TOWN OF BARRINGTON, NEW HAMPSHIRE

ZONING ORDINANCE
AS AMENDED MARCH 13, 2018

Prepared by the
Barrington Planning Board
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PREFACE

History of the Zoning Ordinance, Town Of Barrington, New Hampshire

Adopted September 12, 1972, Amended March 8, 1977, Amended March 11, 1980, Amended December 8, 1981, Amended March 9, 1982, Amended March 9, 1983, Amended March 13, 1984, Amended March 12, 1986, Amended March 10, 1987, Amended July 28, 1988, Amended March 15, 1989, Amended March 14, 1990, Amended March 12, 1991, Amended March 11, 1997.

Existing Zoning Ordinance repealed March 8, 2005 when the new Zoning Ordinance was adopted.

Adopted March 8, 2005, Amended March 11, 2008, Amended March 9 2010, Amended March 8, 2011, Amended March 13, 2012, Amended March 12, 2013, Amended March 11, 2014, Amended March 10, 2015, Amended March 8, 2016, Amended March 21, 2017, Amended March13, 2018

Editor's Note

The provisions of the Zoning Ordinance and Land Use Regulations are numerically indexed in hierarchical levels. Given at the left margin the numeric Index is followed by a tab leader sized for each heading level. The Body text for each heading level is positioned under the heading text with the exception of paragraphs and subparagraphs having no emphasized lead words. The presentation of the material is exemplified below.

LEVEL TITLES	*INDEX AT LEFT MARGIN*	*TAB LEADER*	*ILLUSTRATION OF ITEM PRESENTATION*
Article	**#**	**NONE**	**# - ARTICLE TITLE** (There is no body text nested directly under the article title.):
Section	**#.#**	.5 inch	**.....** Section Heading Body Text (Directly under Title – block style.).
Subsection	**#.#.#**	.75 inch	**.....** Subsection Heading Body Text (Directly under title- block style.).
Paragraph- with lead word(s)	**#.#.# (#)**	1 inch	**.....**Paragraph's Lead word(s) Body text (Directly under lead words – block style.)
Paragraph	**#.#.# (#)**	1 inch	**.....**Paragraph's body text
Subparagraph - with lead word)s)	**#.#.#(#)(a)**	1.25 inch	**.....** Subparagraph Lead Word(s), Body text (Directly under lead words– block style.)
Subparagraph	**#.#.#(#)(a)**	1.25 inch	**.....** Subparagraph's body text

** **Numeric Index Conventions**:

- The symbol # stands for a numeric identifier.
- The small letter **'a'** stands for any alphabetical identifier.
- Numbers within parenthesis indicate paragraphs.
- Small letters within parentheses indicate subparagraphs.

Order of Presentation

- The Article Index and the Article Title are separated by a dash (–)
- For all other indexing the numeric index is followed by a tab leader (**…..)** of appropriate length (see above) followed by the appropriate heading.
- A subsection (#.#.#) will always be preceded by a section;
- A subparagraph [#.#.#(#)(a)] will always be preceded by a paragraph.
- An Article, Section or Subsection may be immediately succeeded by a paragraph.

When an element of a regulation or the Ordinance is being referenced, the Numeric Identification is used. If the intention is to reference an Article in its entirety the Article Number would be the reference, for example, Article 6. If the reference is more specific, for instance Article 6, Section.2 the reference would be given as Section 6.2. The extreme example would be Article 6, Section 2, Subsection 3, Paragraph (2), Subparagraph (b) which would be referenced as Subparagraph 6.2.3 (2)(b).

ARTICLE 1 ..... GENERAL PROVISIONS

1.1 ....Title

This Ordinance shall be known and cited as the "Town of Barrington Zoning Ordinance" and may be referred to herein as "this Ordinance".

1.2 ....Effective Date of Ordinance

The effective date of this Ordinance is March 8, 2005 the date of adoption by Town vote.

1.3 ....Applicability

In general, the purpose of this Ordinance is to provide for the safe, harmonious and manageable development of the Town of Barrington. More specifically, this Ordinance is intended:

1.3(1) To promote the health, safety, welfare and prosperity of the community;
1.3(2) To safeguard natural resources such as ponds, lakes, rivers, streams, wetlands, forests and aquifers;
1.3(3) To preserve the essential character and quality of life in the community;
1.3(4) To protect property values;
1.3(5) To foster the reasonable and judicious use of land for commercial and industrial purposes compatible with the community's interests; and
1.3(6) To promote energy efficient patterns of development and the use of other renewable forms of energy and energy conservation.

