.5 Residential Structures - Structures at an RLC which provides overnight accommodation for students may include:

- 16.2.10.5.1 Any Structure permitted under 16.2.10.4 and
- 16.2.10.5.2 Overnight accommodation for transient participants and guests.

16.2.10.6 Screening; Buffers - Set back dimensions and screening shall be adequate to provide visual and noise protection for neighboring properties from disturbances caused by indoor or outdoor activities.

16.2.10.7 Emergency Services - The operator shall have prepared an Emergency Services Plan, approved by the Hancock Fire Chief and Chief of Police, which identifies any specialized public safety facilities necessary for emergency fire or rescue services at the RLC beyond that normally required for other uses in the district. The Planning Board shall have the power to assess the applicant for the costs of such public safety facilities as an Impact Fee pursuant to NH RSA 674:21:V.

16.2.11 Schools

Hancock has benefited for many years from schools and educational organizations. The purpose of this Conditional Use is:

- 1 to facilitate and encourage such educational opportunities;
- 2 to ensure that such uses are compatible with other permitted uses in the pertinent Districts
- 3 to ensure public health and safety and

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- 4 to preserve and enhance features of the natural environment which, among other things, are necessary as a basis for the educational purposes.

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to permit the erection, use and operation of a School in the Residential District or the Rural and Agricultural District if it finds that:

16.2.11.1 NH License: The owner and operator of the School shall be either

16.2.11.1.1 an institution providing full-time day instruction in a course of study which meets the requirements of the New Hampshire Board of Education, or

16.2.11.1.2 a nursery school or kindergarten (1) whose annual session does not exceed the school sessions for full-time day schools, and (2) is operated by the Contoocook Valley School District, any established religious organization as part of an elementary school, or under a permit issued by the Division of Welfare of the New Hampshire Department of Health and Welfare.

16.2.11.2 Minimum Acreage: The operator of the School shall own or have the exclusive right to use not less than the following contiguous acres exclusively for the educational purposes of the School, that is:

16.2.11.2.1 If the Floor Area of the school is less than 10,000 SF and if the School has no residential facilities, then the Lot shall be not less than the minimum lot size for the District in which the School is located; or

16.2.11.2.2 If the total Floor Area of the school is 10,000 SF or more or if the RLC provides overnight accommodation for students, 20 acres.

16.2.11.3 Density of Use; Open Space Offset: In order to maintain appropriate limits on the intensity of land use of such facilities, and to maintain a rough parity between the intensity of residential and agricultural uses and those of a School, the maximum number of spaces for overnight accommodation for staff, students and others shall be fixed at a level which does not exceed the average density for residential housing calculated using the Flexible Zoning regulations set out in this Ordinance.

16.2.11.4 Non-residential Structures – Structures at a School which does not provide overnight accommodation for students may include:

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- 16.2.11.4.1 Classrooms, meeting rooms and other indoor or outdoor educational and recreational facilities;
- 16.2.11.4.2 Dining facilities to accommodate participants and guests;
- 16.2.11.4.3 Sanitary facilities;
- 16.2.11.4.4 Staff accommodations; and
- 16.2.11.4.5 Office space, storage, utility, maintenance and other facilities as may be reasonably necessary for the operation of the School.

16.2.11.5 Residential Structures - Structures at a School which provides overnight accommodation for students may include:

- 16.2.11.5.1 Any Structure permitted under 16.2.11.4 and
- 16.2.11.5.2 Overnight accommodation for staff and students.

16.2.11.6 Screening; Buffers - Set back dimensions and screening shall be adequate to provide visual and noise protection for neighboring properties from disturbances caused by indoor or outdoor activities.

16.2.11.7 Emergency Services - The operator shall have prepared an Emergency Services Plan, approved by the Hancock Fire Chief and Chief of Police, which identifies any specialized public safety facilities necessary for emergency fire or rescue services at the School beyond that normally required for other uses in the district. The Planning Board shall have the power to assess the applicant for the costs of such public safety facilities as an Impact Fee pursuant to NH RSA 674:21:V.

16.2.12 Shops and Other Retail Establishments

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of Shops and Other Retail Establishments in the Village Commercial District.

16.2.13 Telecommunications Facilities

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of Telecommunication Facilities in the Rural and Agricultural District.

16.2.14 Workforce Housing

The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow the erection and operation of multi-family Workforce Housing units in the Rural and Agricultural District.

Article 17 Administration and Enforcement

Notice: This ordinance may be amended from time to time. Applicants and others should not rely on this internet version of the ordinance (March 2017) without confirming through the Hancock Planning Board that it is current and unamended.

17.1 Building Inspector

The Board of Selectmen is authorized to appoint a Building Inspector who shall have the authority to process Building Permit applications, maintain records relative to said applications, and inspect for compliance with the application submitted and approved, and the terms of this Ordinance, the Subdivision and Site Plan Review Regulations adopted by the Planning Board and any permits granted by any local use boards.

