

*Zoning and Land Use Ordinances*  
*Subdivision Regulations*  
*Non-Residential Site Plan Regulations*  
*and*  
*Building Regulations*

**Town of Strafford**

**New Hampshire**

**Incorporated 1820**

## Table of Contents

TABLE OF CONTENTS .....	2
CHAPTER 1.0      ZONING AND LAND USE ORDINANCE TOWN OF STRAFFORD, NEW HAMPSHIRE .....	3
CHAPTER 2.0      SUBDIVISION REGULATIONS OF THE TOWN OF STRAFFORD.....	38
CHAPTER 3.0      NON-RESIDENTIAL SITE PLAN REGULATIONS.....	58
CHAPTER 4.0      BUILDING REGULATIONS TOWN OF STRAFFORD.....	62
CHAPTER 5.0      STORMWATER MANAGEMENT REGULATIONS.....	73
SCENIC ROADS ORDINANCE.....	81
INDEX .....	83
RELATED PLANNING STATUTES .....	88

This booklet is updated to include all amendments to the Zoning and Land Use Ordinances and Building Regulations as adopted by the citizens of Strafford on or before March 9, 2021, and all amendments to the Subdivision Regulations and Non-Residential Site Plan Regulations as adopted by the Town of Strafford Planning Board on or before February 7, 2019. Zoning and Land Use Ordinances were first adopted in Strafford at a Special Town Meeting on September 8, 1970. Building Regulations were first adopted at the March 1958 Town Meeting.

## **Chapter 1.0      Zoning and Land Use Ordinance Town of Strafford, New Hampshire**

### **1.1      Preamble:**

In order to preserve the beauty and rural appearance of our Town, to protect the health, safety and general welfare of the community, to provide adequate areas between buildings and various rights-of-ways, to protect property values, to provide adequate public utilities and other public requirements, the following Ordinance is hereby adopted by the voters of the Town of Strafford, New Hampshire in accordance with Chapter 31, sections 60-89 (recodified as Chapters 673 to 677) of the New Hampshire Revised Statutes Annotated, as amended. (9-8-1970)

### **1.2      Districts.**

#### **1.2.1**

For the purpose of this Ordinance, the entire area of Strafford shall be established as an Agricultural-Residential District. (amended 3-13-1984)

#### **1.2.2**

Although no specific area has been set aside for business, or industry, the establishment of such an enterprise that can be shown to be an asset to the Town is encouraged. Off-road parking facilities must be provided by the business. Reference-Section 1.5 of this Ordinance.

#### **1.2.3**

Applications for any non-conforming uses shall be made to a Board of Adjustment for approval or disapproval.

### **1.3      General Provisions.**

#### **1.3.1**

For sanitary protection all sewage disposal systems to be installed, altered, or repaired within the Town limits shall be made in such a manner that they will not be a nuisance, or detrimental to the public health. Determination of these factors shall be made under the existing laws of the State of New Hampshire. Reference-RSA 149 Amended. (amended 3-13-1984)

#### **1.3.2**

No building permit shall be issued unless the related sewerage disposal system is in conformance with Town Ordinances and there is an approved State permit on file with the Town, if required. It shall be unlawful to install, alter, or repair any sewerage system without first obtaining a building permit from the Building Inspector. No sewerage system shall be covered up without an onsite inspection. The Building Inspector shall inspect any system not requiring State inspection. (amended 3-14-1989)

#### **1.3.3**

An owner or occupant of land shall not permit fire or other ruins to be left, but shall remove the same within six months. Reference--RSA 155-B.

**1.3.4**

Except for the purpose or in connection with the construction of a building for which a building permit has been issued, or for grading on the same site with material removed, or for other non-commercial uses no person shall remove sod, loam, sand, gravel, clay and stone without first obtaining a permit from the Planning Board in accordance with the existing laws of the State of New Hampshire, Reference--RSA 155-E as amended. No permit will be granted without there first being a public hearing. Said hearing to be held no later than thirty (30) days from the date of application for said permit. A permit will only be granted with a restriction that the site shall be restored through landscaping and revegetation. (amended 3-14-1989)

**1.3.5**

No permit to build will be issued by the Building Inspector or Selectmen until a scaled plat, or plan, showing the location of the structure or house, appurtenances and water and sewage systems in relation to the property lines and distance from property lines to any buildings on adjacent lots is presented with the application for the permit, and no building permit shall be issued without a driveway permit. No occupancy shall occur until all Town regulations are met, as certified by the Building Inspector or the Selectmen. (amended 3-8-1988)

**1.3.6**

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered except in conformity with the provisions of this ordinance. Storage sheds up to one-hundred (100) square feet not on permanent foundations shall not require a building permit, but shall be located in conformity with the provisions of this Ordinance requiring minimum setback distances. (amended 3-8-1988)

**1.3.7**

The Planning Board shall have the power to approve or disapprove subdivisions in accordance with RSA 36 (recodified as RSA Chapters 672 to 677). The Town Clerk shall on passage of this Ordinance file formal notice with the Register of Deeds for Strafford County of the authorization of the Planning Board to approve or disapprove subdivisions and the date of said authorization.

**1.3.8 Signs.**

**Purpose:** Signs perform important functions that are essential for public safety and general welfare, including communicating messages, providing information about goods and services, and orienting and directing people. It is further recognized that because of potential detrimental impacts, signs must be regulated to prevent hazards to vehicular and pedestrian traffic, to provide easy recognition and legibility of permitted signs, promote visual order and clarity on streets, and to complement the historic and scenic character of the Town while supporting local business and community vitality. Effective Date: May 1, 2012.

**General provisions:** All signs shall conform to the following regulations:

1. All signs shall be located on the same lot as the uses which they identify with the exception of event signs.

2. All signs shall be constructed, erected and maintained so as not to present a hazard to persons and property. Signs shall be constructed out of durable natural materials to the greatest extent possible and shall be maintained in a high state of repair.
3. All signs shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way, or the view of any authorized traffic sign, signal, or other traffic control device, or to create confusion with official street signs.
4. Signs shall not exceed six (6) square feet, except by special exemption of the Board of Adjustment. Flashing or animated signs are prohibited. Illuminated signs must comply with the outdoor lighting ordinance.

**Exemptions:** The following signs are allowed and are exempt from the sign requirements with the exception of paragraph (4): agricultural signs; warnings and land postings and similar displays; historical plaques and markers; temporary real estate signs; and up to two contractor signs on a project site property. Event signs advertising a town, local or private function including social breakfasts, garage sales, band concerts and the like are permitted. Signs shall be placed not earlier than 4 weeks prior to the event and shall be removed within 7 days of the event. Political signs shall be governed in accordance with RSA 664:17.

**Prohibited signs:**

1. Any sign erected or displayed upon, or projecting into public property or rights of way and any sign attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property or rights of way.
2. Signs mounted on a trailer, boat, or motor vehicle when parked or stored on the public right-of-way. Such signs or devices are considered portable signs and are prohibited.
3. Internally illuminated signs are prohibited without special exemption of the Board of Adjustment.

**Penalties:** The Selectmen or their agent shall notify sign owners, orally or in writing, to remove or repair any sign that is in violation of the sign ordinance. If the owner fails to comply as specified in the notice, the selectmen shall have the sign removed at the expense of the owner. All costs to include collection, fines, penalties, disposal of unlawful signs, including attorney's fees, costs and expenses related to the removal of an unlawful sign shall be borne by the violator. The Selectmen shall from time to time set the fines and penalties related to unlawful signs. (amended 3-13-2012)

**1.3.9** All building permits granted under this Ordinance shall not be valid for a period of more than one year. Continuation permits for construction shall be issued at the minimum fee, if construction under the original permit had begun within one year. (amended 3-13-1984)

**1.3.10** When converting from seasonal to year-round occupancy, or before expanding any structure or occupying any existing structure on a full-time basis so as to increase the load on a sewerage disposal system, an application for the approval of the system must be filed with the New Hampshire Water Supply and Pollution Control Commission. The application must show that either the existing system or the design for a new system meet the requirements of the

Commission for the intended use or the Town's minimum standards for use or occupancy, whichever is more stringent (Reference RSA 149-E: 3-c,d). Occupancy permits shall be required for all conversions. (effective 3-14-1989)

**1.3.11** In order to protect the public health, wildlife, and surface and sub-surface groundwater of the Town of Strafford:

1. The stockpiling and landspreading of Class B sewage sludge containing disease causing pathogens (i.e. hepatitis and meningitis), heavy metals, parasites, and hazardous organic chemicals, and the stockpiling and landspreading of industrial papermill sludge containing cyanide dioxins, furans, and other toxic substances, shall not be permitted in the Town of Strafford, New Hampshire.
2. the landspreading of septage originating in the Town of Strafford and the landspreading of Class A sludge is allowed outside any watershed as defined by the Water Supply and Pollution Control Division, New Hampshire Department of Environmental Services, so long as the following conditions are met
  - a. 250 foot setbacks from all waterbodies and all wetland areas
  - b. 500 foot setbacks from all waterwell sources
  - c. a land grade not to exceed 8 degrees
3. the reclamation of any gravel pit area shall be limited to clean sludge-free topsoil
4. nothing in this ordinance prohibits the use of bagged Class A sludge or Class A compost materials on residential gardens. (effective 3-10-98)

**1.3.12 Outdoor Lighting.**

**I. Purpose:** The purposes of this outdoor lighting ordinance is to protect dark night skies as a feature of the town's rural and scenic character, to protect the general welfare by controlling the spillover of light onto adjacent properties, to enhance public safety and security by the use of modern lighting and preventing glare from outdoor light sources, and to encourage energy efficiency.

**II. Requirements:** These requirements pertain to all new outdoor light applications. Any replacement or modification of existing lighting fixtures shall comply with this requirement. Pre-existing luminaries that cause glare on any public roadways shall fully comply with this ordinance immediately.

- A. All outdoor lighting shall be controlled to minimize the spillover of light onto adjacent properties. All outdoor area (non-decorative) lighting shall be of fully shielded (full cut-off) design that emits no light above a horizontal plane except for non-directional residential lighting such as porch, driveway and walkway lights.
- B. No land use or establishment shall be permitted to produce strong dazzling light or glare or reflection of that light beyond its lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall also comply with applicable Federal and State regulations.

- C. New signs or newly lit signs may be illuminated only by continuous indirect external white light. External lighting on signs shall be shielded and aimed downward so as to prevent glare to neighbors, pedestrians, or drivers.

### **III. Exemptions:**

- A. Non-conforming light fixtures. In addition to other exemptions provided in this article, downward-pointing outdoor light fixtures not meeting the provisions of this article shall be allowed provided such fixtures are extinguished between the hours of midnight and sunrise by an automatic shutoff device and their illumination is limited to the minimum levels recommended by the U.S. Standards Organization, the IESNA (Illuminating Engineering Society of North America). Essential security lighting should operate on motion-sensors between the hours of midnight and sunrise.
- B. Temporary lighting required for road construction; hazard warning lighting required by police, fire, or other emergency services or state or federal agencies; or as specifically permitted by the Planning Board.
- C. Seasonal/decorative lighting displays; illumination of the American flag, providing the minimum necessary illumination is used. (effective 3-13-2012)

### **1.4 Agricultural-Residential District:**

A building may be erected, altered or used, and a lot may be used or occupied for the following purposes, and in accordance with the following provisions:

#### **1.4.1 Land Requirements.**

- A. **Frontage**--Every building lot shall have a minimum frontage of two hundred (200) feet on a road, except where specifically waived by these ordinances. On the exterior curve of a cul-de-sac, a shorter front dimension shall be permitted; on a cul-de-sac or hammerhead the average width of the lot shall be at least 200 feet and not less than 100 feet shall be permitted. (amended 3-14-2006)  
  
**(2) Supplementary Lots.** Any lot greater than 20 acres in area with at least 250 feet of frontage and not more than 400 feet of frontage may be subdivided to allow one back lot, notwithstanding the frontage requirements specified in Article 1.4.1 A. The back lot must have at least fifty (50) feet of frontage on an existing Class V or better road. The area of the back lot which is less than 150 feet in width cannot be used in any way to calculate minimum lot size. Driveways must be centered in the neck as much as possible and the neck kept clear and maintained for safety. Back lots can only be created from lots of record in existence prior to January 1, 2015. The lot must meet all other zoning requirements. (effective 3-1-2015)
- B. **Front Yard**--Between the boundary of the nearest highway or street right-of-way and the extreme front of any building there shall be a distance of not less than forty (40) feet. A building on a corner lot is considered to have two front yards. (amended 3-8-1988)

- C. Side and Back Yards**--A building shall not be located nearer than twenty-five (25) feet of the property lines of any abutter and not nearer than fifty feet from any structure on an abutter's property. (amended 3-14-2006)
- D. Minimum Land Area**--A lot shall contain not less than 2 acres of land which is suitable for development (87, 120 square feet) with an additional 20, 000 square feet of land which is suitable for development for each additional family unit under a common roof, except as set forth in parts (2) and (3) of this subsection. (amended 3-9-1999)
1. There shall be no more than one residential structure per lot. (amended 3-14-2006)
  2. A lawful building may be constructed and used on a lot having less than the prescribed basic minimum area or frontage (provided that all other provisions of this Ordinance are complied with) if said lot, prior to the date of adoption and at the time of any subsequent amendment, conformed to the then existing area and frontage requirements of this Ordinance and met either of the following conditions:
    - a. Was a lot of record by deed duly recorded at the Strafford County Registry of Deeds or
    - b. Was lawfully laid out and shown on a plat of a subdivision approved by the Planning Board and duly recorded at the Strafford County Registry of Deeds pursuant to the Subdivision Regulations of the Town of Strafford.
  3. The minimum lot size for any building lot, any part of which will be located over 800 feet above sea level, shall be 5 acres. (effective 3-13-79, amended 3-8-2005)
- E.** No portion of a wetland shall be used in calculating minimum lot size. (effective 3-13-1979, amended 3-9-92)
- F.** No portion of an area of exposed ledge, or an area with a soil depth of less than twelve (12) inches to seasonal high water table shall be used in calculating minimum lot size. (effective 3-14-1989)
- G.** No portion of an area with a natural slope of greater than 25% shall be used in calculating minimum lot size. (effective 3-14-1989)
- H.** There shall be no structures located in an area of greater than 25% slope that extends for more than 40 horizontal feet. (effective 3-14-2006)
- I.** No portion of the area of a utility easement shall be used in calculating minimum lot size. (effective 3-14-2006)
- J. Shoreline Protection.** In order to protect surface waters in the Town of Strafford, the provisions of RSA 483-B:9, incorporated herein by reference, shall be adopted as a local ordinance to govern water bodies not included within the State of NH Shoreland Protection Act. Strafford Shoreline Protection shall include all land within 250 feet of the Isinglass River, Mohawk River, Berry's River, Big River, Little River, Big Willey Pond, Little Willey Pond, Adams Pond, and Wild Goose Pond. Measurements shall be taken



from the "reference line" as defined in RSA 483-B:4,XVII. All land already covered by the State of NH Shoreland Protection Act (RSA 483-B) shall be regulated by the Act unless otherwise modified by this Section and/or if the area is exempted from the Act per application under RSA 483-B:12. (effective 3-11-2003)

**K. Accessory Dwelling Unit (ADU) Ordinance**

I. Authority: This section is enacted in accordance with the provisions of RSA 674:71 – 73.

II.Purpose: The purposes of the accessory dwelling unit ordinance are to:

- (a) Increase the supply of affordable housing without the need for more infrastructure or further land development.
- (b) Provide flexible housing options for residents and their families.
- (c) Integrate affordable housing into the community with minimal negative impact.
- (d) Provide elderly citizens with the opportunity to retain their homes and age in place.
- (e) Every accessory dwelling unit shall be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59.

III. Definitions

- 1) An "accessory dwelling unit" means a residential living unit that is within or attached to a single-family dwelling or is located in a detached structure and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.
- 2) "Attached": An attached accessory dwelling unit shall be connected to the principal dwelling unit by a shared roof and wall or roofed and enclosed structure with doors to both units.
- 3) "Detached" : A detached accessory dwelling unit shall be located on a lot that meets or exceeds current zoning requirements for the minimum lot size for single family residential use, and shall conform to all restrictions and requirements of this section, except V (b) below.

IV. Special Exception Required

The Zoning Board of Adjustment is hereby authorized to grant a Special Exception to allow for accessory dwelling units in accordance with the restrictions and requirements of this section.

V. Criteria for Approval of a Special Exception

Upon submission of a site plan and building plan, the Zoning Board of Adjustment may grant a special exception and the Building Inspector may approve the construction of an accessory dwelling unit, provided that all of the following criteria are met:

- (a) A maximum of one (1) accessory dwelling unit may be permitted and must be located within or attached to the principal single family dwelling unit or located in a detached structure on the property.
- (b) An interior door shall be provided between the principal dwelling unit and an attached accessory dwelling unit.
- (c) All municipal regulations applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to, lot and building dimensional requirements. Adequate off-street parking shall be provided for the accessory dwelling unit.
- (d) The applicant for a special exception under this article shall demonstrate adequate provisions for water supply and sewage disposal for the accessory and primary dwelling units in accordance with RSA 485A:38. Water and wastewater systems for the principal and accessory dwelling units may be combined or separate.
- (e) Applicants shall upgrade and install the existing septic system if it is not adequate to serve the combined bedrooms in the principal unit and the accessory unit.
- (f) Accessory dwelling units shall maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.
- (g) Either the principal dwelling unit or the accessory dwelling unit must be owner occupied. The owner must demonstrate that one of the units is their principal place of residence. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership. Neither dwelling unit shall be transferred into condominium ownership or a cooperative.
- (h) Accessory dwelling units may not be greater than 750 square feet in area.
- (i) The accessory dwelling unit shall have no more than 2 bedrooms.

#### **VI. Occupancy Permit Required**

Prior to occupancy of the accessory dwelling unit, the homeowner shall obtain an occupancy permit from the Building Inspector.

#### **VII. Requirements for completed applications**

An ADU Application Checklist must be completed and filed with the Zoning Board of Adjustment. Site plans and building plans shall be submitted. The applicant shall provide three copies of the plans and accompanying materials and shall file an electronic copy of the plan set and any other submission items. (effective 3-14-2017)

#### **1.4.2 Land Uses Allowed:**

- A. The buying, selling and exposing for sale of home produce and products.
- B. The office of a professional person.
- C. Taking of boarders or the leasing or renting of rooms or buildings.

- D. Customary home occupations carried on in the house by a resident person.
- E. Single family, two family, and three family residences including accessory buildings and buildings for agricultural purposes are permitted in this District.
- F. Convalescent and nursing homes for the elderly, churches, schools, playgrounds, parks, golf courses, tennis courts, and agrotourism are permitted, as long as they are in conformance with the Non-Residential Site Plans. (amended 3-14-2017)
- G. Farming, including dairying, livestock, and poultry raising, horticulture, truck farming, forestry, and other related agricultural enterprises, and the sale of the products realized from farming is permitted.
- H. Telecommunications Facilities.
  - 1. This ordinance has been adopted in accordance with RSA 674:16 and shall apply in addition to requirements of New Hampshire State Law RSA 12-K. The regulatory provisions and definitions of this statute are hereby incorporated into this ordinance by reference to assist in the review and administration of the deployment of wireless facilities for the Town of Strafford. All submittal options found in RSA 12-K are hereby required as part of the site plan review process for permitting purposes.