1.4 ....Authority

This Ordinance is adopted pursuant to the authority conferred by New Hampshire State Statutes (RSAs 674:16-21 as amended), and any other applicable provisions of state law.

1.5 .....Severability

In the event that any of the terms or provisions of this Ordinance are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Ordinance, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.

1.6 ....Interpretation

The provisions of this Ordinance shall be interpreted as minimum requirements adopted for the promotion of the public health, safety and welfare and other purposes noted above.

1.6(1) Should conflict exist between or among standards or requirements within this Ordinance, then whichever imposes the more stringent standard or requirement shall control.
1.6(2) Within this Ordinance words or phrases not specifically defined the Definitions Article are to be given their common and generally accepted meaning.

1.7 ....History

A Zoning Ordinance was adopted September 12, 1972, and subsequently amended March 8, 1977, March 11, 1980, December 8, 1981, March 9, 1982, March 9, 1983, March 13, 1984, March 12, 1986, March 10, 1987, July 28, 1988, March 15, 1989, March 14, 1990, March 12, 1991, and March 11, 1997.

The Zoning Ordinance adopted September 12, 1972 and as amended through March 11, 1997 was repealed with the adoption of the Zoning Ordinance, March 8, 2005.

The Zoning Ordinance of March 8, 2005, the current Ordinance has been amended March 11, 2008, March 9, 2010, and March 8, 2011, Amended March 13, 2012, Amended March 11, 2014, Amended March 10, 2015, Amended March 8, 2016, Amended March 21, 2017.

1.8 ....Consistency with the Master Plan and Capital Improvement Plan

This Ordinance is intended to implement, to the fullest extent possible, the Current Vision, Strategic Objectives, and Implementation Strategy of the Strategic Master Plan Update, Barrington, New Hampshire, which was adopted by the Barrington Planning Board, along with all of the supplemental planning studies that were adopted by reference. This document is hereafter referred to as the “Master Plan.” This Ordinance is also intended to support the implementation of the Current Capital Improvement Plan (CIP), adopted by the Planning Board, as amended.

ARTICLE 2 ..... ZONING DISTRICTS

2.1 ....Establishment of Zoning Districts

For the purposes of this Ordinance the Town of Barrington is divided into five (5) base zoning districts. Each zoning district is identified on the Official Zoning Map. All of the area within the municipal boundaries is located in one of these five base districts. The designation for the zoning districts are as follows:

ZO 2.1(1) General Residential (GR)
ZO 2.1(2) Neighborhood Residential (NR)
ZO 2.1(3) Village (V)
ZO 2.1(4) Regional Commercial (RC)
ZO 2.1(5) Town Center (TC) (added March 2008)

In addition to these base districts, this Ordinance also establishes overlay zoning districts that function in concert with the base districts. These overlay zoning districts are intended to regulate the use of specific environmental features or other characteristics or uses. Where an overlay zoning district coincides with all or any part of a base zoning district, the regulations for the base zoning district and the overlay zoning district shall be applied to the coincident area.

ZO 2.1(6) Wetlands Protection District Overlay (WDO)
ZO 2.1(7) Shoreland Protection District Overlay (SDO)
ZO 2.1(8) Floodplain Management District Overlay (FDO)
ZO 2.1(9) Groundwater Protection District Overlay (GDO)
ZO 2.1(9)(a) Stratified Drift Aquifer Overlay (SDAO)
ZO 2.1(9)(b) Swains Lake – Water Management Zone Overlay (SL-WMZO)
ZO 2.1(10) Wireless Communications Facilities Overlay (WCO)
ZO 2.1(11) Highway Commercial District Overlay (HCO)

2.1.1.....Official Zoning Map

The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning Map of the Town of Barrington, New Hampshire," (hereafter referred to as the Zoning Map) dated March 8, 2005, and as amended, which is hereby declared to be a part of this Ordinance. The Zoning Map shall use, as a base map for displaying zoning district boundaries, the most current property maps available for the town. The Zoning Map, along with the Ordinance, shall be kept on file, and made available to the public, at the office of the Town Clerk. A reproduction of this map is contained in the appendix of this Ordinance.

2.1.2.....Interpretation of District Boundaries

Where any uncertainty exists with respect to the boundary of any district as shown on the zoning map, the following rules shall apply:

2.1.2(1).....Where a boundary is indicated as being a street, railroad, river, or other body of water, it shall be construed to be the center line or middle thereof, or where such boundary approximates a town boundary, then to the limits of the town boundary.

2.1.2(2)..... Where a boundary is indicated as following approximately or parallel to a street, railroad, river or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the zoning map. If no dimension is given, such distance shall be determined by the use of the scale shown on the zoning map.