17.2 Building Permits

No building or Structure shall be erected, enlarged, altered, or moved, nor shall any use be initiated, until a Building Permit therefore shall have been issued by the Building Inspector, showing that all requirements of this Ordinance, all local land use regulations, and any approvals granted by local land use boards shall be complied with. The Building Inspector shall have the authority to adopt application forms.

17.2.1 Applications

No application for a Building Permit shall be accepted or approved unless it is (1) filed in writing on the form prescribed by the Building Inspector (2) accompanied by the required permit fee, (3) accompanied by a drawing, showing the Lot plan, the location of the building or use on the Lot, accurate dimensions of the Lot and building or use, showing (where applicable) location and specifications of the means of waste and sewage disposal, means of access to such Lot or use, and such other information as the Building Inspector may deem necessary to provide for the observance of the provisions of this Ordinance. The application shall (where applicable) be accompanied by:

- a. An approved permit to construct a septic system;
- b. An energy code permit issued by the Public Utilities Commission, in accordance with NH RSA chapter 155-D;
- c. A driveway permit.

17.2.2 Fees

The Board of Selectmen is hereby authorized to establish reasonable Building Permit fees and to revise and amend those fees, as necessary, provided that no fees may be established, amended or revised without a public hearing, with ten (10) days published and posted notice. Said notice shall contain a list of all proposed fees.

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17.2.3 Selectboard Approval

No Building Permit shall be issued without the written approval of the Selectboard.

17.2.4 Stakes and Markers

No application for a Building Permit shall be approved until stakes or markers shall be fixed on the Lot to indicate the location of the lot lines, all corners of buildings and Structures, or proposed alterations, wetlands, Steep Slopes, the septic system, the location of the driveway, and location of the well providing potable water to the property. Whenever any Structure (other than a Boundary Structure) is to be erected within 75 feet of a boundary line, the Building Inspector may require the applicant to provide a certificate of a licensed Surveyor verifying the accurate placement of stakes and markers showing any pertinent boundary line and Structure.

17.2.5 Revocation

The Building Inspector may suspend or revoke any Building Permit upon determining that the work or a project in process is not in conformity with the permit as granted, or is otherwise in violation of the terms of this Ordinance or any land use regulations or approvals granted by local land use boards. In the event of such suspension or revocation of a Building Permit, the work or project concerned shall immediately cease.

17.2.6 Expiration

A Building Permit, whether for a building, Structure, or alteration, or proposed land use shall expire within one (1) year after issuance and become void unless active and substantial work has been undertaken with respect to said permit. The term “active and substantial” shall require an installed foundation, with cap.

17.3 Completion of Work

Any building or Structure shall be completed as to exterior work, which shall mean the application of suitable siding, shingles or other commonly accepted material, within a period of two (2) years from the date of the original permit.

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17.4 Inspection and Enforcement

The Building Inspector shall have the right to inspect property prior to and during construction to ensure compliance with all state and local laws and permits. The Code Enforcement Officer, in cooperation with the Board of Selectmen, may, upon any well-founded information or upon complaint, take any appropriate action or institute any legal proceedings necessary to prevent any unlawful use or development of any land, building, Structure, or premises in violation of any provision of this Ordinance, local land use regulations or permits granted by local land use boards.

Article 18 Penalties

Any person who violates this Ordinance, any permit issued pursuant to this Ordinance, or any local land use regulation or approval granted by local land use boards shall be subject to a civil fine and penalties as provided in NH RSA 676:17 for each day that such violation is found by a court to continue after written notice of such violation is provided.

Article 19 Amendment

This Ordinance may be amended from time to time as provided by NH RSA 675.

Article 20 Severability

Should any section or provision of this Ordinance be held to be invalid or unconstitutional by any court or authority of competent jurisdiction, such holding shall not affect, impair or invalidate any other section or provision of this Ordinance, and to such end, all sections and provisions of this Ordinance are declared to be severable.

Article 21 Effective Date

This Ordinance shall take effect immediately following its adoption as provided in the laws of the State of New Hampshire.

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Dimensional Requirements

District	Minimum Lot Size	Minimum Frontage	Setback on frontage	Setback on sides and rear
Residential	40,000 SF	150 feet	35 feet or same as existing building line within 150 feet	20 feet
Historic District	As in Residential District and Village Commercial District			
Village Commercial District	20,000	none	25 feet	10 feet
Rural Districts	4 acres	350 feet	50 feet	30 feet
Flexible Zoning	1 to 4 acres	350 feet or 150 feet on private road	50 feet	30 feet

This Table summarizes the Dimensional Requirements for varying Districts for convenient reference but, in the case of any conflict between the Table and the text of the Ordinance, the text of the Ordinance shall govern.