Personal Wireless Service Facilities shall be permitted in the Town of Strafford in accordance with the following requirements.

- a. Camouflaged mounts may be added to existing buildings and structures through the issuance of a building permit from the Building Inspector upon a finding that the installation presents no increased visual impact on the Town.
- b. New ground mounts may be installed if disguised facilities are utilized and are no higher than 20 feet above the average tree canopy height. These facilities shall not be installed anywhere on land within 50 vertical feet of elevation of the summit of Parker Mountain, Evans Mountain, or Mack Mountain.
- c. New ground mounted facilities shall be permitted upon the compliance with the provisions of this ordinance and site plan review by the Planning Board. (effective 3-11-2003)

## **I. Small Wind Energy Systems Ordinance**

### **Purpose:**

This small wind energy systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein. (effective 3-10-2015)

A. Definitions:

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

**Modification.** Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

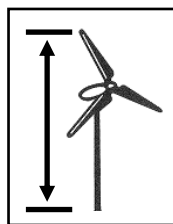
**Net metering.** The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

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

**Shadow flicker.** The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

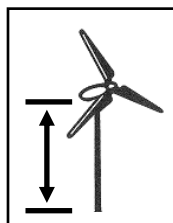
**Small wind energy system.** A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

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



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

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



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

**B. Standards:**

Small wind energy systems and met towers are an accessory use which shall be permitted in accordance with the following requirements

1. These facilities shall not be installed anywhere on land within 150 vertical feet of elevation of the summit of Parker Mountain, Evans Mountain, or Mack Mountain.
2. Maximum Height:

The maximum height of the small wind energy system shall not exceed 30' above the average canopy of the predominant tree species within 300 feet of the system. When located in an area cleared of trees, the maximum height of the system shall not exceed 30' above the neighboring tree canopy. It is the responsibility of the property owner/applicant to demonstrate the proposed system satisfies this requirement. In no situation shall the maximum height of the small wind energy system exceed 150'.
3. Setback:
  - A. Where unit size is less than or equal to 10 kW: 110% of system height (front, side and rear) with review and approval by the Building Inspector
  - B. Where unit size is greater than 10 kW to 100 kW: 150% of system height (front, side and rear) with review and approval by the Planning Board in accordance with Non-Residential Site Plan Review.
4. Sound

Sound level shall not exceed 60 decibels when operating under normal circumstances as measured at the property line using a calibrated decibel meter and verified by the Building Inspector, except during short-term events such as severe wind storms and utility outages.
5. Shadow Flicker:

Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.
5. Signs:

All signs, including flags, streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.

6. Visual Impacts:

This ordinance recognizes small wind energy systems may pose some visual impacts due to the tower height necessary to access wind resources. The purpose of this section is to reduce visual impacts, without restricting the owner's access to the wind resources.

- a. The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.
- b. The small wind energy system shall be painted or otherwise covered with a non-reflective, unobtrusive color that blends in with the surrounding environment.
- c. No lighting shall be mounted on the tower of a small wind energy system at a height in excess of 15', with the exception of lighting required by the Federal Aviation Administration (FAA) at the height required by the FAA.

7. Access:

No steps or ladders providing ready access to the tower shall be permanently installed on the tower within 8 feet of the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

8. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.
9. Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.
10. Approved Wind Generators: The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, available.
11. Utility Connection: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.

C. Application: Applications submitted to the building inspector shall contain a site plan with the following information:

- i) Property lines and physical dimensions of the applicant's property.

- ii) Location, dimensions, and types of existing major structures on the property.
  - iii) Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
  - iv) Tower foundation blueprints or drawings.
  - v) Tower blueprints or drawings.
  - vi) Setback requirements as outlined in this ordinance.
  - vii) The right-of-way of any public road that is contiguous with the property.
  - viii) Any overhead utility lines.
  - ix) Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
  - x) Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
  - xi) Sound level analysis prepared by the wind generator manufacturer or qualified engineer.
  - xii) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code. Plans for a system with a capacity greater than 10 kW shall be stamped by an electrical engineer.
  - xiii) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
  - xiv) List of abutters to the applicant's property.
2. Abutter and Regional Notification: In accordance with RSA 674:66, all abutters and the Board of Selectmen shall be notified by certified mail upon application for a building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the building inspector prior to the issuance of the building permit. An application shall be reviewed per RSA 36:55 to determine whether the small wind energy system will have regional impact. If the proposal is determined to have potential regional impacts, the Strafford Regional Planning Commission and the affected municipalities shall be notified in accordance with RSA 36:57. The cost of abutter and regional notifications shall be borne by the applicant. An abutter may appeal the issuance of an approval to the Zoning Board of Adjustment pursuant to RSA 676:5.

**D. Abandonment:**

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

2. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. "Physically remove" shall include, but not be limited to:
  - a. Removal of the wind generator and tower and related above-grade structures.
  - b. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the building inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the building inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.
4. If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

E. Violation:

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the small wind energy system.

F. Penalties:

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17.



**1.4.3 Conservation Development:**

**A. Purpose and Intent**

1. Conservation Development is defined as a method of subdivision design that provides for the protection of natural, environmental, and historic land features by permitting variation in lot sizes and housing placement. This allows a residential subdivision where dwellings are allowed on reduced lot sizes and a portion of the tract is set aside as conservation area (land to be kept permanently unbuilt upon) to preserve open space, tree cover, scenic vistas, natural drainage ways and outstanding natural topography. Conservation Development helps to prevent adverse impacts to the land by permitting, and encouraging, innovative development according to the natural features of the site; sponsoring the development of a more attractive and economic site design, and increasing the value and quality of the community.
2. Some specific objectives are:
  - a. To conserve areas with productive upland soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for economically feasible and ecologically sensitive operations.
  - b. To encourage the maintenance and enhancement of habitat for plant and animal communities, including rare species.
  - c. To minimize site disturbance and erosion through the retention of existing vegetation and avoiding development in sensitive areas.
  - d. To conserve land that protects water quality and quantity, including watersheds and buffers along streams and rivers, wetlands and floodplains, ponds and lakes, and land overlying aquifers.
  - e. To protect scenic views and special elements of rural character.
  - f. To conserve historic settings, cellar holes, stone walls, archaeological sites, and structures that serve as significant visible reminders of the town's history.
  - g. To provide for non-directed recreational needs of the community.
  - h. To create a contiguous network of open spaces or "greenways" by linking the common open spaces within the subdivision and to open space on adjoining lands wherever possible.
  - i. To reduce the impacts on water resources by minimizing land disturbance and the creation of impervious surfaces and stormwater runoff.
  - j. To reduce the amount of roads, sidewalks, and stormwater management structures that must be built and maintained.

- k. To minimize the impact of residential development on the municipality, neighboring properties, and the natural environment.

**B. Authority and Applicability**

1. The conservation development design approach is encouraged for all subdivisions of a parent parcel 20 acres in area or more to facilitate the implementation of the goals of the master plan. Conservation subdivision of parcels of land less than 20 acres in area may be allowed at the discretion of the Board.
2. **Sequential Subdivisions:** The provisions of this ordinance shall apply to the sequenced development of a parent parcel over time through separate successive applications. When a subdivision is proposed that involves part of a larger parcel or includes lots that are capable of further subdivision, the planning board may require that a site inventory and a conceptual (non-binding) long-range plan be submitted for the entire parcel and used to evaluate the proposed subdivision.
3. **Review Process:** A proposal for Conservation Development shall first be presented to the Planning Board as a Design Review (see Strafford Subdivision Regulations 2.5.8 B). Preliminary plans shall include area of site (acreage), location of property lines and their dimensions; existing easements, buildings, watercourses, ponds or standing water, rock ledges, stone walls, graveyards, and other essential physical features on-site; topographic contours; soils classifications, including agricultural soils designations, if applicable, and wetlands mapping. Preliminary plans shall also include a conservation plan identifying natural, environmental, historical and viewscape areas to be preserved and include irreplaceable natural features such as, but not limited to, agricultural areas, significant stands of trees, individual trees 36" or more in diameter, and other areas which may be considered sensitive. Subdivision applications submitted under this section shall comply with the application and review process specified in the subdivision regulations, except that sections of the subdivision regulations that are clearly not applicable to a conservation subdivision design shall not be imposed on the applicant by the planning board.
4. **Legal Review:** Prior to final approval by the planning board, the applicant shall submit for review by the town counsel or other designated legal counsel any restrictive covenants, condominium or cooperative agreements, conservation easement, deed restrictions, or other legal agreements proposed for use in the conservation subdivision. Legal counsel shall advise the planning board of the adequacy of such legal provisions. The applicant shall pay all associated costs of the legal review.

**C. Maximum Development Density**

1. **Calculation of Number of Lots:** The applicant shall choose either the formula or yield plan approach for calculating the number of lots unless required to use the yield plan approach as indicated below.

- a. **Formula Approach:** This formula approach will be allowed for properties 20 acres or greater in area, with the intent that the formula approach will be density neutral. Under the formula approach, the base number of dwelling units is determined by the following formula:

$$\text{Base Number Dwelling Units} = \frac{[(\text{Net Area}) \times (\text{Factor})] \div \text{Conventional Minimum Lot Size (\# Dwelling Units/Lot)}}{\text{Where Net Area} = \text{Total Area of Parcel (sq. ft.)} - \text{"Non-Buildable Area" on the Parcel (sq. ft.)}}$$

**Conventional Minimum Lot Size** = lot size determined for a single-family building, two-family building, or three-family building (or combination of the above as permitted) based on the conventional zoning requirements.

**Non-Buildable Area** = any area that cannot be counted toward the minimum lot size under a conventional subdivision or is restricted from development by covenant, easement or other restriction (see definition).

**Factor** = number determined by the following:

Percentage of Parcel that is Wetlands and/or Steep Slopes*	Factor
0-<10%	0.75
10-<20%	0.70
20-<30%	0.65
30%-<40%	0.60
40% or more	Use Yield Plan Approach

\* Steep slopes are those greater than 25%

The number of allowable dwelling units is determined based on the allowable number of units per building under the conventional zoning, where the result is rounded up for single family homes and down to the next whole number for buildings containing more than one dwelling unit.

If the subdivision involves only part of a parcel, the buildable area shall be calculated for that portion of the parcel proposed to be included in the subdivision. If a parcel is located in more than one district, the base number of allowable dwelling units will be determined for each portion of the parcel separately and added together and then rounded to the next whole number.

- b. **Yield Plan Approach:** Under this approach, the applicant presents a yield plan to the planning board to determine the number of allowable buildings and dwelling units permitted within the conservation subdivision. (see Subdivision Regulations Article 2.5.8 C Yield Plan Criteria) Please note: Applicants and planning boards must follow all standard procedures for

approving variances or waivers in approving a Yield Plan (see Auger v. Town of Strafford, No. 2006-646).

**c. Exceptions:**

- i. If more than 40 percent of the area of the parcel consists of wetlands or steep slopes, then the applicant shall use the yield plan approach to determine the allowable number of buildings and dwelling units.
- ii. A yield plan shall be required for any parcel of land where the average width of the land within 800 feet of the existing road frontage is 900 feet or less; however, the applicant may use the formula approach for such a lot if the development only includes land within 1200 feet of the existing road frontage.
- iii. The Planning Board may require the preparation of a yield plan if the subdivision creates 20 or more lots as determined by the Formula Approach. The planning board may require the use of this yield plan for determining the permitted number of lots if it finds that the characteristics of the site (e.g., soil types, arrangement of wetlands and steep slopes) support fewer than 90 percent of the number of dwelling units permitted by using the formula approach.

**2. Incentives:** Additional dwelling units and/or lots, not to exceed a total of 15 percent over and above the base number of lots permitted, may be awarded at the discretion of the planning board for any of the following:

- a. Conservation of 50 percent or greater of the buildable area of the parcel within the designated open space shall receive a 5 percent increase in the number of dwelling units allowed.
- b. Developments that grant public access, i.e., not limited to residents of the subdivision, to the designated open space shall be eligible for up to a 5 percent increase in the number of dwelling units allowed.
- c. Developments that provide for a permanent conservation easement and that include a stewardship fund payment, acceptable to the planning board and held by the town, a recognized conservation organization, or land trust, shall be eligible for a 5 percent increase in the number of dwelling units allowed.
- d. The Planning Board may grant a density bonus of up to 10% for any development which has provided for additional and innovative methods for the protection of agricultural soils; viewsapes; in the creation of central greens; or the preservation of historic resources.

**D. Dimensional Requirements**

**1. Lot Size Requirements**

- a. If community water supply or wastewater treatment is not available, the minimum lot size permitted shall be based on soil-based lot sizing

requirements for wastewater management as specified by the New Hampshire Department of Environmental Services. Developments may utilize individual or community wells and/or septic systems.

- b. If community wastewater treatment is provided, lot size shall be the minimum size necessary to comply with the dimensional and design requirements of this section. In no case, shall a lot be less than 15,000 square feet.
- c. The planning board may require lot sizes to be larger than the minimum required under soil-based lot sizing to comply with other requirements of this section, particularly the dimensional and design standards of this section, or to protect human health, welfare and public safety.

**2. Specifications for Individual Lots**

- a. A building envelope shall be identified for each new lot to ensure an adequate separation between new primary structures on the subdivided parcel and between new primary structures and structures on adjacent lots. The minimum separation distance of building envelopes for new lots from existing lot lines shall be 100 feet. The minimum separation distance between building envelopes for new lots shall be 30 feet.
- b. Building envelopes shall provide for a minimum setback of at least 10 feet from the lot boundaries.
- c. Building envelopes shall be delineated to ensure that no structures shall be less than 25 feet from the edge of pavement of a new subdivision roadway and 100 feet from the edge of the right of way for existing Town and/or State of NH roadways.
- d. Lots may be irregular in size and shape provided they conform to the natural topography and features of the parcel (e.g., the lot lines follow an existing stone wall, stream, or other natural dividing feature).

- 3. Design Standards for Developed Areas:** Subdivision plans shall comply with any additional applicable ordinances and regulations governing the location and layout of lots and structures found elsewhere in this ordinance and as set forth in the Zoning and Subdivision Regulations.

**E. Open Space Requirements**

- 1. At least 40 percent of the buildable area and 80 percent of the non-buildable area of the parcel shall be permanently protected as designated open space subject to the conditions below.
- 2. Portions of the parcel that comprise part of an individual house lot, roadway, driveway, access road, roadway right-of-way, other new or existing right-of-way, utility easement, private or community leachfields or other components of a wastewater management system, stormwater management structures, or are part of a required buffer between any new structure and an existing right-of-way, or any

- area that is less than 100 feet wide shall not count toward the calculation of the designated open space.
3. The following uses generally are permitted in the designated open space, unless specifically prohibited or restricted as a condition of subdivision approval for the purposes of protecting important natural features or characteristics of the parcel:
    - a. Forest management.
    - b. Agricultural cultivation and pastures.
    - c. Agriculture involving animal husbandry and/or boarding.
    - d. Passive (non-motorized) trails and recreational uses.
    - e. Snowmobile trails.
    - f. Parking areas for access to the designated open space.
  4. The following uses may be allowed in the designated open space upon approval of the Planning Board:
    - a. Active outdoor recreation uses, including formal playgrounds and fields.
    - b. Individual or community wells provided that this use was approved as part of the subdivision plan and that appropriate legal arrangements are established and approved by the planning board for the maintenance and operation of these facilities.
  5. The excavation of soil, removal of trees and other natural or cultural features (eg. stone walls, cellar holes, mill sites, etc.) is prohibited, except as consistent with conservation objectives or permitted uses as provided above, including forest management.
  6. The designated open space shall be retained in a natural, undisturbed state, except for those activities permitted and approved as provided above, or as required for active management according to a conservation agreement and management plan written by a qualified natural resource professional.
  7. Conservation areas provided by conservation subdivisions shall be permanently protected as open space and shall be conveyed in one of the following ways subject to the approval of the Planning Board:
    - a. To the Town of Strafford and accepted by the Board of Selectmen for conservation uses such as town forests or parks.
    - b. To the State of New Hampshire for permanent open space uses.
    - c. To a "qualified", 501 (c) (3) , private, non-profit organization whose principal purpose is the conservation of open space with the financial and organization means for perpetual stewardship, such as Bear-Paw Regional Greenways, The Nature Conservancy, The Society for the Protection of New Hampshire Forests, or New Hampshire Audubon.

- d. To a corporation or trust, such as a homeowner's association, owned or to be owned by the owners of lots or dwellings units within the subdivision, or to the owners of shares within a cooperative development.
  - e. A private landowner such as a farmer or forest manager that will manage it for uses consistent with the purposes of this Article.
8. For a, b, c, and d above, all lots shall have reasonable access to the conservation open space. (effective 3-11-2003, amended 3-8-2011)

#### **Article 1.4.4 Wetland Conservation Overlay District:**

##### **Section 1.0 Purpose and Intent:**

The purpose of this District is to protect the public health, safety and general welfare; as well as, to preserve the ecological integrity and function of wetlands in Strafford, New Hampshire by controlling and guiding the land use activities within and surrounding them. The preservation of wetlands and their inherent functions, which include flood protection, wildlife habitat, ecological diversity, surface and groundwater quality enhancement, recreation and aesthetic value, is a goal of the Town Master Plan.

The intent of this article is to:

- a. Maintain and enhance the quality and quantity of surface waters and groundwater by protecting wetlands that function to filter pollution, trap sediment, retain and absorb chemicals and nutrients, recharge groundwater and produce oxygen;
- b. Protect wildlife habitats and natural vegetation upon which a variety of upland and aquatic species are dependent for purposes of breeding or sustenance.
- c. Prevent the destruction of, or significant changes to, wetland areas which provide flood protection; protect persons and property against the hazards of flood inundation; and provide for nutrient attenuation and augmentation of stream flow during dry periods;
- d. Prevent damage to structures and properties caused by inappropriate development of wetlands.
- e. Prevent hydrologic impacts to wetlands that impair their functional values.
- f. Prevent unnecessary or excessive expense to the Town in providing or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.

##### **Section 2.0 Wetland Conservation District Defined:**

The Wetland Conservation District shall include all wetlands in Strafford and the buffer areas surrounding the wetland and surface water features as defined in Section 2.0 and 3.0 of this article or in the New Hampshire Department of Environmental Services Comprehensive Shoreland Protection Standards, RSA 483-B:9. The term "buffer" means the protected upland

areas adjacent to wetlands and surface waters in the Wetland Conservation District other than the wetlands and surface waters themselves.

### **Section 3.0 Restricted Uses within the Wetland Conservation District:**

#### **Wetland Buffer Areas**

- A.** Within twenty-five (25) feet of vernal pools, perennial streams, or wetlands over 3000 square feet in area, there shall be no land disturbance or activities that may impact a wetland, unless a Conditional Use Permit has been granted by the Planning Board in accordance with Section 5.0 of this article, or unless exempt as stated in Section 6.0 of this article. These activities include, but are not limited to, construction, filling, dredging, re-grading, application of pesticides or fertilizer (other than limestone), and storage of hazardous chemicals or materials.
- B.** The following restricted use wetland buffers shall be observed in order to protect the integrity and functionality of the wetland resource. The Planning Board, in consultation with the Conservation Commission, may require larger buffers around a wetland if an assessment of its functions indicates that such an increase is warranted.

#### **Restricted Use Wetland Buffers<sup>1</sup>**

<b>Resource</b>	<b>Septic System Leachfield<sup>2,3</sup></b>	<b>All Buildings or Structures and Non-Residential Parking Areas<sup>2</sup></b>
<b>Wetlands (Poorly Drained Soils)</b>	75 feet	50 feet
<b>Wetlands (Very Poorly Drained Soils)</b>	100 feet	50 feet
<b>Surface Waters or Wetlands Abutting Surface Waters</b> (Abutting open surface water <sup>4</sup> (i.e., a lake, pond, river or perennial stream))	100 feet	50 feet
<b>Vernal Pools</b>	100 feet	75 feet
<b>Designated Rivers<sup>5</sup></b> (Buffer from ordinary high water mark as defined in the NH Comprehensive Shoreland Protection Act.)	100 feet	75 feet

<sup>1</sup> Buffers derived from current New Hampshire town ordinances and scientific documents that identify the correlative health of wetlands with protective setbacks. Reference: Buffers for Wetland & Surface Water: A Guidebook for New Hampshire Municipalities, revised May 1997, Wetland Buffers: Use and Effectiveness, Washington State Department of Ecology, February 1992.

Buffers shall be measured on the horizontal plane.

<sup>2</sup> See Section 5.0 for Specific Exemptions.

<sup>3</sup> Proposed septic systems with a design capacity in excess of 1,200 gallons per day shall either provide a water quality impact report prepared by a qualified New Hampshire licensed Professional Engineer or Certified



Wetland Scientist, or increase the buffer to 150 feet from the edge of the wetland. The Planning Board reserves the right to increase the buffer size for such system designs in order to ensure the wetland or surface water quality is protected.

<sup>4</sup> If abutting surface water is protected by the New Hampshire Comprehensive Shoreland Protection Act, the most restrictive buffer shall be applied.

<sup>5</sup> Rivers designated for protection under the New Hampshire Rivers Management and Protection Program (i.e., Isinglass River).

#### **Section 4.0 Conditional Use Permits:**

The construction of roads other than a woods road or logging road, water impoundments, water supply systems, pipelines, power lines and other transmission lines in wetlands or within 25 feet of a wetland shall require a Conditional Use Permit from the Strafford Planning Board. The Conditional Use Permit may be granted by the Planning Board, after considering the Conservation Commission's recommendations, and only upon finding all of the following:

- a. The proposed construction is essential to the productive use of areas not within the Wetland Conservation District.
- b. Design, construction and maintenance methods will minimize any detrimental impact upon the wetlands and buffer areas, and will include restoration of the site as nearly as possible to its original grade and condition.
- c. No alternative route is feasible and reasonable.
- d. Economic advantage is not the sole reason for the proposed location of the activity, and
- e. Issuance of permits (if applicable) from the New Hampshire Wetlands Bureau and the Army Corps of Engineers. A copy of these permits shall be submitted to the Town .

Failure to perform the construction in accordance with the plan presented to the Planning Board for the Conditional Use Permit shall be deemed a violation of this article.

#### **Section 5.0 Exemptions:**

- a. An existing building within a buffer area may be repaired and/or replaced provided the new or repaired structure, including any impermeable surfaces, shall not extend further into the buffer area than the footprint of the original structure.
- b. Forest management activities conducted in accordance with the Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, 2004 (or subsequent revision) and agriculture.
- c. The construction of an unpaved road by the property owner for land access purposes only; such as, logging, fire protection, and recreation. Road building that is associated with the development of any structure or thorough-fare is not exempt from the restrictions of this article.
- d. Failing septic systems located within the buffer area may be replaced within the buffer area provided:

1. The new leachfield does not extend further into the buffer area than the original system.
  2. The design capacity of the system is not increased.
  3. Erosion and sedimentation control measures are implemented during construction. Detrimental impacts to the wetland and buffer area are minimized and mitigated as requested by the Planning Board.
  4. Contaminated soils are removed from the buffer area.
  5. The previous system is in failure.
  6. The new system meets all other New Hampshire State requirements.
- e. The following features shall not be construed as wetlands with regard to designating buffer areas under the provisions of this article. All applicable New Hampshire state permits shall still be required.
1. Manmade ditches and swales
  2. Constructed sedimentation/detention basins or ponds
  3. Constructed agricultural/irrigation ponds and swales
  4. Septage or manure lagoons
  5. Silage pits.
- f. Work in a buffer area in association with an approved New Hampshire Department of Environmental Services (NHDES) dredge and fill permit for wetlands impacts qualifying as minimum impact.

## **Section 6.0 Dredge and Fill Permits.**

- a) Prior to filing a Standard Dredge and Fill Permit Application with the New Hampshire Department of Environmental Services (NHDES) for Minor or Major wetland impacts, the applicant, or his/her representative must meet with the Conservation Commission to ensure that the proposed dredge and fill is consistent with the intent of the ordinance.
- b) An approved NHDES dredge and fill permit, once acted upon, will accordingly change the Wetland Conservation District boundary, which will be applied from the new edge of wetland.

## **Section 7.0 Board of Adjustment Note.**

Any variance or appeal to the Zoning Board of Adjustment shall be in accordance with NH RSA 676:5. Prior to holding a public hearing on an appeal or variance, the Zoning Board shall forward a copy of the plan and application to the Conservation Commission for review and comment. The Conservation Commission shall, after reviewing the plan and application, forward any appropriate recommendations to the Zoning Board of Adjustment for its consideration.

## **Section 8.0 Violations.**

Any wetland or its buffer altered in violation of this article shall be restored at the expense of the violator(s) as provided by RSA 483-A:5 and under the direction of a New Hampshire certified wetland scientist and said restoration shall be subject to review by the Strafford Conservation Commission. When appropriate, injunctive relief shall be sought by the Town as per RSA 676. (effective 3-14-2006)

### **1.4.5 Viewshed Protection Overlay District:**

In order to protect the rural character of the town of Strafford and the natural and scenic elements of the landscape, any new structure within the Viewshed Protection Overlay District shall meet all the following requirements:

The Viewshed Protection Overlay District includes Barn Door Gap, Blue Job Mountain, Evans Mountain, Mack Mountain, and Parker Mountain, at or above eight hundred (800) feet above sea level.

Viewshed Protection Overlay District Requirements:

Any new structure as designed and sited in the district that can be viewed from any existing public way or public water, shall adhere to all of the following standards:

- A. The highest point of proposed structure(s) shall be at least twenty-five vertical feet below a major or minor ridgeline.
- B. Proposed structures cannot be silhouetted against the sky when viewed from any public way or public water.
- C. Sufficient natural on-site vegetation shall be retained or native vegetation added to naturally screen the project and to maintain tree lines on ridges, as viewed from public ways and public waters.
- D. The project lighting, including site lighting, shall be designed to minimize visibility and glare from existing public ways and public waters. (effective 3-14-2006)

### **1.4.6 Water Protection Overlay District:**

1. Purpose. The purpose of this overlay district is to protect the quantity and quality of surface and groundwater, with a particular emphasis on protecting existing and potential future sources of water as a common resource for the use and benefit of Strafford residents and of the natural ecosystems of which they are a part.
2. Overlay District Boundaries. The Water Protection Overlay District shall include all Town of Strafford and Strafford School District lands.
3. Requirements.
  - a. Uses. Permitted uses in this overlay district shall be those listed in Article 1.4.2 or as allowed by Special Exception under Article 1.5 of the Zoning and Land Use Ordinances, except that water withdrawals shall be limited for the use and benefit of Strafford residents.
  - b. Prohibited.

1. Storage tanks for the storage of any type of material which could pollute groundwater unless such tanks are within an impervious containment protective facility that can contain the entire contents of the materials.
2. Disposal of liquid or leachable wastes, except in approved family residential and commercial septic systems in place to service employees and clientele.
3. Disposal of solid wastes, including those defined as hazardous by the State of NH or federal law or otherwise regulated for disposal, with the exception of the Transfer Station/Recycling Center and Strafford Highway Department storage facility.
4. All on-site facilities shall be designed so as to prevent groundwater pollution infiltration. (effective 3-13-2007)

## **1.5 Special Exceptions:**

### **1.5.1**

Business, commercial, or industrial ventures other than those mentioned in Paragraph 1.4.2, may be given special exception by the Board of Adjustment, upon submission and approval of a site plan, provided that the following requirements are met (Reference Non-Residential Site Plan Regulations of the Town of Strafford, effective 3-13-1979):

- A. No venture shall be permitted which would be detrimental or offensive to the owners of adjoining property or to the Town, or which would tend to reduce property values of other property, or which would cause any hazard to health or safety, or which would prove offensive to the Town because of noise, air or water pollution or depletion of water resources, or which would cause any condition contrary to the rural atmosphere of the community. (amended 3-11-2003)
- B. Sufficient acreage shall be included to allow the following setbacks:
  1. In the front, not less than seventy-five (75) feet from a right-of-way to any building or not less than twenty-five (25) feet from any parking lot having both an exit and an entrance and with grass and/or beautification in the buffer area.
  2. (2) Side and rear: Not less than fifty (50) feet from a building or parking lot to the lot line.
  3. Sufficient off-street parking to allow three hundred (300) square feet for each three anticipated patrons or employees on premises at the same time. In the case of service establishments, one car shall be deemed to contain four patrons.
- C. Adequate landscaping shall be provided to maintain the property in character and keeping with the surrounding area.

### **1.5.2**

All known abutters of any proposed exception shall be notified by the Board of Adjustment by certified mail at least two weeks prior to the hearing.

### **1.5.3**

A permit for a special exception shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than one year for any reason. (effective 3-13-1979)

### **1.5. A Junkyards.**

Junkyards as defined below are prohibited in the Town of Strafford.

- a.** Five or more motor vehicles as defined in NH RSA 259:60 which are not registered and inspected and are otherwise no longer in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap; and/or
- b.** The quantity equal in bulk, equal to or greater than 1500 cubic feet of parts, tires, iron, metal, glass, paper, other waste or discarded material, unless contained within an enclosed building.

Customary agricultural and forestry equipment and vehicles are excluded from these provisions.

Enforcement: Selectmen or designated agents of the town shall document and photograph existing prohibited use(s) and notify property owners. Any subsequent change except for reduction in volume will be deemed an active junkyard and in violation of this ordinance requiring complete removal within 180 days. The Selectmen shall from time to time set fines and penalties for violations of this ordinance. All costs to include fines, penalties, and disposal, including attorney's fees, costs, and expenses related to the enforcement of this ordinance shall be borne by the violator. (effective 3-10-2020)

## **1.6 Mobile Homes:**

### **1.6.1**

A single mobile home or single trailer may be located anywhere in the district provided it meets all frontage, front yard, side yard and back yard, minimum land area, and sewerage disposal requirements that are specified in this Ordinance for building and lots located in the district.

### **1.6.2**

No Trailer Park or Mobile Home Park for the use of mobile homes or house trailers shall be permitted in the district unless authorized by the Town of Strafford at an Annual or Special Town Meeting called by the Selectmen at the request of the Planning Board. After such authorization, no permit shall be granted unless the park site meets all the requirements of Paragraph 1.6.1.

### **1.6.3**

Building codes including plumbing, heating and electrical systems in mobile homes brought into the Town of Strafford shall, except as otherwise provided by law, be in accordance with the

requirements of the 1976 Federal Mobile Home Construction and Safety Standards, as amended, which are hereby adopted and made part of this ordinance. (amended 3-8-1988)

**1.6.4**

The minimum foundation requirement for a mobile home shall be a concrete slab at least equal in size to the mobile home being placed upon it. It shall also be enclosed or skirted from its base to the concrete. (effective 3-13-1984)

**1.7 Non-Conforming Use:**

**Article 1.7.1 Non-Conforming Use, Lot or Structure.**

1. Any non-conforming use of land, building lot, or buildings, may continue in its present use except that such non-conforming use shall not be changed, extended, or enlarged, nor shall the dimensions of any non-conforming lot be reduced nor the dimensions of any non-conforming structure be changed, or expanded, except by approval of the Board of Adjustment as a Special Exception. A discontinuance of one year shall void the permit.

An expansion of a non-conforming structure may include, but is not limited to, any one or all of the following: enlargement of the footprint, increase in height, construction of a full basement, increase in floor space, or the creation of additional living space.

2. Special Exceptions may be granted by the Board of Adjustment, upon submission of a site plan or a building plan, provided that the following requirements are met:
  - a. A non-conforming use, lot or structure shall not be made more non-conforming.
  - b. No change or expansion of use shall be permitted which would be detrimental or offensive to the owners of adjoining property or to the Town, that would adversely affect abutting or nearby property values, which would cause any hazard to health or safety, or which would adversely affect the character of the area in which the proposed use will be located.
  - c. That the use conforms with all other applicable regulations governing the district where located.
  - d. That the proposed use has an adequate water supply and sewerage system, and meets all applicable requirements of the State of New Hampshire.
3. Other Requirements: The granting of any Special Exception by the Board shall not exempt the applicant from any other portion of this Ordinance not specifically ruled upon by the Board or specifically set forth as an exception in this particular case from a provision of this Ordinance. Any further appeal to the Board, or any change to any required limitations or special conditions imposed by the Board in authorizing a Special Exception, shall be considered a new case.
4. Public Hearing. The Board shall, within 30 days, hold the hearing of an appeal and before any hearing is given either on an appeal or an application for Variance or Special Exception of the Zoning Ordinance, notice shall be given to all abutting owners or representatives of interest as required under state statutes.

5. If the Board of Adjustment approves an application for a Special Exception, it may impose relevant conditions as serve the purposes of the ordinances, which may include but is not limited to modification of the design of any building involved in the proposed use, limitation of the number of occupants or employees, restrictions in the manner and/or time of operation and use, and of the size or extent of facilities. (amended 3-13-2007)

## **1.8 Enforcement.**

### **1.8.1**

The Board of Selectmen or their designee shall have authority to enforce the provisions of this Ordinance. (amended 3-8-94)

### **1.8.2**

The Building Inspector shall issue all building permits requested when such permit is in accordance with the provisions of this Ordinance. In the event of the inability of the Building Inspector to function, the Selectmen shall issue said permits. (effective 3-13-1984).

### **1.8.3**

It shall be unlawful to erect, alter, or relocate any structure, or install, alter, or repair any sewerage system, without first obtaining a building permit from the Building Inspector. (amended 3-13-1984)

### **1.8.4**

No building or occupancy permit may be issued for any premises unless all the buildings, structures and uses of the premises comply in all respects with (a) the provisions of this Ordinance, (b) the terms of any special exception or conditional use permit granted under this Ordinance, (c) the terms of any variance granted from the provisions of this Ordinance; provided that a lawful nonconforming building, structure or use may be continued or extended to the extent permitted.

A building or occupancy permit may be issued when the effect of the construction, reconstruction, or alteration is to eliminate all violations of this Ordinance on the premises. (effective 3-14-2017)

## **1.9 Board of Adjustment.**

### **1.9.1**

Within thirty days after adoption, the Board of Selectmen shall appoint a Board of Adjustment of five members, one member to serve for one year, one for two years, one for three years, one for four years, one for five years, and thereafter the Selectmen shall appoint one member for a term of five years. Vacancies shall be filled by the Selectmen for the unexpired term. The duties of said Board shall conform to the provisions of Chapter 31 of the New Hampshire Revised Statutes Annotated: 1955, recodified as NH RSA Chapters 673 to 677: 1983, as amended.

**1.9.2**

In addition to the general powers granted to the Board of Adjustment by Chapter 31 (recodified as Chapters 673-677), it may, in harmony and subject to the provisions of this Ordinance:

- a. Permit a non-conforming temporary use for an initial period of not more than two years.
- b. Waive the frontage requirements in this Ordinance where there are unusual conditions of street curvature, topography or sub-surface conditions. In such cases, however, the average width of the lot shall be at least equal to the frontage requirements.

**1.9.3 Limits of Approvals of Special Exceptions and Variances**

Upon substantial completion of any improvements, modifications, alterations or other changes in the property for which an approval for Variances and Special Exceptions has been granted, the rights of the owner or any successor in interest shall vest. Any approvals for Variances and Special Exceptions which have not been acted upon in accordance with the approval of the Zoning Board of Adjustment within four (4) years of the date of said approval, or the associated Site Plan Review approval if required, whichever was later; shall be considered null and void. Unless substantial completion is defined specifically in the approval, it shall mean the completion of all onsite and offsite improvements as determined by the Town of Strafford or its agent.

An applicant whose approval will otherwise lapse may apply to the Zoning Board of Adjustment for an extension of time to substantially complete the improvement for which relief was granted. The Zoning Board of Adjustment may grant a reasonable extension of time to the applicant following a duly noticed public hearing and upon showing of good cause. (effective 3-10-2015)

**1.10 Amendments.**

**1.10.1**

This Ordinance may be amended in accordance with RSA 675: 2-5, which requires notices, hearing and publication prior to the actual vote. (amended 3-13-1984)

**1.11 Penalty.**

**1.11.1**

Every person, persons, firm or corporation convicted by an authorized court having jurisdiction for the violation of any of the provisions of this Ordinance shall be subject to penalties in accordance with RSA 676: 17. (amended 3-8-1988)

**1.12 Saving Clause.**

**1.12.1**

The invalidity of any provision of this Ordinance shall not affect the validity of any other provisions.



### **1.13 When Effective.**

#### **1.13.1**

This Ordinance shall take effect upon its passage.

### **1.14 Definitions:**

#### **1.14.1 Home Produce and Products.**

Includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on the property of the resident and such articles as are manufactured or altered by members of the household and their employees.

#### **1.14.2 Right-Of-Way.**

Means all Town, State and Federal highways and the land on either side as covered by statutes to determine the widths of the rights-of-way.

#### **1.14.3 Trailer Park or Mobile Home Park.**

Means a lot occupied by two or more trailers designed to be used for living purposes.

#### **1.14.4 Front Yard.**

A space extending for the full width of a lot between the extreme front line of a building and the boundary of the nearest highway or street right-of-way. (amended 3-13-1984).

#### **1.14.5 Frontage.**

Frontage means the length of the lot bordering on the public right-of-way and/or private right-of-way. Developments on private roads are subject to the same zoning regulations as those on public roads and private roads shall conform to the requirements of the Strafford Subdivision Regulations, Article 2.6.5. Frontage must be on a road in Strafford or directly accessed through Strafford. (amended 3-14-2006)

#### **1.14.6 Non-conforming Structure.**

A non-conforming structure is a structure which does not conform to the use, dimensional or other regulations of the district in which the structure is located. (amended 3-8-94)

#### **1.14.7 Non-conforming Use.**

A non-conforming use is a use in any structure which does not conform to the use regulations of the district in which such use exists.

#### **1.14.8 Lot.**

A Lot is any undivided parcel of land in legal separate ownership or any part thereof designed by its Owner or Owners as a separate lot.

#### **1.14.9 Building Lot.**

A lot on which is placed a building.

#### **1.14.10 Side Yard.**

An unoccupied space extending for the full length of a building and the side lot line.

**1.14.11 Back Yard.**

An unoccupied space extending for the full width of the lot between the extreme rear line of a building and the rear lot line.

**1.14.12 Accessory Building.**

A building subordinate to the main building and customarily incidental to the main purpose of such building.

**1.14.13 Structure.**

A combination of materials to form a construction that is safe and stable, including among others but not limited to dwellings and shall include any part thereof.

**1.14.14 Building.**

A structure, including all integral parts thereof, intended for use and occupation as a habitation, or for some purpose of assembly, business manufacture, institutional, storage, ornamentation, or shelter to persons, animals or chattels.

**1.14.15 Dwelling.**

A building used as a habitation or parts thereof used for access to such building.

- A. Single family dwelling means a building and accessories thereto used or adapted for use as a dwelling by one family.
- B. Two family dwelling means a building and accessories thereto used or adapted for use as a dwelling by two families.
- C. Multiple dwelling means a building and accessories thereto used or adapted for use as a dwelling by more than two families or by any unit or group other than a family as defined herein.
- D. Seasonal refers to less than six (6) continuous months in any one calendar year.  
(amended 3-14-1989)
- E. Dwelling unit means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

**1.14.16 Wetlands.**

A "wetland" is defined as an 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. Wetlands include, but are not limited to, swamps, marshes, bogs, vernal pools and similar areas. In accordance with New Hampshire Department of Environmental Services (NHDES) and United States Army Corps of Engineers requirements, wetlands are to be identified and delineated using the 1987 Corps of Engineers Wetlands Delineation Manual.  
(amended 3-14-2006)

**1.14.17 Vernal Pools.**

A "vernal pool" is defined as an area that temporarily retains water during the spring, summer and/or autumn under typical climatic conditions. Vernal pools provide essential breeding habitat for certain amphibians, invertebrates and reptiles due to the absence of fish and the natural hydrologic conditions. The specific amphibians, invertebrate and reptiles that may use vernal pools in Strafford are described in: Identification and Documentation of Vernal Pools in New Hampshire, Audubon Society of New Hampshire, 1997. (effective 3-14-2006)

**1.14.18 Buildable Area.**

Only land which can be used to calculate minimum lot size shall be considered buildable area (reference 1.4.1 Sections E, F, and G). (effective 3-14-2006)

**1.14.19 Building Envelope.**

Area of a building lot identified on a subdivision plan indicating the allowed limits of the area within which all structures shall be located. Building envelopes must meet all applicable setback requirements. (effective 3-08-2011)

**1.14.20 Sign.**

Any device affixed to the ground or a fixture that brings a visual message to the public. Said sign may consist of one or more modules or sections, in which case the sum of the square feet of all sections or modules shall be considered when meeting the requirements of this ordinance. (effective 3-13-2012)

**1.14.21 Outdoor Lighting.**

The night time illumination of an outside area or object by any man-made device located outdoors that produces light by any means. (effective 3-13-2012)

**1.14.22 Luminaire.**

A complete lighting unit that includes the fixture, a lamp or lamps and other parts. (effective 3-13-2012)

**1.14.23 Glare.**

Light emitting from a luminaire with intensity great enough to result in discomfort to the observer and possible temporary visual impairment. (effective 3-13-2012)

**1.14.24 Agrotourism**

An activity as set forth in RSA 21:34-a (VI) including, but not to be limited to, farm-to-table events, crop mazes, fairs, on-farm weddings and similar events, hay rides, petting zoos, pick-your-own produce, agriculture tours, nature walks, hiking, snowshoeing, cross-country skiing, camping, bird-watching, and any other commercial agricultural activities on farms that are intended or designed to attract visitors to a working farm. (effective 3/14/2017)

**1.15 Phased Development Ordinance**

**A. Purpose and Authority**

This ordinance is enacted to phase in the development of tracts of land and future subdivisions thereon, at a rate which will be compatible with the orderly and gradual

expansion of community services including, but not limited to school facilities, police and fire protection, road maintenance, recreation and the waste disposal facility. The Town of Strafford deems it desirable to control its growth, size, and nature in order to promote the development of an economically sound and stable community, preserving the town's rural character and natural scenic beauty, preventing scattered and premature development of land, and to protect the health, safety and welfare of its inhabitants.

Pursuant to the provisions of NH RSA 674:21, the Town of Strafford adopts the following Phased Development Ordinance, to be administered by the Strafford Planning Board in conjunction with the Subdivision Regulations of the Town of Strafford. This ordinance is further supported by the objectives for town growth, as stated in the Town of Strafford Master Plan (2002) and the Capital Improvements Program adopted by the Planning Board.

### **B. Applicability and Limitations**

This article shall apply to all subdivision applications filed with the Planning Board that request approval of 6 or more building lots, to include cumulative subdivision of one parcel. For the purposes of this article, the proposed subdivision of multiple contiguous parcels under a single ownership shall be considered to be one subdivision.

In establishing the phasing schedule, the Planning Board shall not restrict the number of dwelling units permitted annually to less than 5 units or ten percent (10%), whichever is greater, of the total number of dwelling units permitted in the approved subdivision plan.

### **C. Procedure**

The Planning Board may, in its discretion, establish a phasing schedule of any subdivision subject to the provision of this article specifying the number of dwelling units per year that can be constructed and the total number of years involved.

In establishing a phasing schedule pursuant to this article, the Planning Board shall take the following factors into consideration:

1. The impact of the proposed subdivision upon the ability of the Town to provide or expand municipal or community services if it is not phased.
2. The general character of the neighborhood in which the tract lies, the effect of the plan on the area, and the effect of the plan on the rural character of the Town.
3. The relation of the plan to the long-range plans of the Town as contained in the Town of Strafford Master Plan, as amended.
4. The natural terrain of the tract.
5. The area of the tracts that is usable and suitable for residential construction. (effective 3-14-2006)

## **1.16 Subdivision Roads**

Roads in subdivisions approved after September 8, 1970, may be presented at the annual Town Meeting for approval and acceptance by majority vote of the Town as a Town road upon said application, providing they meet all criteria and after having been inspected by the Selectmen

and the Road Agent to ensure that current Town of Strafford standards have been met (reference--Subdivision Regulations Article 2.6.5) and that said road being considered for approval connects with an existing Town road. (amended 3-8-1988)

### **1.17 Distribution**

The Planning Board, subject to the approval of the Selectmen, shall be authorized to renumber and reprint word for word, the various parts of the Building Regulations, Zoning Ordinances, Subdivision Regulations and the Non -Residential Site Plan Regulations in order to provide for ease of understanding and increased availability to the citizens. (effective 3-13-1984)

### **1.18 Preliminary Subdivision Review**

As authorized under NH RSA 674:35 I, the Planning Board requires preliminary conceptual consultation as detailed in Paragraph 2.5.8 A of the Subdivision Regulations for major subdivisions (more than three lots). (effective 3-9-2021)

### **1.19 Preliminary Site Plan Review**

As authorized under NH RSA 674:43, the Planning Board requires preliminary conceptual consultation as detailed in Paragraph 2.5.8 A of the Subdivision Regulations by reference from Article 3.2.1 of the Non-Residential Site Plan Regulations for site plans for the development or change or expansion of use of tracts for nonresidential uses, for business, commercial or industrial use, or for multi-family dwelling units. (effective 3-9-2021)

## **Chapter 2.0      Subdivision Regulations of the Town of Strafford**

### **2.1      Authority:**

#### **2.1.1**

Pursuant to the authority vested in the Strafford Planning Board by the voters of the Town of Strafford by vote of the Special Town Meeting, September 8, 1970 and in accordance with the provisions of Chapter 36, Sections 19-29 (recodified as Chapters 674 to 676) of the New Hampshire Revised Statutes Annotated 1955, as amended, the Strafford Planning Board adopts the following Regulations governing the subdivision of land in the Town of Strafford, New Hampshire. These regulations reflect the wishes of the citizens of Strafford as expressed in the Town of Strafford's Master Plan, adopted January 8, 1979, and Master Plan Update, adopted September 5, 2002. Any interpretation of these regulations, if required, will be predicated on the intent of the Master Plan and Master Plan Update as interpreted by the Planning Board. (amended 5-1-2003)

### **2.2      General Provisions:**

#### **2.2.1      Title.**

These Regulations shall be known and cited as Subdivision Regulations of the Town of Strafford.

#### **2.2.2      Jurisdiction.**

These Regulations shall pertain to all land within the boundaries of the Town of Strafford and shall be effect from the time of their adoption by the Strafford Planning Board. In addition, these Regulations shall also be applicable to condominium development and to the subdivision of any convertible land, convertible space, or unit. (amended 4-30-1980)

#### **2.2.3      Administration.**

The Planning Board of the Town of Strafford shall administer these regulations.

#### **2.2.4      Penalties.**

Whoever, being the owner or agent of the owner of any land by reference to or exhibition of, or by any other use of, a plat of a subdivision, before such plat has been approved by the Planning Board and recorded or filed in the office of the Register of Deeds of Strafford County shall forfeit and pay a penalty of \$500.00 for each lot or parcel so transferred or sold and the description by metes and bounds in the instrument of transfer shall not exempt the transaction from such penalties. The Town through its solicitor or other official designated by its Selectmen may enjoin such transfer or sale or agreement and may recover the said penalty by civil action, including reasonable Court costs and attorney fees.

#### **2.2.5      Severability.**

If any section, sub-section, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or illegal, such invalidity shall not affect the validity of the remaining portion of these regulations.

**2.2.6 Survey.**

All survey plans presented to the Board shall be prepared by a surveyor licensed to practice in the State of New Hampshire and plans shall meet the standards as described in the Ethics and Standards, New Hampshire Land Surveyors Association (latest edition). (effective 5-6-1999)

**2.2.7 Special Flood Hazard Areas.**

All subdivision proposals and proposals for other developments governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Strafford, NH" together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the Town of Strafford, dated February 28, 1975 (County of Strafford Map Revised May 17, 2005), or later revisions, shall meet the following requirements (amended 1-27-2005).

- A. Subdivision proposals and proposals for other developments shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards.
- B. Subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is less, shall include 100 year flood elevation data.
- C. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector.
- D. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.
- E. Along watercourses that have a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the designated Regulatory Floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A the Building Inspector shall obtain, review, and reasonably utilize any floodway data available from a Federal, State, or other source as criteria for requiring that development meet the floodway requirements of this section. 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 A1-30 on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. (amended 6-7-1990)

**2.2.8 Stormwater Managment.**

As outlined in Chapter 5 of these regulations, applicable projects will be required to comply with the Stormwater Management regulations. (effective 12-6-2012)

## **2.3 Definitions:**

### **2.3.1 Board.**

The Planning Board of the Town of Strafford.

### **2.3.2 Easement.**

A grant or reservation by the owner of land for the use of all or a portion of such land by others, including the public, for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement. The usage of the word "easement" for land platting purposes in these regulations means that such easement area is included within the dimensions and areas of the lots or parcels through which the easement may run, and is not to be separated therefrom as in the case of a right-of-way.

### **2.3.3 Lot.**

A parcel of land capable of being occupied by one principal structure or use, and its accessory structures or uses, and is shown and identified as such on a plat. The number of lots in a subdivision will be considered to be the total number on adjacent land with the same subdivider whether the subdivision is made at one time or serially.

### **2.3.4 Plat.**

The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the Register of Deeds of Strafford County for recording.

### **2.3.5 Right-of Way.**

A strip of land occupied or intended to be occupied by a street, crosswalk, water main, sanitary storm or sewer main, or for other special use including public use. The usage of the term "right-of-way" for land platting purposes in these regulations shall mean that every right-of-way hereafter established and shown on a record plat is to be separate and distinct from the lots and parcels adjoining such right-of-way, and not to be included within the dimensions or areas of such other lots or parcels.

### **2.3.6 Roadway.**

The finished road surface between the shoulder breaks.

### **2.3.7 Street.**

(Street, avenue, boulevard, road, alley, lane or highway) A public way designated for purposes of vehicular travel or vehicular and pedestrian travel and including the entire area within the right-of-way. (amended 6-7-1990)

### **2.3.8 Subdivider.**

The registered owner or the authorized agent of the registered owner of a subdivision.

### **2.3.9 Subdivision.**

The division of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale, rent, lease or building development. When appropriate to the context of these regulations, the word "subdivision" shall relate either to the process of subdividing or to the land or area subdivided.



**2.3.10 Abutter.**

Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. (amended 4-30-1980)

**2.3.11 Driveway.**

A privately owned and maintained vehicle entrance and/or exit to no more than three lots. A driveway does not require a right of way. A driveway does not provide lot frontage as defined by these regulations. (effective 7-5-1990)

**2.3.12 Private Road.**

A road (or street, avenue, etc.) which is not a public way and which has not been accepted as a town road by the Town of Strafford. A private road that is intended to remain private shall conform to the right-of-way requirements, construction standards, and all other requirements of these regulations for public roads (reference Article 2.6.5) unless such construction standards are specifically waived by the Planning Board. (amended 4-6-2006)

**2.3.13 Yield Plan.**

A plan presented to the Planning Board in accordance with Zoning and Land Use Ordinances Article 1.4.3 Conservation Development, Paragraph C Density, which shows the layout of potential lots, roads, and any other required improvements on a property proposed for development, meeting all zoning requirements and regulations governing conventional subdivision. (effective 5-1-2003)

**2.3.14 Conservation Areas.**

Conservation Areas are the permanently protected open spaces in a Conservation Development presented in accordance with Article 1.4.3 of the Zoning and Land Use Ordinances.

Allowed in Conservation Areas:

- Agriculture
- Forestry
- Trails
- Passive Recreation
- Grassed play areas

Not Allowed in Conservation Areas:

- Buildings
- Storage Areas
- Refuse or Brush Disposal Areas
- Campgrounds
- Septic Systems
- Athletic Fields (unless specifically approved by the Planning Board)

(effective 5-1-2003)

**2.4 Exemptions:**

**2.4.1**

The following types of subdivisions are exempt from the requirements of these regulations:

- A. Court Action.** Partition of lands by will or through action of a court of competent jurisdiction.
- B. Public Taking.** The division of a tract or parcel of land by the public taking, such as the creation of a right-of-way across the property.
- C. Utility Rights-of Way.** A bona fide division of a tract of land in order that one or more of the resulting parcels may be used as part of an electric transmission line right-of-way, or other public utility right-of-way.

## **2.5 Procedure:**

### **2.5.1 Application Requirements.**

Whenever any subdivision to which these regulations are applicable is proposed to be made, and before any offer to sell, and before any contract for the sale of such subdivision or any part thereof shall have been negotiated, the subdivider shall apply in writing to the Board for placement on an agenda for consideration. The application must be submitted to the Board no less than twenty-one days prior to the date of requested consideration and must contain the names and addresses of all abutters to the plat. The names and addresses of abutters must be obtained by verifying with the Town tax map, in the Town Offices, not more than five (5) days prior to submitting the application. Revised plans for projects already under consideration by the Board shall be submitted no less than nine days prior to the date of the next scheduled regular Planning Board meeting. (amended 6-7-1990; 2-7-2019)

### **2.5.2 Completed Applications.**

One copy of an application form and three copies of the subdivision plans at a scale of not more than 100 feet to the inch, and three 11 inch by 17 inch reduced-scale plans accompanied by an electronic copy of the plan sets, and any other submission items containing all the applicable information described in Section 2.7, shall be considered as sufficient information for the Board to invoke its jurisdiction. In addition to that information required in Section 2.7, the plat shall contain the current names of abutters, the page and lot numbers of the parcel according to the Town tax map and be accompanied by a copy of the applicable deed or deeds. (amended 6-7-1990; 2-7-2019)

### **2.5.3 Notification.**

The Board shall notify the applicant and all abutters of the placement on the agenda for consideration by certified mail, with return receipt requested. The notification will be mailed at least 10 days prior to the meeting and shall contain a general description of the proposed subdivision, the identification of the applicant, and the location of the proposal. Similar notices shall also be posted in at least two public places in Town. When a notification of a public hearing is required, it shall be given to the same individuals and in the same manner as the notification for placement on the agenda. (amended 10-21-1981)

### **2.5.4 Acceptance.**

The Board shall accept only completed applications and only at public meetings. The Board shall discuss the application with the applicant or his or her agent. It shall also invite discussion by abutters or other interested persons. Any changes or additional information that the Board requires, shall be made known to the applicant and shall become part of the official

record of the meeting. If the Board determines the application to be incomplete, the reasons shall be stated for such non-acceptance, to the applicant and in the official records of the Board. (amended 6-7-1990)

#### **2.5.5 Approval.**

Any application accepted by the Board for consideration that contains three or less lots for building development purposes; or that involves minor lot line adjustments; or boundary changes which do not create buildable lots; or proposals which do not involve creation of lots for building development purposes may be approved at the same meeting, providing that the plat contains all the information required by Section 2.7 and Section 2.8 and that a site review is not deemed necessary by the Board. Conditional approval may be given if the plat contains only minor deficiencies and the Chairman or Secretary is authorized to sign the plat, once these deficiencies are corrected. All other applications require acceptance at one meeting and a public hearing at another meeting, prior to approval. The Board shall begin formal consideration of an accepted application within thirty (30) days after acceptance and shall act within ninety (90) days after acceptance. The Board may apply to the Selectmen for an extension, not to exceed an additional ninety (90) days, before acting to approve or disapprove an application. The applicant may waive the requirement for Board action, within the time periods specified above, and consent to such extension as may be mutually agreeable (Reference-NH RSA 676:4). (amended 6-7-1990)

#### **2.5.6 Approval of Plats of Exempted Subdivision.**

Where the approval of the Board is necessary, as a prerequisite for recording of any plat exempted from these regulations, the Chairman or Secretary are hereby empowered to make such approval; provided, however, any question of the exempt status of a subdivision hereunder, shall be submitted to the Board for its determination. (amended 10-21-1981)

#### **2.5.7 Costs.**

All costs pertaining to a subdivision, and the approval thereof, shall be borne by the subdivider. A reasonable fee shall be paid for each letter at the time of application for consideration and public hearing, if required. Reasonable fees shall be imposed by the Board to cover administrative expense. The cost of special investigative studies, such as archaeological studies, engineering studies, environmental studies, or construction inspection, and review of documents which may be required by the Board shall be borne by the applicant. Failure to pay all costs shall be grounds for disapproval. (amended 5-1-2003)

#### **2.5.8 Pre-Application Review.**

Any individual may approach the Board at any regularly scheduled meeting for preliminary advice and consultation concerning anticipated subdivision of land. Such preliminary consultation contains two phases, either or both of which may be omitted at the discretion of the potential subdivider:

- a. Preliminary conceptual consultation Phase and/or
  - b. Design review phase.
- A. Preliminary conceptual consultation phase is limited to a general review of the basic concept; informal discussion of the proposal in conceptual form and in general terms

such as the desirability of types of subdivision and conformity with the Master Plan. This consultation is binding on neither the potential applicant nor Board members, and statements made by Board members shall not form a basis for subsequent disqualification of any member, nor invalidation of any subsequent Board action. Formal public notice is not required for preliminary conceptual consultation.

- B. Design review phase consists of a non-binding discussion between the potential subdivider and the Board which involves more specific design, layout, and engineering details than appropriate for the preliminary conceptual consultation phase. Statements by Board members shall not be a basis for disqualification of any member, nor invalidation of any subsequent Board action taken. The notification requirements outlined in Section 2.5.3 apply to the Design Review phase. (amended 6-7-1990)
- C. Yield Plan Criteria. Yield Plans shall depict all roadway right of ways, property lines, wetlands, and lot areas. The Planning Board will determine whether the Yield Plan represents a reasonable layout for a conventional subdivision.
  - 1. The Yield Plan shall show all wetlands and proposed disturbances in sufficient enough detail so that the impact can be assessed by the Board. The total proposed wetlands disturbance shall be minimized in accordance with the requirements of the NH DES Wetlands Bureau. In most cases this would be less than a total of 20,000 square feet of wetlands impact.
  - 2. Roadway Layout: The roadway concept must meet all the Subdivision Regulation criteria for roadways under Section 2.6.5 Streets. In areas where the existing topography is steep or rolling, the Planning Board may require road profile information to show that excavation and earth fills are reasonable. (effective 5-1-2003)

#### **2.5.9 Failure to Take Action.**

Should the Board fail to act within the 90 day time limit, subject to any extension or waiver, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order shall, upon petition of the applicant, constitute grounds for Superior Court action. (Reference NH RSA 676: 4) (amended 10-21-1981)

## **2.6 General Requirements:**

### **2.6.1 Character of Land**

- A. **Unsafe Land.** The Board shall prohibit or restrict subdivision of land which is found by the Board to be unsafe for development by reason of its being subject to flooding, erosive action, unstabilized slope or fill, or otherwise located in a situation so that safe healthful development cannot be maintained on the land.
- B. **Unsuitable Land.** The Board shall restrict subdivision of land which is found by the Board to be unsuitable for development by reason of high water table, bed rock or other impervious strata close to the surface, or excessive slope.

**C. Part of Lot.** The Board may permit, as to unsafe and unsuitable land, that it be platted as part of a lot in which there is sufficient safe and suitable land to satisfy the requirements of these regulations as to minimum lot size.

**D. Ponds, Streams, and Wetlands.**

1. In cases not controlled by an agency of the State of New Hampshire, the Board will not normally permit the filling or dredging of any part of a pond beyond the normal high water line, including adjoining swamps, marshes and bogs; the obstruction or partial obstruction of the normal flood bed of any stream or natural waterway; the change in course of such streams or waterways; or the filling of any adjoining swamp, marsh or bog. This provision will not be deemed to prevent the normal improvement of beaches or of the bed of a stream or waterway for proper drainage.
2. The Strafford Planning Board reserves the right to require the restoration of an impacted wetland as a condition of approval for any proposed sub-division development that has altered the land surface or hydrologic features of a wetland. The potential causes of wetland impacts include, but are not limited to, heavy equipment use, test pit digging, logging and clearing, trenching, grading, dredging and/or filling. Impacts to a wetland that are associated with a sub-division development shall be considered a violation of this article and will be addressed as stated in Article 1.4.4, Section 8.0. (amended 4-6-2006)

**E. Consistency with Master Plan.** The Board shall further restrict subdivisions which are not in consonance with the Master Plan or the Capital Improvement Plan of the Town of Strafford, or which, because of their location within the community are scattered or premature as would involve danger or injury to health, safety or property, by reason of the lack of water supply, transportation, drainage or other public services, or necessitate an excessive expenditure of public funds to supply such services. (amended 1-28-1986)

**F. Topography.** All subdivisions **shall** be laid out in harmony with the topography of the land and with the natural and manmade features; **Stone walls** shall be used to the greatest extent possible as boundaries. (effective 11-5-1986)

**G. Steep Slopes.** Disturbance of unprotected soils or creation of exposed soils on any slope 15% or greater shall be stabilized according to standards set forth in the most current New Hampshire Best Management Practices manual. There shall be no negative impact to water quality post-development from pre-development conditions. This paragraph shall apply to all development requiring a building permit, subdivision approval, and/or a site plan review permit.

- (1) The grading cut and fill should be minimized and shall not exceed a 2:1 ratio.
- (2) Stabilization shall occur immediately or within a period no greater than five (5) days of soil exposure. Proposed vegetation cover shall replicate the original vegetation cover type and density as much as possible or better.

- (3) If construction is stopped during winter conditions, appropriate best management practices will be used to temporarily cover all slopes, including steep slopes.
- (4) No structure shall be built on slopes greater than 25% that extends for more than 40 horizontal feet per Article 1.4.1H.
- (5) Driveways shall be limited to a slope of 8% or less if unpaved and no more than 12% slope if paved.

(effective 4-4-2013)

#### **H. Structure Siting.**

1. Where proposed new lots may impact historically important properties, rural vistas, mountain tops, and viewscapes that distinguish the community, the subdivider shall show on the plan building envelopes positioned so as to minimize impact on these features. (Reference Strafford Master Plan Update, September 5, 2002, Chapter 3: Community Character)
2. All principal structures shall be built within the 60% contiguous buildable area (reference Section 2.6.2). (amended 4-6-2006)

**I. Access.** Subdivision shall not be permitted on land which is not directly Class V accessible through Strafford. (effective 4-6-2006)

**J. Viewshed Protection Overlay District.** For any new lot created in the Viewshed Protection Overlay District, the Planning Board may require a detailed landscape plan prepared by a qualified landscape professional which incorporates the criteria set forth in Article 1.4.5 of the Zoning and Land Use Ordinances for review and approval. (effective 4-6-2006)

#### **2.6.2 Lot Configuration.**

Lots shall be conventional in layout. Contrived or non-conventional layouts (ie. "dog legs", connecting strips, etc.) shall not be acceptable. No part of the lot shall be less than 75 feet in width. At least 60% of the minimum buildable portion of the land shall be contiguous.

(Reference--Strafford Land Use and Zoning Ordinances, Article 1.4.1 Land Requirements, see Article 1.4.1, Paragraphs D through H, and Article 1.4.3 Conservation Development for further clarifications). (amended 5-1-2003)

#### **2.6.3 Frontage.**

Every building lot shall have a minimum frontage of 200 feet on a Class V or better public road or a private road, provided that, where lots are located on the exterior of a curving street (cul-de-sac, etc.), a shorter front dimension shall be permitted provided that the average width of the lot measured across its center shall be at least 200 feet, with the exception of lots in a Conservation Development presented in accordance with Article 1.4.3 of the Zoning and Land

Use Ordinances. (Reference--Strafford Land Use and Zoning Ordinances, Article 1.4.1 Land Requirements, Paragraph B, and Article 1.4.3 Conservation Development for further clarifications). (amended 10-4-2018)

#### **2.6.4 Grading and Drainage.**

Lots shall be laid out in relation to the topography, and graded sufficiently to provide adequate drainage for the purpose intended without diversion of water onto other lots or onto property adjoining the subdivision. Excessive grading and destruction of natural cover will not be permitted, and at a minimum, BMPs shall be employed to manage the quantity and quality of stormwater runoff both pre- and post construction. See the most recent NH Stormwater Manual for guidelines and Sections 2.6.1, 2.6.4 and Chapter 5 Stormwater Regulations for additional requirements. (amended 12-6-2012)

#### **2.6.5 Streets.**

- A. Arrangement.** Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land. The arrangement of streets in the subdivision shall provide for the continuation of the principle streets in adjoining subdivisions, or for their proper projection when adjoining property is not subdivided. So far as practicable, the arrangement should avoid excessive street grades and extensive cut and fill. Frontage must be on a road in Strafford and directly accessed through Strafford (amended 6-7-1990)
- B. Fire Protection.** All subdivisions with frontage on bodies of water shall provide access to said bodies of water at suitable intervals for firefighting equipment. Cisterns may be required in any subdivision. (amended 5-1-2003)
- C. Intersections.** Streets should be laid out to intersect as nearly as possible at right angles and no angle of intersection of less than sixty degrees shall be permitted. Grades for an intersecting roadway shall not exceed three percent (3%) within one hundred feet of the intersection. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines. The Planning Board shall require a minimum sight distance of 300 feet, whenever possible. Intersecting property lines at street intersections shall be joined by a curve of at least 20-foot radius. (amended 6-7-1990)
- D. Dead-End Streets.** Dead-end streets shall be provided with a cul-de-sac. Minimum design/construction requirements are:
  - 1. The center line of the cul-de-sac shall be aligned with the projected center line of the street.
  - 2. Pavement width: 20 feet.
  - 3. Base course and pavement: same as required for streets (reference paragraph 2.6.5 F).
  - 4. Inside pavement radius: 50 feet.

5. Right-of-way: concentric; 25 feet from center line of pavement.
6. A landscaped and drained center island.

Hammer-head turn-arounds may be substituted at the discretion of the Planning Board. Hammer-head designs will be subject to the approval of the Planning Board.

The length of a dead-end street shall not exceed 800 feet measured to the center of the cul-de-sac (or to the center line of a hammer-head) except in the case of Conservation Development, where the Board shall consider the maximum street length on a case by case basis.

A dead-end street shall service no more than ten (10) lots, except in the case of Conservation Development, where the Board shall consider the maximum street length on a case by case basis. (amended 4-7-2011)

**E. Street Geometric Standards.**

\*Maximum grade: 10 percent

Vertical curves:        crest K=30  
                                      sag K=40

Horizontal alignment: Minimum radius: 230 feet

Maximum superelevation: .02 feet/foot

\* Note provisions of paragraph 2.6.5 C, Intersections.  
(amended 6-7-1990)

- F. Street Construction Standards.** All street construction shall conform to the dimensions shown on the typical section (Figure 1, Section 2.6.5, amended 1-27-2005). The typical section and notes pertaining to material specifications and construction requirements shall be made a part of the applicant's subdivision/roadway plans.

Existing streets deemed by the Board to be inadequate access for a proposed development shall be upgraded by the developer. (amended 4-6-2006)

- G. Drainage.** (Note: Provision for drainage shall be in compliance with Article 2.6.1 D.) All streets shall be provided with adequate drainage facilities (ditches, culverts, and catch basins). No water shall be permitted to run across the surface of a street. The minimum culvert size under a street shall be fifteen (15) inches or larger, as required by the drainage report. Culverts in perennial streams or rivers shall conform to the stream crossing guidelines as required under New Hampshire Department of Environmental Services stream crossing guidelines outlined in Env-Wt -900 (as amended).

Drainage design shall be by a qualified licensed professional engineer using standard hydraulic design methods which address erosion control during construction and for ditches with grades in excess of 4 percent. Downstream impacts shall be addressed.

Construction shall be in conformance with the Standard Specifications for Road and Bridge Construction, NH Department of Transportation, current edition. (amended 6-7-1990).





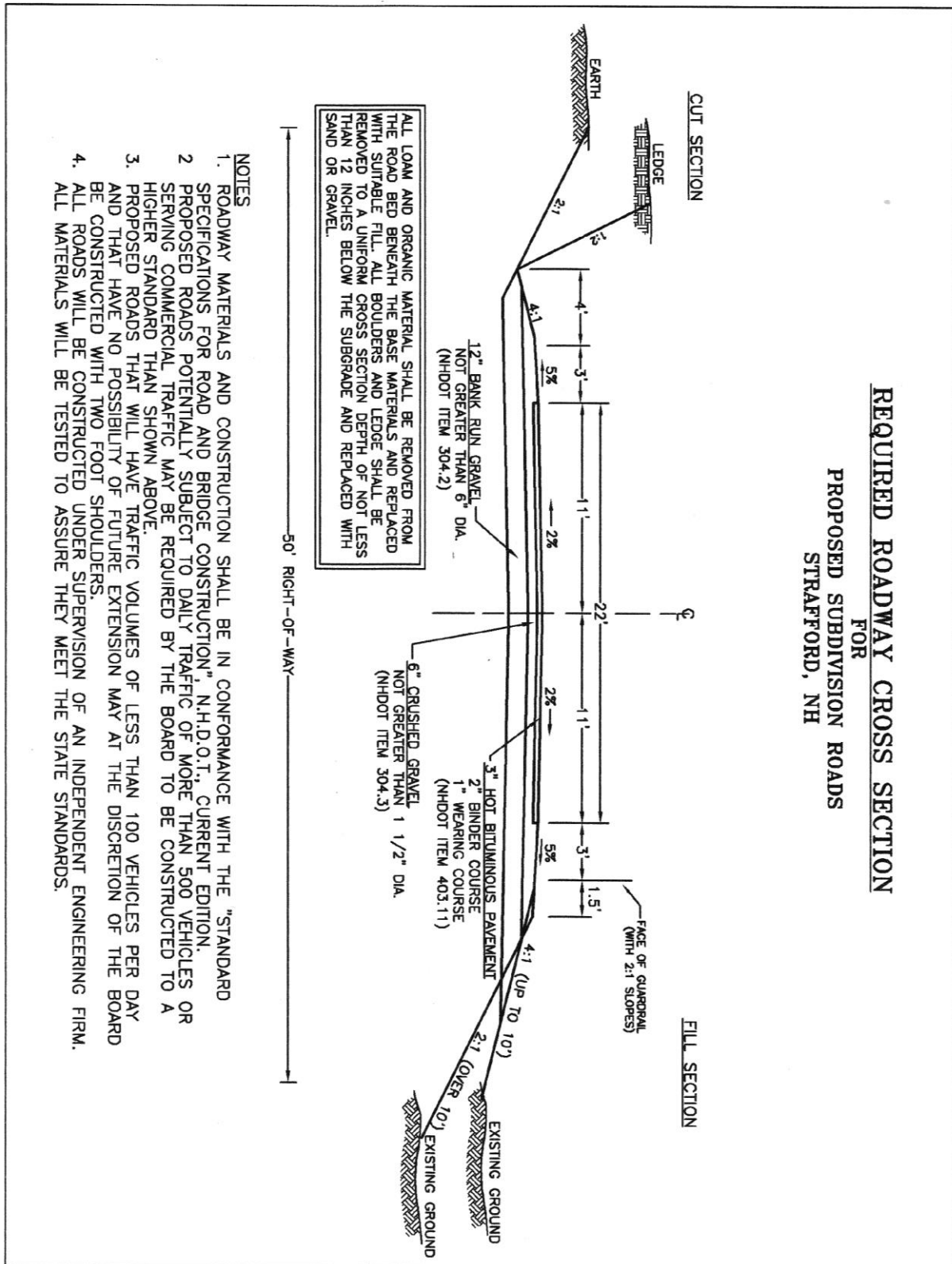


Figure 1, Section 2.6.5

## SHARED DRIVEWAY TURN AROUND CONSTRUCTION DETAIL

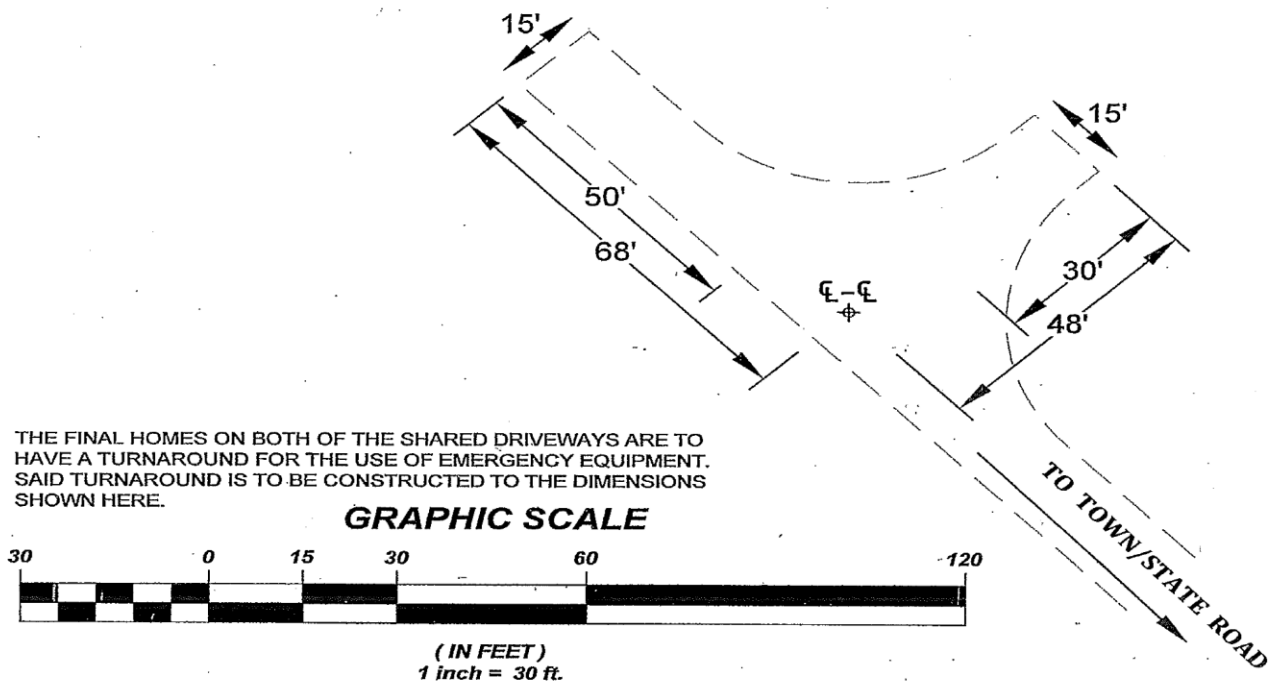


FIGURE COURTESY OF GÉOMÈTRES BLUE HILLS, LLC

Figure 2, Section 2.6.5

**H. Approval/Inspection.** Plans presented to the Planning Board must show:

1. Typical section with general notes pertaining to material specifications and construction requirements.
2. Profile and alignment details.
3. Drainage design.
4. Cross-sections or contours sufficient to support drainage design.

Inspection of construction must be conducted by the Town's engineer and paid for by the subdivider. (amended 4-6-2006)

**I. Driveways.** Driveway design/construction requirements shall be in conformance with those in the current edition of Policy and Procedure for Driveways and Other Accesses to the State Highway System published by the NH Department of Transportation, which is hereby made a part of these regulations by reference.

1. The Board may require an engineered design for any driveway. Lots where driveways may exceed a ten (10) percent grade shall have an engineered design prior to approval. All driveways must have a low point at least ten (10) feet back from the edge of the shoulder on the intersecting street. (amended 4-6-2006)
2. Shared driveways shall be built with a fifteen (15) foot travel bed plus two (2) foot shoulders with the normal underlayment and gravel courses per the Strafford Roadway Cross Section specifications. Shared driveways shall include turnouts as needed but not less than every 400 feet in accordance with Building Regulations Paragraph 4.1.10. The final home on a shared driveway shall have a turnaround built to the "Shared Driveway Turn-Around Construction Detail" specifications (Figure 2) unless specifically exempted by the Planning Board. (adopted 10-4-2018)

#### **2.6.6 Sewage Disposal and Water Supply.**

- A. On-Site.** Each lot, regardless of its location, shall be adequate to provide for on-site sewage disposal and water supply unless public or community systems are available or are to be supplied by the subdivider. Each lot in all subdivisions shall satisfy the requirements of the State of New Hampshire for sewage disposal systems near shorelines. Each lot shall also be adequate for on-site water supply in accordance with the recommendations of the Manual of Individual Water Supply Systems issued by the U.S. Department of Health, Education and Welfare or any revision thereof.
- B. Community Water Supply and Sewage Disposal Systems.** The design of any community water supply or sewage disposal systems to be provided by the subdivider shall be approved by appropriate officials of the State of New Hampshire before the Board will approve the subdivision.
- C.** For any proposed subdivision, the Board may require additional test pits observed by a Town representative. (effective 4-6-2006)

#### **2.6.7 Building Lines.**

No building shall be constructed on any lot less than 40 feet from the boundary of the nearest highway or street right-of-way; less than 25 feet from the lot side or back lines; and, no less than 50 feet from any structure on any abutter's property or any wetlands or surface waters, or 75 feet from vernal pools or designated rivers. (amended 4-6-2006)

**2.6.8 Easements.**

Easements shall be provided as required by topography and use for utilities and other special purposes as foreseen by the Board or subdivider. Such easements shall have satisfactory access to public right-of-ways, and shall in general, have a width of not less than twenty (20) feet.

**2.6.9 Parks and Playgrounds.**

Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners in the subdivision, whether or not required by the Board, shall be of reasonable size and character for the intended use.

**2.6.10 Reserve Strips.**

Reserve strips of land which, in the opinion of the Board, show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.

**2.6.11 Operation and Maintenance of Facilities.**

The Board will approve no subdivisions with a community water supply or sewage disposal system subject to control by the State of New Hampshire until provision satisfactory to the State is made for the continued operation and maintenance of such systems. The Board encourages, and may require, the subdivider to establish a community association to provide continued maintenance of such community utilities, streets, parks and playgrounds and beaches as may not be dedicated to public use and accepted by the Town.

**2.6.12 Performance Guarantee.**

Before final approval of a subdivision by the Board, there shall be filed by the subdivider a performance guarantee to cover the costs as determined by the Selectmen of the completion of any required improvements to roads or utilities or the cost of any potential damage to existing Town roads. The performance guarantee shall be either a bond or a cash deposit or savings bank book properly endorsed to the Town and deposited with it. All improvements must be completed within three years from the date of approval of the final plat. The performance guarantee shall remain in effect for one year after the completion of the improvement or one year after the correction of latent defects, whichever is later. In addition, a road maintenance guarantee shall be required for a period of two additional years. Completion dates of improvements or corrections shall be certified by the Selectmen.

- A. In the instance of cash or the assignment of a savings bank book, the amount on deposit may be reduced by the Selectmen upon resolution when portions of the required improvements have been made provided that a sufficient amount of at least 25% shall be retained to cover any latent defects which may appear within one (1) year. Bonds may be reduced in a like manner by substituting a new bond of a lesser amount.
- B. If the improvements have not been made within three (3) years, or if latent defects have not been corrected within one (1) year, any cash or bank deposit on file may be used to make the required improvements. When a performance bond is properly filed, the obligor and surety thereon shall be liable for the improvements or corrections.  
(amended 6-7-1990)

**2.6.13 Street Names.**

Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same names. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Town and shall be subject to the approval of the Selectmen.

**2.6.14 Utilities (Electrical, Telephone, Cable Television or Data, Street Light & Other Over Head Wire Utilities).**

1. Utilities shall be installed underground except as otherwise approved by the Planning Board.
2. Underground utilities shall be installed in accordance with utility company requirements and prior to the installation of the crushed gravel course.
3. The size, type, and location of streetlights, electric and gas lines, telephone and other utilities shall be shown on the plan and approved by the Board.
4. All street and other lighting in the subdivision shall be consistent with the 2002 Master Plan Dark Sky policies and implementation strategies. (effective 1-27-2005)

**2.6.15 Variances.**

Where in the opinion of the Board strict conformity to these regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with these regulations may be approved by the Board; provided that the spirit of these regulations and public convenience and welfare will not be adversely affected. (Reference Paragraph 2.8.1 D regarding submission of waiver requests.)

**2.6.16 Conditional Approval.**

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all the conditions precedent have been met. A conditional approval is an interim step to final approval. In granting conditional approval, the Planning Board will set a reasonable date, which in no case will be longer than one (1) year, by which conditions precedent must be met. Failure to meet the conditions by the date specified, or as extended by the request of the applicant and at the discretion of the Planning Board, will have the effect of the application being withdrawn. In cases where extenuating circumstances prevent the meeting of precedent conditions within the agreed-upon timeframe, the applicant may request an extension, to be filed in writing and with justification with the Board no later than 14 days prior to the expiration of the conditions. The Planning Board shall then vote on whether or not to grant such extensions.

A further public hearing is not required pursuant to NH RSA 676:4 I (i) when conditions precedent are:

- I. administrative in nature;
- II. involve no discretionary judgment on the part of the Board;

III. involve the applicant's possession of permits and approvals granted by other state or federal Boards or agencies; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to NH RSA 676: 4 I (i). (effective 12-6-2012)

## **2.7 Requirements for Completed Applications.**

### **2.7.1**

At the time of application, Subdividers shall file with the Board three copies of the subdivision plans at a scale of not more than 100 feet to the inch and three 11 inch by 17 inch reduced-scale plans showing or accompanied by the following information. In addition, the applicant shall file an electronic copy of the plan sets and any other submission items. (amended 12-6-2013):

- A. Subdivision name; name and address of owner of record; subdivider; designer; date; locus/site location; north point and scale.
- B. Tax map number and parcel number. If the parcel is under Current Use Assessment, indicate on the plan.
- C. Deed reference; submit a copy of the applicable deed or deeds.
- D. Names of owners of record of abutting properties; abutting subdivision names and plan references; streets; easements; all buildings within 100 feet; all roads and driveways within 200 feet; alleys; parks; public open spaces; and similar facts regarding abutting property.
- E. Area of site (acreage), location of property lines and their dimensions; existing easements, buildings, watercourses, ponds or standing water, rock ledges, stone walls, graveyards, and other essential features on-site; topographic contours; soils classifications; location of soil and groundwater test pits; percolation test data; proposed lot lines; proposed lot areas (acreages); lot numbering; building lines (setbacks to front, side and rear boundaries and to wetlands); septic setback line to wetlands. For large lots, sufficient topographical and soils information must be provided to confirm minimum lot size and building area. (amended 5-6-1999)
- F. Existing water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
- G. Location, name and widths of existing and proposed streets with their grades and typical sections (Reference Article 2.6.5 H). Location and designs of any bridges or culverts which may be required. Road names must comply with E-911 requirements. (amended 5-1-2003)
- H. Boundaries and purposes of proposed permanent easement over or under private property.
- I. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication; location of all parcels of land proposed for community use and the

conditions of such use; and a copy of such private deed restrictions as are intended to cover part of or all of the tract.

- J. Temporary stakes or other markers shall be provided on the property to facilitate inspection.
- K. Where the plans submitted cover only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part will be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.
- L. Copies of all permits, special investigative studies and/or any other additional information which has been requested by the Planning Board.
- M. Wetlands Delineation Requirements: Jurisdictional wetlands and vernal pools shall be shown on the plans. The precise location of a wetland boundary in any particular case must be determined by on-site inspection of soils, vegetation, and hydrology by a New Hampshire Certified Wetland Scientist using the 1987 Corps of Engineers Wetlands Delineation Manual. The edge of a wetland must be flagged by a New Hampshire Certified Wetland Scientist with each flag labeled with a unique number or code. The flag locations and labels shall be clearly presented on development plans provided to the Planning Board that display wetland boundaries. (effective 4-6-2006)

## **2.8 Final Plat:**

### **2.8.1 Specification for Final Plat.**

Three full paper copies of the final plat in addition to a copy of the paper or mylar sheets for recording shall be submitted for approval. In addition, an electronic copy of the final approved plans as submitted for signatures shall be provided to the Planning Board prior to recording. The drawings shall conform to all requirements of the Register of Deeds for Strafford County for recording. If the final plan includes additional sheets that are not recorded at the Registry of Deeds, the plan must reference the total number of sheets and must include a notation stating that the complete plans are available at the Town Offices for consultation. Each sheet shall have adequate space for necessary endorsement by the proper authorities. The final plat shall show all items listed in Section 2.7, in their final form, plus the following (amended 10-4-2018):

- A. Proposed subdivision name or identifying title, the name and address of owner of record and subdivider, the name, license number and seal of the designer and/or the name and address of the surveyor, date, scale and north point.
- B. Monuments, street lines, building lines, pedestrian ways, lot lines, easements, areas to be dedicated to public use, areas for community use, and areas the title to which is reserved by the subdivider.
- C. Sufficient data to determine readily the location, bearing, and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Designation and area of each lot.



- D. Waiver requests shall be submitted in writing in triplicate. Upon written request of the Applicant, the Planning Board may, at its discretion, waive or modify any part of these Regulations, other than those regulations required by state law or town ordinances. The Planning Board cannot waive standards required by other Town boards.

The Board may only grant a waiver or modification of these Regulations if the Board finds, by majority vote, that:

A. Strict conformity would pose an unnecessary hardship to the Applicant and waiver would not be contrary to the spirit and intent of the regulations; or

B. Specific circumstances relative to the subdivision, or conditions of the land in subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. All written requests for waiver or modification of these Regulations shall address items A and/or B above, depending on which criteria are being relied upon to justify the request.

For waivers from a submission requirement (Paragraph 2.7), when the Planning Board accepts an application as sufficiently complete to invoke jurisdiction and commence review pursuant to Section 4 of these Regulations, the Board, in effect, makes a tentative finding that the above criteria have been met. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the Applicant shall provide that information. The Planning Board shall not waive the requirement for public hearing except in such instances when no site plan review is required. (amended 10-4-2018; 2-7-2019).

### **2.8.2 Other Data.**

The subdivider shall submit in triplicate all drawings and specifications required for the construction of all required improvements; such assurances and bonds as the Board may require; shall set reference monuments consisting of concrete or stone markers, or of drilled holes in ledge, so located that at least one corner of each lot may be reached by a survey line no more than 1,000 feet long; and shall set permanent boundary markers, such as iron pipe, on the property to mark each lot and area as identified on the plat. (amended 2-1-1984)

### **2.8.2 Recording of Final Plat.**

Following approval of the final plat, with the written endorsement on the plat and signed and dated by the Chairman of the Planning Board, the Planning Board clerk shall transmit a copy of the plat with the approval endorsed in writing thereon to the Register of Deeds of Strafford County. All costs for recording the plat shall be borne by the subdivider. (effective 12-6-2013)

## **2.9 Amendments:**

### **2.9.1**

These regulations may be amended or rescinded by the Board but only following a public hearing on the proposed change. The Chairman or Secretary of the Board shall transmit a

record of any changes so authorized authorized to the Town Clerk and make the revised Regulations available on the town web page. (amended 10-4-2018).

**2.9.2**

The Planning Board shall not grant final approval of any subdivision after the first posting of the Legal Notice of proposed changes in the Zoning and Land Use Ordinances (RSA 675:3), or the Subdivision Regulations (RSA 675:6), if the proposed changes, if adopted, would justify refusal of the proposed subdivision. After final action has been taken on the proposed changes in the Zoning and Land Use Ordinance or the Subdivision Regulations, the Planning Board shall proceed to approve or disapprove all such subdivisions which have been held in abeyance pursuant to this section. (amended 2-1-1984).

## **Chapter 3.0 Non-Residential Site Plan Regulations**

### **3.1 Authority:**

Pursuant to the authority vested in the Strafford Planning Board by the voters of the Town of Strafford by a vote at the Town Meeting of March 13 1979, and in accordance with New Hampshire Revised Statutes Annotated 36: 19-a, (recodified as Chapters 674 to 675) the Strafford Planning Board adopts the following regulations governing the development of non-residential tracts of land.

And further, pursuant to the authority vested in the Strafford Planning Board by the voters of the Town of Strafford by a vote at the Town Meeting of March 8, 1994, and in accordance with New Hampshire Revised Statutes Annotated 674: 43, the Strafford Planning Board adopts the following regulations governing the change or expansion of use or tracts for non-residential uses or for multi-family dwelling units.

### **3.2 Procedure.**

Prior to seeking a special exception by the Board of Adjustment, the Planning Board shall review and approve or disapprove all site plans for the development of tracts of land for all non-residential uses and all multi-family uses except a 2 family or 3 family structure on individual lots, in accordance with the following (amended 4-6-2006):

#### **3.2. 1 Application.**

Requests for consideration of site plan reviews shall follow the same procedure as requests for consideration of subdivisions. Requirements for the submission of revised plans for any project already under consideration by the Planning Board shall also follow the same procedure as followed for applications for subdivision. (Reference--Strafford Subdivision Regulations, Section 2.5) (amended 2-7-2019)

#### **3.2.2 Requirements.**

In order to properly evaluate the potential impact on the quality of the rural/agricultural environment of Strafford, all non-residential and multifamily developments, except those so exempted, shall provide the Planning Board with complete data on the following:

- A. Topography and ground elevations before and after construction.
- B. Drainage, ground elevation, and landscaping.
- C. All buildings and floor plans with elevations.
- D. Parking areas.
- E. Signs: types, height and location.
- F. All utilities.
- G. Applicable projects will be required to comply with Stormwater Management regulations in Chapter 5.

- H.** Additional data covering activities such as personnel, shipments, food arrangements, waste disposal, noise, or any other item so requested by the Planning Board. (amended 5-6-1999)
- I. Telecommunications Facilities.** Any proposal for the construction of a telecommunications facility shall include complete plans for both construction and removal of the facility. Approval is contingent upon execution of a mutually agreeable Performance Agreement between the Board and the applicant, including the Performance Bond or other financial assurance, for the removal of the tower within three (3) months of termination of use, which will include some financial assurance for removal in case of default. (effective 5-1-2003)
- J. Wetland Impact.** The Strafford Planning Board reserves the right to require the restoration of an impacted wetland as a condition of approval for any proposed development that has altered the land surface or hydrologic features of a wetland. The potential causes of wetland impacts include, but are not limited to, heavy equipment use, test pit digging, logging and clearing, trenching, grading, dredging and/or filling. Impacts to a wetland that are associated with a development shall be considered a violation of this article and will be addressed as stated in Article 1.4.4, Section 8.0. (effective 4-6-2006)
- K. Steep Slopes.** Disturbance of unprotected soils or creation of exposed soils on any slope 15% or greater shall be stabilized according to standards set forth in the most current New Hampshire Best Management Practices manual. There shall be no negative impact to water quality post-development from pre-development conditions. This paragraph shall apply to all development requiring a building permit, subdivision approval, and/or a site plan review permit.
- (1) The grading cut and fill should be minimized and shall not exceed a 2:1 ratio.
  - (2) Stabilization shall occur immediately or within a period no greater than five (5) days of soil exposure. Proposed vegetation cover shall replicate the original vegetation cover type and density as much as possible or better.
  - (3) If construction is stopped during winter conditions, appropriate best management practices will be used to temporarily cover all slopes, including steep slopes.
  - (4) No structure shall be built on slopes greater than 25% that extends for more than 40 horizontal feet per Article 1.4.1H.
  - (5) Driveways shall be limited to a slope of 8% or less if unpaved and no more than 12% slope if paved.

(effective 4-4-2013)

L. Waiver requests shall be submitted in writing in triplicate. Upon written request of the Applicant, the Planning Board may, at its discretion, waive or modify any part of these Regulations, other than those regulations required by state law or town ordinances. The Planning Board cannot waive standards required by other Town boards.

The Board may only grant a waiver or modification of these Regulations if the Board finds, by majority vote, that:

- A. Strict conformity would pose an unnecessary hardship to the Applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- B. Specific circumstances relative to the project, or conditions of the land, indicate that the waiver will properly carry out the spirit and intent of the regulations.

All written requests for waiver or modification of these Regulations shall address items A and/or B above, depending on which criteria are being relied upon to justify the request.

For waivers from a submission requirement (Paragraph 2.7), when the Planning Board accepts an application as sufficiently complete to invoke jurisdiction and commence review pursuant to Section 4 of these Regulations, the Board, in effect, makes a tentative finding that the above criteria have been met. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the Applicant shall provide that information. The Planning Board shall not waive the requirement for public hearing except in such instances when no site plan review is required. (effective 10-4-2018).

### **3.2.3 A Conditional Approval.**

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all the conditions precedent have been met. A conditional approval is an interim step to final approval. In granting conditional approval, the Planning Board will set a reasonable date, which in no case will be longer than one (1) year, by which conditions precedent must be met. Failure to meet the conditions by the date specified, or as extended by the request of the applicant and at the discretion of the Planning Board, will have the effect of the application being withdrawn. In cases where extenuating circumstances prevent the meeting of precedent conditions within the agreed-upon timeframe, the applicant may request an extension, to be filed in writing and with justification with the Board no later than 14 days prior to the expiration of the conditions. The Planning Board shall then vote on whether or not to grant such extensions.

A further public hearing is not required pursuant to NH RSA 676:4 I (i) when conditions precedent are:

- I. administrative in nature;
- II. involve no discretionary judgment on the part of the Board;

III. involve the applicant's possession of permits and approvals granted by other state or federal Boards or agencies; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to NH RSA 676: 4 I (i). (effective 12-6-2013)

**3.2.3 B Bonds.**

Bonds or other sureties sufficient to cover the cost of the preparation of streets, any required utility, or any other reason deemed sufficient by the Planning Board including potential damage to existing public roads, shall be filed in the same manner as those required for subdivisions (Reference--Strafford Subdivision Regulations, Section 2.6.12)

## **Chapter 4.0 Building Regulations**

### **4.1 Building Regulations (effective 3-10-1959):**

#### **4.1.1 Minimum Building Area.**

Every dwelling unit to be used by a single family shall have a minimum ground floor area of five hundred (500) square feet.

#### **4.1.2 Foundations.**

All structures shall be set on solid foundations of cement, brick, stone or other acceptable masonry except that in special cases where buildings are to be used for accessory use the Building Inspector may waive the requirements of this section and permit the use of wood, metal, or masonry piers.

#### **4.1.3 Outside Walls.**

These shall be constructed of material commonly used for outside construction and materials customarily painted shall be painted.

#### **4.1.4 Sewerage.**

A private sewage disposal system is required. The type, size and construction of all septic tanks and drain fields shall be approved by the State of New Hampshire.

#### **4.1.5 Chimney Construction.**

Chimneys shall extend at least three (3) feet above the highest point where they pass through the roof of a building and at least two feet higher than any portion of the building within ten (10) feet. No chimney shall be built, erected, or altered below the roof having wood or other combustible materials within one inch of the chimney and no chimney shall have its base resting upon any floor or beam or any combustible material. Factory-built chimneys that are approved as a result of tests and listing by a nationally recognized testing laboratory shall be installed in accordance with the condition of approval.

#### **4.1.6 Amendment.**

This Ordinance may be amended by a majority vote of any legal Town Meeting when such an amendment is published in the warrant calling for the meeting.

#### **4.1.7 Enforcement.**

The Selectmen or their designee are authorized to enforce the provisions of the Building Regulations through any and all lawful means. (amended 3-8-1994)

#### **4.1.8 Effective Date, April 1, 1959.**

Building Regulations are authorized under Sections 2 - 5 inclusive, Chapter 156, New Hampshire Revised Statutes Annotated 1955.

#### **4.1.9 Height.**

There shall be a maximum height for all unsprinkled buildings and structures of 30 feet measured as the vertical distance from the first floor sill level, not including walk-outs, to the highest point of the roof. There shall be no third story dormer on structures with a walk-out

basement. Buildings that are sprinkled to the specifications of the Strafford Fire and Rescue shall not exceed 40 feet in height.

The Board of Adjustment may issue a Special Exception to the height restrictions in any zone provided the structure is any of the following, and does not constitute a hazard to any established airport; these structures would be: church towers, belfries, monuments, fire towers, silos, ornamental towers and spires, chimneys, elevators, flagpoles, and cupolas, specifically excluding utility structures regulated under RSA 674:30. (effective 3-14-2006)

#### **4.1.10 Driveway.**

The driveway providing access to any new structure shall have a 12 foot minimum travel way. Driveways in excess of 400 feet in length shall provide turn-outs no more than 400 feet apart. (effective 3-14-2006)

The driveway providing access to any new residential and/or commercial building shall have a 12-foot minimum travel way, with adequate road shoulders to accommodate drainage and grading. Vertical clearances or widths shall be increased to accommodate fire apparatus. Curves in the driveway shall be wide enough to accommodate fire apparatus.

The angle of approach and departure of the first 30 feet of a driveway entrance shall not exceed a 5% slope. When the property's use, location, topography, waterways, non-negotiable grades, or other conditions create inadequate conditions for fire department access, the Town Fire Chief shall be authorized to require additional fire protection measures (e.g. sprinkler systems, fire pond, cistern, etc.).

**Bridges.** When a bridge is required to be used as part of a driveway or shared driveway to a dwelling or commercial building, it shall be designed and plans shall be stamped by a licensed engineer and shall be constructed and maintained in accordance with nationally recognized standards. (Reference NFPA 1, 2015 edition).

All bridges and culverts shall be installed to safely and adequately carry the live loads of fire apparatus. Culverts shall be installed according to NH BMPs (Best Management Practices for Routine Roadway Activities in New Hampshire, NH Department of Environmental Services, 3/4/2016 or successor publication).

**Bridge:** A structure built to span and provide passage over a gap or barrier, such as a river, roadway or any other physical hurdle.

**Culvert:** A culvert is an enveloping tunnel-like structure that consists of two sides, a roof, and a floor that allows water to pass under a roadway. Culverts are typically not more than 6 meters in length, and are embedded in the soil which bears the major portion of the culvert load. (effective 3-10-2020)

#### **4.1.10 A Shared Driveway.**

Shared driveways shall have an unobstructed cleared width of not less than 20 ft. (6.1 m.) and a treadway of 12 ft. or greater.

Vertical clearances or widths shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

Turns in shared driveways shall maintain the minimum widths.



Dead-end shared driveways in excess of 150. Ft. (46 m.) in length shall be provided with approved provisions for the fire apparatus to turn around. (effective 3-10-2020)

**4.1.11 Viewshed Protection Overlay District.**

For any new construction in the Viewshed Protection Overlay District, the following shall be required:

- A. Prior to the issuance of a building permit, the property owner shall be required to execute and record an agreement at the Strafford County Registry of Deeds, regarding plans to maintain or replace vegetation as required under Article 1.4.5 of the Zoning and Land Use Ordinances, to be maintained by the owners or their successors so as to minimize the view of the project from public ways.
- B. The project lighting, including site lighting, shall be designed to minimize off-site visibility and glare. (effective 3-14-2006)

**4.1.12 Fences**

- 1) The finished side of a fence shall face outward from the property on which the fence is located. The side of a fence containing the posts or poles and other bracing appurtenances shall face inward to the property being fenced in or on which the fence is located. When erected on a property or lot boundary line, all of the fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting said fence. Fences shall be located so as to permit maintenance of the fence without crossing the property line. The Building Inspector may require a certified boundary plan at the fence owner's expense.
- 2) Fences shall not exceed six (6) feet in height, except that the Planning Board may, through the site plan process, allow a fence of greater height if such a fence is deemed necessary by the Planning Board to safeguard the property or the public health, safety or welfare.
- 3) No fence shall be erected so as to obstruct or interfere with any right of way or public line of sight (such as roadway intersections). On a corner lot, no fence or vegetal elements shall be erected or placed in such a manner as to materially impede vision. Adequate and safe sight distance in both directions, as determined by the Building Inspector or Road Agent, shall be provided. No fence shall be erected within 6 feet of any fire hydrant or cistern.
- 4) Any person who receives a building permit to construct an in-ground swimming pool shall either erect and maintain an adequate enclosure surrounding either the property or the pool area, sufficient to make the pool inaccessible to small children, or they shall maintain an approved safety pool cover. The pool fence must comply with the requirements of this section. (effective 3-10-2015)

**4.1.13 Firefighter Access for Rooftop Photovoltaic Solar Arrays**

To allow for firefighter access and smoke ventilation, a pathway of not less than 36 inches must be available from eaves to peak and along all peaks and valleys. (effective 3-14-2017)

**4.2** Motion by Albert Leighton that anyone wishing to **build a dock or pier** be required to obtain a permit from the Selectmen. Seconded and voted in the affirmative (March 9, 1965). Anyone anticipating **building or repairing a dock or pier** shall also be required to obtain a permit for dredge and fill in wetlands from the New Hampshire Wetlands Board pursuant to NH RSA 483-A: 1. (amended 3-8-1988)

**4.3** Motion made by George Foss that the Selectmen be authorized to appoint a Building Inspector to hold office for the term of one year, and by vote fix and regulate his compensation as authorized by Section I, Chapter 156, NH Revised Statutes Annotated, 1955. Motion seconded and vote carried in the affirmative (March 10, 1959)

#### **4.4 Floodplain Development Regulations.**

The following regulations adopted pursuant to the authority of NH RSA 674: 16 shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study for the Town of Strafford, N.H." together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway maps of the Town of Strafford, dated April 2, 1986 (Reference Revised County of Strafford Maps, effective date May 17, 2005), or later revisions, which are declared to be a part of this ordinance. (amended 3-8-2005)

**4.4.1** All proposed development in any special flood hazard areas shall require a permit. The term 'development' is defined to mean "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations."

**4.4.2** The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**4.4.3** Where new and replacement water and sewer systems (including on-site systems) are proposed in floodprone areas the applicant shall provide the Building Inspector with assurance that new and replacement sanitary sewage 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.

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

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

**4.4.6** In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector.

Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector, certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.

Along watercourses that have a designated Regulatory Floodway, no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the designated Regulatory Floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A the Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that development meet the floodway requirements of this section.

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 A 1-30 on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point in the community. (amended 3-12-2002)

**4.4.7 100 Year Flood Elevation Determination:**

1. In special flood hazard areas the Building Inspector shall determine the 100 year flood elevation in the following order of precedence according to the data available:
  - a. In Zones A 1-30, and AH, refer to the elevation provided in the community's Flood Insurance Study and accompanying FIRM or FHBM.
  - b. In unnumbered A zones the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state, development proposals submitted to the community (example subdivisions, site approvals, etc.) or other source.

- c. In Zone AO the 100 year flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM, at least two feet. (amended 3-12-2002)
- 2. The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in Zones A 1-30, AE, AH, AO and A that:
  - a. all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level;
  - b. that all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
    - i. be floodproofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
    - iii. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
  - c. Recreational vehicles placed on sites within Zones A1-30, AH, and AE shall either (i) be on the site for fewer than 180 consecutive days or (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 60.3 (b) (1) and (e) (2-7) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c) (6) of Section 60.3. (effective 3-8-94)
  - d. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces,
  - e. for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted providing the enclosed areas meet the following requirements:
    - 1. the enclosed area is unfinished or flood resistant, usable solely for parking of vehicles, building access or storage;
    - 2. the area is not a basement;

3. shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
- f. proposed structures to be located on slopes in Special Flood Hazard Areas, Zones AH and AO shall include adequate drainage paths to guide flood waters around and away from the proposed structures.

**4.4.8 Definition of Terms:**

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow,

"Area of special flood hazard" is the land in the flood plain within the community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A 1-30, AE or A 99. (amended 3-12-2002)

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

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

"Building"--see structure.

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

"FEMA" means the Federal emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters, and (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary and Floodway Map" (FLOODWAY) is an official map of the community, on which the Federal Emergency Management Agency has delineated the "Regulatory Floodway". This map should not be used to determine the correct flood

hazard zone or base flood elevation, the Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

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

"Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood, mudslide (i.e. mudflow), related erosion areas having special hazards have been designated as Zone A.

"Flood Insurance Rate Map" (FIRM) means an official map incorporated with this ordinance on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Strafford.

"Flood Insurance Study"-see "flood elevation study"

"Flood plain" or "flood-prone area" means any land area susceptible to being inundated by water from any source.

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

"Floodway"-see "regulatory floodway"

"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 necessary for the loading /unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities. (effective 3-10-1998) Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior: or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior, or
  - 2. Directly by the Secretary of the Interior in states without approved programs.(effective 3-10-1998)

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

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

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"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.

"100 year flood"-see "base flood"

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (effective 3-8-94)

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map. (effective 3-10-98)

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

"Special flood hazard area" means an area having special flood, mudslide (i.e. mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A 1-30, AE, A99, and AH. (see Area of Special Flood Hazard)

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

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

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (effective 3-10-1998)

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

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

#### **4.4.9 Variances and Appeals:**

1. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676: 5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674: 33 I (b), the applicant shall have the burden of showing, in addition to the usual variance standards under state law, that the variance will not result in increased flood heights, additional threats to public safety; or extraordinary public expense; that if the requested variance is for activity within a designated regulatory floodway no



increase in flood levels during base flood discharge will result; that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. The Zoning Board of Adjustment shall notify the applicant in writing that (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 variances.
4. The community shall (i) maintain a record of all variance actions, including their justification for their issuance and ( ii ) report such variances issued in its annual or biennial report submitted to FEMA' s Federal Insurance Administrator. (effective 3-10-1998)

**4.5** The Zoning Board of Adjustment shall act as the Building Code Board of Appeals pursuant to NH RSA 673:1 v. (effective 3-8-1994)

**4.6** The Selectmen are empowered to adopt and amend, from time to time, a schedule of fees to be charged for building permits, inspections, and certificates of occupancy. To do so, the Selectmen shall first hold a public hearing on the same, with notice to the public by posting and publication at least two weeks prior to the hearing (exclusive of the day of posting/publication and the day of hearing) and then post the new or amended schedule of fees at least two weeks prior to its taking effect. The fees presently charged for such items and services shall continue in effect until amended or superseded in this manner. (effective 3-8-1994)

## **Chapter 5.0 Stormwater Management Regulations**

### **5.1 Purpose:**

To protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements to control the adverse effects of increased stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and redevelopment.

### **5.2 Applicability:**

These regulations shall apply to all subdivisions platting new roads, Non-residential land development activities and multi-family developments creating 5,000 square feet or more of impervious surface, and redevelopments which disturb 20,000 square feet or more of ground, in all zoning district(s), and may apply elsewhere as determined by the Board (Reference Chapter 2 Subdivision Regulations and Chapter 3 Non-Residential Site Plan Regulations).

### **5.3 Stormwater Management Plan:**

All applicable projects shall submit a Stormwater Review Checklist and a Stormwater Management Plan (SMP) with an application for subdivision or site plan review. The SMP shall be prepared by a licensed New Hampshire Professional Engineer and shall address and comply with the requirements set forth herein and as specified by the Planning Board. The plan shall be in conformance with the design guidelines and principles set forth in the most recent edition of the New Hampshire Stormwater Manual which can be found at:

[des.nh.gov/organization/divisions/water/stormwater/manual.htm](http://des.nh.gov/organization/divisions/water/stormwater/manual.htm)

### **5.4 Stormwater Management Requirements:**

All development activity must comply with the following design standards to reduce and properly manage stormwater:

- (1) Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable in order to reduce the generation of the stormwater runoff volume. An applicant must document in writing why LID strategies are not appropriate if none are proposed for the management of stormwater.
- (2) Best Management Practices (BMPs) as a minimum shall be employed to manage the quantity and quality of stormwater runoff both pre- and post construction. See the most recent edition of the New Hampshire Stormwater Manual for guidelines.

- (3) There shall be no negative impact to water quality post-development from pre-development conditions.
- (4) Remove 80 percent of the average annual load of total suspended solids (TSS), floatables, greases, and oils, remove 40 percent of phosphorous and nitrogen and, meet state water quality standards for all other parameters after the site is developed.
- (5) Post-development peak runoff rate and volume shall not exceed pre-development levels for a 50-year storm event.
- (6) Stormwater management designs shall demonstrate that annual average pre-development groundwater recharge volume (GRV) is maintained post-development, when compared to pre-development conditions.
- (7) For the purposes of calculating pre-development conditions, any site that was wooded in the last five (5) years shall be treated as though the pre-development conditions are undisturbed woods.
- (8) All stormwater management plans shall include an Operation and Maintenance (O&M) Plan for the proposed system (prior to final approval of any permits) to ensure continued proper functioning of the system.
  - i. Such O & M plan shall be recorded at the Registry of Deeds prior to issuance of any Certificates of Occupancy for the site(s) so that maintenance of such facilities will run with the land.
  - ii. Documentation of maintenance as outlined in the O&M plan shall be provided as directed by the Town of Strafford Building Inspector.
  - iii. Guidance for the development of such a plan may be found in the most recent New Hampshire Stormwater Manual.

## **5.5 Impervious Cover:**

### **5.5.1**

Post-development maximum effective impervious cover shall not exceed 10 percent of a lot except for conservation development under Article 1.4.3, where the Planning Board may consider an exception. Impervious cover may be disconnected from the stormwater drainage network, to reduce total effective impervious cover through such techniques as infiltration or sheet flow over a pervious area.

**5.5.2**

In addition to the design standards specified in section 5.4, if more than 35 percent of the total area of the site will be disturbed the applicant shall demonstrate that Post-development peak runoff rate and volume shall not exceed pre-development levels for a 100 year storm event.

**5.6 Stormwater Management Plan Elements:**

Development proposals subject to this article shall prepare and submit a complete Stormwater Management Plan comprised of the following minimum elements:

- 1) An Existing Conditions Site Plan showing all pre-development surface water bodies and wetlands, drainage patterns, and watershed boundaries, buffer zones, topographic contours with minimum 2-foot intervals, scale bar, north arrow, title block with project name, applicant's name, and map and parcel number, designer's stamp and wetland scientist's stamp (if applicable), legend, locus plan, benchmarks, and appropriate notes with datum and other plan references, instructions, and detail descriptions. The Existing Conditions Site Plan shall be provided in hard copy (minimum 22-inch by 34-inch) at an appropriate scale in tens of feet per inch (maximum of 100 feet per inch) such that all important site and hydrologic features are easily recognized. Existing buildings, structures, pavement, utilities, and soils information with coding as HSG-A, B, C, or D shall be included on the Existing Conditions Site Plan. High Intensity Soil Survey (HISS) mapping may be required per request by the Planning Board. For large lots, the existing conditions site plan must show details for the area of sufficient topographical and soils information provided to confirm minimum lot size and building area under Paragraph 2.7.1E
- 2) A Proposed Conditions Site Plan showing all proposed post-development temporary and permanent stormwater management system elements and erosion and sediment control BMPs and all important hydrologic features. The Proposed Conditions Site Plan must be at the same scale and exhibit the same land area as the Existing Conditions Site Plan with consistent title block, plan features, and descriptors including but not limited to the following:
  - a. Existing and proposed topographic contours (2-foot minimum contour interval; 1-foot contour intervals may be required for sites with limited relief and/or where proposed stormwater outfalls are located adjacent to buffer zones)
  - b. Proposed areas of disturbance with total area of disturbance clearly labeled in square feet
  - c. Existing and proposed buildings and structures
  - d. Stormwater discharge locations keyed to drainage analyses
  - e. Wells and sanitary protective radii
  - f. Septic systems
  - g. Plan references and notes (including sequence of soil disturbance)
  - h. Proposed and existing public and private utilities

- i. Proposed project components to become property of or the responsibility of the Town shall be labeled as such
  - j. Existing and proposed impervious surfaces and pavements with areas used to calculate Effective Impervious Area clearly identified and the square footage of each type identified and labeled.
- 3) Details of individual design elements shown on separate plan sheets following the Proposed Conditions Site Plan.
- 4) Drainage Analysis that includes calculations comparing Pre- and Post-Development stormwater runoff rates (cubic feet per minute) and volumes (cubic feet) based on a 1-inch rainstorm, and the 2-year, 10-year, and 25-year 24-hour frequency storms. Calculations shall include, but not be limited to, the sizing of all structures and BMPs including of sizing of emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate. Phased applications for the original parcel apply as though the development of the entire parcel were proposed in one application at one time.
- 5) Drainage Analysis Results Summary tabulated for each proposed outfall or catchment outlet point including runoff rates and volumes for each storm event analyzed above.
- 6) An Erosion and Sediment Control Plan for all proposed construction activities in accordance with the most current New Hampshire Stormwater Manual.
- 7) Copies of any additional permits or plans required for compliance with Environmental Protection Agency (EPA) and/or New Hampshire Department of Environmental Services (NHDES).
- 8) A comprehensive Operation and Maintenance Plan for long-term maintenance of all proposed stormwater management elements and BMPs including the proposed schedule of inspections and anticipated maintenance.

## **5.7 Engineering Review:**

- (1) The applicant shall submit a fee, as determined by the Planning Board to cover the costs of outside engineering peer review of their proposed stormwater management plan(s), and other pertinent plans and documents, if deemed necessary by the Planning Board.
- (2) Additional copies of all plans, engineering studies, and additional information as requested by the Planning Board shall be provided as necessary to allow for thorough outside engineering review at the cost of the applicant.

## **5.8 Maintenance and Inspection:**

(1) After final Planning Board approval and as a condition precedent thereto, the owner of record of the property shall cause notice of the requirements for maintenance pursuant to the stormwater management and erosion and sediment control; plans, as approved by the Planning Board, to be recorded at the Registry of Deeds sufficient to provide notice to all persons that may acquire the property subject to the stormwater management and sediment control plans (RSA 477:3-a). The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478. The notice need not set forth the requirements at length, so long as it is sufficient to provide notice to prospective purchasers of the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.

(2A) The Planning Board may require routine inspections to insure compliance with the Stormwater Management, Groundwater Protection, Impervious Surfaces, and Erosion and Sedimentation Control sections of these regulations. Such inspections shall be performed by a designated agent with appropriate certifications at reasonable times to the landowner.

(2B) If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B.

(3) Parties responsible for the operation and maintenance of a stormwater management system shall keep records of the installation, maintenance and repairs to the system, and shall retain records for at least five years.

(4) Parties responsible for the operation and maintenance of a stormwater management system shall provide records of all maintenance and repairs as directed by the Building Inspector, during inspections and/or upon request.

## **5.9 Enforcement:**

When the responsible party fails to implement the O&M plan, including, where applicable, the SWPPP, as determined by the Building Inspector, the Town is authorized to assume responsibility for their implementation and to secure reimbursement for associated expenses from the responsible party, including, if necessary, placing a lien on the subject property.

## **5.10 Definitions:**

### **5.10.1 Low Impact Development (LID).**

Site planning and design strategies intended to maintain or replicate predevelopment hydrology through the use of source control and relatively small-scale measures integrated throughout the site to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as possible. Examples of LID strategies

are pervious pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the runoff source.

#### **5.10.2 Best Management Practices (BMPs).**

Methods and means that have been determined to be the most effective, practical approaches of preventing or reducing pollution and detrimental impacts from stormwater runoff.

Groundwater Recharge Volume (GRV):  $GRV =$   
(Total Impervious Cover) x (Groundwater Recharge Depth)

Where Total Impervious Cover is the area of proposed impervious cover that will exist on the site after development.

And where Groundwater Recharge Depth is expressed as follows:

USDA/NRCS Hydrologic Soil Group (HSG)	Groundwater Recharge Depth (inches)
A	0.40
B	0.25
C	0.10
D	not required

Example: Applicant proposes 30,000 square foot parking lot over C soils.

REQUIRED GRV =  $30,000 \times 0.10$

REQUIRED GRV = 250 ft<sup>3</sup>

Where more than one hydrologic soil group is present, a weighted soil recharge factor shall be computed.

#### **5.10.3 Impervious Cover.**

Impervious cover is any land surface with a low capacity for soil infiltration, including but not limited to pavement, roofs, roadways, or other structures, paved parking lots, sidewalks, driveways (compacted gravel or paved) and patios, oiled or compacted earthen materials, stone, concrete or composite pavers, wood, and swimming pools.

#### **5.10.4 Redevelopment.**

For the purpose of this article, redevelopment shall mean any physical change to an existing site requiring Planning Board approval.

#### **5.10.5 Stormwater Management Plan.**

A written plan describing the proposed methods and measures to be implemented to prevent or minimize water quality and quantity impacts from stormwater associated with a development or redevelopment project both during and after construction. It identifies selected BMPs, LID

source controls, and treatment practices to address those potential impacts, and contains the engineering design plans, specifications, and calculations of the management and treatment practices, and maintenance requirements for proper performance of the proposed practices.

**5.10.6 Cut.**

(1) An excavation. (2) The difference between a point on the original ground and a designated point of lower elevation on the final grade. (3) The material removed in excavation.

**5.10.7 Disconnected Impervious Cover.**

The sum of the proposed areas of impervious cover and pavement that receive runoff and, by means of implementing BMPs and LID strategies, is designed to capture and filtrate the precipitation from a 1-inch 24-hour rain event.

**5.10.8 Disturbance.**

Any activity that significantly alters the characteristics of the terrain in such a manner as to impede or alter the hydrology or natural runoff pattern, or creates an unnatural runoff.

**5.10.9 Effective Impervious Area (EIA).**

The total impervious surface areas less the area of disconnected impervious cover.

**5.10.10 Fill.**

(1) A deposit of earth, sand, gravel, rock, or any other suitable material placed by artificial means; any act by which earth, sand, gravel, rock, or any other suitable material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. (2) The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, as measured in a vertical plane.\*

**5.10.11 Grading.**

Any activity which involves the physical movement of earth material, including any excavating, filling, stockpiling, movement of material, compaction of soil or creation of borrow pits.

**5.10.12 Maximum Extent Practicable (MEP).**

To show that a proposed development has met a standard to the maximum extent practicable, the applicant must demonstrate the following: (1) all reasonable efforts have been made to meet the standard, (2) a complete evaluation of all possible management measures has been performed, and (3) if full compliance cannot be achieved, the highest practicable level of management is being implemented.

**5.10.13 Water Quality Treatment.**

The capture of sediment, nutrients, metals and hydrocarbons suspended in stormwater runoff from impervious surfaces before being conveyed to a storm sewer network or to another water



quality treatment system. In most cases where no other local water body impairments exist, adequate treatment refers to documenting the treatment systems ability to remove 80% of the total suspended solids (TSS) on an annual basis. Where water quality impairments do exist adequate treatment refers to a system's ability to meet maximum load allocations or not further impair the receiving water.

**5.10.14 Water Quality Volume (WQv).**

The storage volume needed to capture and treat the runoff from the 1-inch 24-hour rainstorm for a specific contributing area. WQv shall be calculated using the following equation:  $WQv = (P)(Rv)(A)$ , where:  $P = 0.083$  ft,  $Rv$  = the unitless runoff coefficient,  $Rv = 0.05 + 0.9(I)$ , where  $I$  = the percent impervious surface draining to the discharge point, in decimal form, and  $A$  = total site area in square feet draining to the discharge point. (effective 12-6-2012)

## **Scenic Roads Ordinance**

### **1. Designation:**

Upon the recommendation or request of the Board of Selectmen, Planning Board, Conservation Commission, Historical Commission, or by petition, the Town Meeting may designate any road in the town, with the exception of Class I or Class II highways, as a "Scenic Road," as provided by RSA 231:157.

### **2. Effect of Designation:**

- A. Upon a road being designated as a Scenic Road, as in 1., above, any repair, maintenance reconstruction, widening or of the traveled portion, or paving work done within the right of way by any person or entity, public or private (hereinafter "person" ) shall not involve or include the cutting, damage, or removal of trees 15 inches, or more, in circumference, measured four feet from the ground, or the tearing down , removal, or destruction of stone walls, or any portion thereof, except with the prior, written consent of the Planning Board, after a public hearing, duly advertised as to time, date, place, and purpose, two (2) times in a newspaper of general circulation in the area, the last publication to occur at least seven (7) days prior to such hearing, as provided and set forth in RSA 231:158.
- B. As provided in RSA 231:158, this ordinance provides that the road agent or his designee may, without such a hearing, but only with the written permission of the selectmen, remove trees or portions of trees which have been declared a public nuisance, pursuant to RSA 231:145 and RSA 231:146.
- C. As provided in RSA 231:158, this ordinance provides that a public utility, when involved in the emergency restoration of service may, without such hearing or permission of the selectmen, perform such work as is necessary for the restoration of utility service;
- D. Designation of a road as scenic shall not affect the eligibility of the town to receive road aid, pursuant to the provisions of RSA 235.
- E. Designation of a road as scenic shall not affect the rights of any landowner with respect to work on his own property, except to the extent that trees have been acquired by the town as shade or ornamental trees pursuant to RSA 231:139-156, and except that RSA 472:6, limits the removal or alteration of boundary markers, including stone walls.

### **3. Protection of stone walls:**

Stone walls that are located along the front property line of lots abutting a scenic road shall be protect and preserved to the maximum extent possible. If the Planning Board, after holding a

public hearing, as required by 2, above, approves the removal of a portion of a stone wall, the stones taken there from shall be reused on the property to rebuild deteriorated portions of the stone wall, or to construct a stone wall at the driveway entrance.

#### **4. Violations and Penalties:**

Any person violating any provision of this ordinance shall be guilty of a violation, and subject to a fine of up to two hundred seventy-five dollars (\$275.00).

Each day of said violation may be construed as a separate offense. Said person shall also be liable for all damages, including the restoration of the stone wall to its original location, and replacement of damaged and/or removed tree (s) to their original location."

Adopted March 18, 2006

Designated Scenic Roads as of 2013: Back Canaan Road, Evans Mountain Road, Jo Al Co Road, Northwood Road, Parsons Hill Road, Willey Pond Road.

## Index

<i>Item</i>	<i>Chapter and Section</i>	<i>Page</i>
Abutter	2.3.10	41
Access	2.6.1 H	46
Accessory Building	1.14.12	34
Accessory Dwelling Unit (ADU)	1.4.1 K	9
Agricultural-Residential District	1.2.1, 1.4	3, 7
Agrotourism	1.4.2 F, 1.14.24	11, 36
Amendment procedures	1.10, 2.9, 4.1.6	33, 56, 62
Approval (subdivision)	2.5.5, 2.5.6	43
Application procedures (subdivision)	2.5, 2.7	42, 54
(non-residential site plan)	3.2	58
“Back” lot see Supplementary Lot	1.4.1 A (2)	7
Back Yard	1.4.1 C, 1.14.11	7, 34
Best Management Practices	2.6.1 F, 2.6.4, 5.4, 5.10.2, 5.10.7	45, 46, 73, 78, 79
Board of Adjustment	1.4.4, 1.5.1, 1.7, 1.9, 4.4.9, 4.5	26, 28, 30, 32, 71, 72
Bonds/Financial Guarantee	2.6.12, 3.2.3 B	52, 61
Boundary Adjustments	2.5.5	43
Building	1.14.14, 4.1	34, 62
Building Inspector	1.3.2, 1.3.5, 1.8.2, 1.8.3, 2.2.7, 4.3, 4.4.2, 5.9	3, 4, 31, 39, 65, 77
Building Lines	1.4.1, 2.6.7	7, 51
Building Lots	1.14.9	34
Building Permits	1.3.2, 1.3.5, 1.3.9, 1.8.2, 1.8.3, 1.8.4	3-5, 39, 40
Building Regulations	4.1	62
Business	1.2.2, 1.5	3, 28
Business, allowed	1.2, 1.4.2	3, 10
Business, special exception required	1.5, 3.2	28, 58
Chimneys	4.1.5	62
Community Water Supply	2.6.6 B, 2.6.11	51, 52
Community Sewage Disposal	2.6.6 B, 2.6.11	51, 52
Completed application requirements (subdivision)	2.7	54

<i>Item</i>	<i>Chapter and Section</i>	<i>Page</i>
Conditional Use Permits (Wetlands Buffer areas)	1.4.4 (4.0)	25
Conservation Areas	2.3.14	41
Conservation Development	1.4.3	17
Cul-de-sac/Dead-end Street	2.6.5 D	48
Docks	4.2	65
Drainage	2.6.4, 2.6.5 G	47, 48
Dwelling	1.14.15	34
Driveway Permit requirement	1.3.5	4
Driveway	2.3.11, 2.6.5 I, 4.1.10	41, 51, 63
Driveway, Shared	2.6.5 I, 4.1.10A	51, 63
Driveway turn around	2.6.5 Figure 2	51
Easement	2.3.2, 2.6.8	40, 52
Excavation of Earth	1.3.4	4
Exemptions (to subdivision regulations)	2.4	41
Fences	4.1.12	64
Final Plat (subdivision)	2.8	55
Fire Damaged Buildings	1.3.3	3
Fire Protection & Cisterns	2.6.5 B	47
Flood Insurance Study/Flood Insurance Rate Maps	2.2.7, 4.4	39, 65
Floodplain Development Regulations	4.4	65
Foundations	4.1.2	62
Frontage	1.4.1 B, 1.14.1, 2.6.3	7, 34, 46
Grading and Drainage	2.6.4, 2.6.5 G, 5.10.11	47, 48, 79
“Grandfather” clause	1.4.1 D (2)	8
Home occupation	1.4.2 D	9
Home office	1.4.2 B	9
Home Produce/Product	1.14.1	33
Industry	1.2.2, 1.5, 3.2	3, 28, 58
Impervious cover	5.5	74
Junkyard	1.5A	29
Land Uses allowed	1.4.2	9
Ledge	1.4.1 F	8
Lighting	1.3.12	6
Lot	1.14.8, 2.3.3	34, 40
Lot configuration	2.6.2	46

<i>Item</i>	<i>Chapter and Section</i>	<i>Page</i>
Lot of record	1.4.1 D (2)	8
Master Plan	2.1, 2.6.1 D	38, 45
Meteorological Tower	1.4.2 I (A)	10
Minimum area of building	4.1.1	62
Minimum land area	1.4.1, 2.6.2	8, 46
Mobile Home Park	1.6.2, 1.14.3	29, 33
Mobile Homes	1.6	29
Moving Buildings	1.3.6	4
Natural Features	2.6.1 E	45
Ninety-day extension (subdivision application)	2.5.5	43
Non-Conforming Use	1.2.3, 1.7, 1.14.6, 1.14.7	3, 30, 33
Non-Residential	1.5, 1.7, 3.1, 3.2	26, 30, 58
Notifications (application for subdivision/site plan)	2.5.3, 3.2.1	42, 58
Occupancy Permit requirement	1.3.5, 1.3.10	4, 5
Outdoor Lighting	1.3.12, 1.14.21	6, 35
Outside walls	4.1.3	62
Parks and playgrounds	2.6.9	52
Penalty	1.11, 2.2.4, 4.1.7	32, 38, 62
Performance Guarantee	2.6.12, 3.2.3 B	52, 61
Phased Development	15	35
Photovoltaic Solar Array	4.1.13	64
Piers	see Dock	
Planning Board	1.3.4, 1.3.7, 2.1, 2.3.1, 3.1	4, 38, 40, 58
Plat	2.3.4	40
Preliminary Conceptual Consultation (subdivision)	1.18, 1.19, 2.5.8	37, 43
Phased Development	1.15	
Private Road	2.3.12	41
Right-of-Way	1.14.2, 2.3.5	33, 40
Roads	1.16, 2.3.6, 2.3.7, 2.6.5	36, 40, 47
Roadway	2.3.6	40
Roadway Cross Section	2.6.5 Figure 1	49
Savings Clause	1.12, 2.2.5	32, 38
Seasonal Conversion	1.3.10	5
Seasonal	1.14.15 D	35
Seasonal High Water Table	1.4.1 F	8
Selectmen	1.3.5, 1.8.1, 2.2.4, 2.5.9, 4.1.7	4, 31, 38, 44, 62
Septage/Sewage Sludge	1.3.11	6

<i>Item</i>	<i>Chapter and Section</i>	<i>Page</i>
Septic Systems	1.3.1, 1.3.2, 1.4.4 (3.0), 1.8.3, 2.6.6, 4.1.4, 4.4.3	3, 24, 31, 51, 62, 65
Setbacks	1.4.1 B, 1.4.1 C, 1.4.3 D (2), 1.4.4 (3.0), 1.5.1 B	7-8, 21, 24, 28
Shared Driveway	2.6.5 I, 4.1.10A	51, 63
Shared Driveway Turnaround Detail	2.6.5 Figure 2	50
Shoreline Protection	1.4.1 J	8
Side Yard	1.4.1 C, 1.14. 10	8, 33
Signs	1.3.8	4
Slope	1.4.1 G, 1.4.1 H, 2.6.1 F, 3.2.2 K	8, 45, 59
Solar Panel Array	4.1.13	64
Special Exceptions	1.3.8, 1.5.1, 1.7, 3.2	5, 28, 30, 58
Special Flood Hazard Areas	2.2.7, 4.4	39, 65
Steep Slopes	2.6.1 F, 3.2.2 K	45, 59
Stone walls	2.6.1 E, 2.7.1 E, Scenic Roads Ordinance	45, 54, 81
Storage Sheds	1.3.6	4
Stormwater Regulations	2.2.8, 5.0	39, 73
Street	2.3.7, 2.6.5, 2.6.13	40, 47, 53
Structure	1.14.13	34
Structure siting	2.6.1 G	46
Subdivider	2.3.8	40
Subdivision	2.3.9	40
Supplementary Lots	1.4.1 A (2)	7
Telecommunications facility	1.4.2 H, 3.2.2 I	11, 59
Topography	2.6.1 E, 2.6.4, 2.7.1 E	45, 47, 54
Unsafe land	2.6.1 A	44
Unsuitable land	2.6.1 B	44
Utilities	2.6.14	53
Utility Easement	1.4.1 I	8
Waivers	2.8.1 D, 3.2.2 L	56, 60
Water Protection District	1.4.6	27
Wetland Buffer Areas	1.4.4 (3.0)	24
Wetland Conservation Overlay District	1.4.4	23
Wetlands	1.4.1 E, 1.4.4, 1.14.16, 2.2.7, 2.6.1 D, 3.2.2 J, 4.4	8, 23, 34, 39, 45, 59, 65
Wind Energy Systems	1.4.2 I	11

<i>Item</i>	<i>Chapter and Section</i>	<i>Page</i>
Vernal Pool	1.14.17	35
Viewshed Protection Ordinance	1.4.5, 2.6.1 I	27, 46
Yield Plan (conservation development)	2.3.13	40



### **Related Planning and Zoning Statutes**

NH RSA 155-A establishes the International Residential Code 2000 as the NH state building code for residential structures, and adopts by reference a number of other building, plumbing, mechanical, electrical etc. codes.

NH RSA 482-A (Administrative Rules Env-Wt 100-700) requires that projects be designed to avoid and minimize impacts to wetlands and other jurisdictional areas. Check the NH Department of Environmental Services Wetlands Bureau for additional information. DES Wetlands applications must include Natural Heritage Bureau documentation pertaining to rare species or exemplary natural communities in the vicinity of the proposed project.

NH RSA 483-B Comprehensive Shoreland Protection Act establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters. Check the NH Department of Environmental Services Wetlands Bureau/Shoreland Protection for additional information.

NH RSA 485-A:17 governs site excavation under the Alteration of Terrain or Site Specific Permit Program. Check the NH Department of Environmental Services Site Specific Program for additional information.

NH RSA 485-A (Administrative Rules Env-WS 1000) governs the design, operation, and permit requirements for septic systems. Contact the NH Department of Environmental Services Subsurface Systems Bureau for additional information.

Administrative Rules Env-Ws 386.59/60 provides special protection for the Berry River and its watershed, including land in Strafford. The rules require a 75 foot building setback for any building or structure of any kind within which animals or fowls are kept, and regulate the disposal of certain wastes.

Title XXVI, Chapter 289 regulates Cemeteries and Burials. Section 289:3 requires that certain minimum setbacks be met, including the regulation that no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery.

US Federal rules require an EPA Storm Water Permit for construction activity that disturbs one acre or more. Contact the NH Department of Environmental Services for additional information.

Any federally funded or permitted project (ie. EPA, minor & major DES Wetlands, etc.) requires review for consideration of historic resources in the vicinity of the proposed project. Check with the Division of Historic Resources at the NH Department of Cultural Resources.