2.1.2(3)..... Where a dimensioned boundary coincides, within ten (10) feet or less, with a lot line, the boundary shall be construed to be the lot line.

2.1.2(4) ..... Where a boundary is indicated as intersecting the center line of a street, railroad, river or other body of water, and unless it is otherwise indicated, it shall be construed to intersect at right angles to such center line or in the case of a curved center line, to the tangent to the curve at the point of intersection.

2.1.2(5) ..... The abbreviation "PL" means property line as shown on the town tax maps as in effect on the effective date of this article.

2.1.2(6) ..... The abbreviation "CL" means "center line," and "CI" means "center of intersection.

2.1.2(7)..... When a lot is split by a zoning district boundary, the regulations of this Ordinance applicable to the larger part by area of such lot may, at the option of the owner, be deemed to govern the smaller part of the lot beyond. Uses permitted within the smaller part of the lot, and that are not permitted on the larger part of the lot, shall require a conditional use permit from the Planning Board, as specified in Section 3.4 of this Ordinance, to establish such a use on the larger portion of the lot where it is otherwise not permitted.

2.2 ....Statements of Purpose - Base Zoning Districts

This section of the Ordinance provides individual Statements of Purpose for each of the base zoning districts. These statements are intended to provide insight into the underlying intent for establishing each district with regard to appropriate and suitable types of development that may not be perceived solely from the list of permitted uses and required dimensional standards. These Statements are based primarily on information presented in the town's master plan, as well as other community planning documents and forums.

From an overall perspective, the zoning districts are intended to promote a hierarchy of development opportunities that offer a variety of development densities, for both residential and non-residential development, in order to achieve a balanced approach to future growth that is sensitive to property rights as well as the future land use goals of the community, as stated in the Master Plan.

2.2.1 .....General Residential (GR)

The General Residential District is intended to provide opportunities for low density residential development in traditional subdivisions although cluster Conservation Subdivisions are also permitted as an option to encourage the preservation of natural resources and open space. The regulations for this district are intended to promote a continuation of the historical land development patterns that were identified in the Master Plan. The regulations for this district are also intended to allow for small-scale business uses or establishments, only if such uses are operated in conjunction with residential uses and developed in compliance with specific standards specified in this Ordinance.

2.2.2 .....Neighborhood Residential (NR)

The Neighborhood Residential District is intended to promote medium density residential development in the central portion of the town, which is in relatively close proximity to municipal and school services. The regulations have been fashioned to provide incentives for developing larger tracts of land in a way that promotes efficient use of the land and creates adequately sized parcels of open space that can be used for public recreation and/or conservation purposes. One of the primary goals for open space in this district, as identified in the Master Plan, is to create trail linkages to public and commercial activities in the adjoining Village District, as well as other surrounding districts. The regulations for this district are also intended to allow for small-scale business uses or establishments, only if such uses are operated in conjunction with residential uses and developed in compliance with specific standards specified in this Ordinance.

2.2.3 .....Village (V)

2.2.3(1)..... The Village District is intended to promote mixed use development at higher densities in order to provide a centralized location for regular community interaction as well as convenient opportunities for the purchase of goods and services by town residents. The regulations are intended to allow opportunities for creating apartments above commercial establishments and multifamily senior housing developments that would be in close proximity to municipal and school facilities and provide a base of consumer support for small-scale commercial establishments in the district. The site design and landscaping standards applied to development in this district should reflect the guidelines recommended in the Master Plan as well as other land use regulations adopted by the town.

2.2.3(2)..... Development in this district should promote an environment that facilitates pedestrian access both within the VD district as well as into adjoining zoning districts.

2.2.4 .....Regional Commercial (RC)

The Regional Commercial District is intended to establish an environment along the Route 125 and Route 4 corridors that promotes commercial and industrial land uses that conform to the development goals identified in the Master Plan. Although limited residential development is permitted in this district, these types of uses are considered less appropriate for the land area immediately adjacent to the roadway corridor. As noted in the Master Plan, there is a relatively small amount of developable land remaining along these corridors and it should be reserved primarily for non-residential uses. Commercial and industrial development in this district should be done in accordance with the site design guidelines presented in the Master Plan that recommend a compact, nodal form of development (as opposed to strip commercial development), which employs parallel service roads whenever possible, as well as building and landscaping design that reflects community standards.

2.2.5.....Town Center (TC)

The Town Center District is intended to facilitate the creation of a compact mixed-use development pattern around the intersection of Route 125 and Route 9. All development within this district must reflect the design characteristics of a traditional town center as outlined in the Master Plan and Town Center Plan, as well as the Site Plan Review and Subdivision Regulations. The goal for this district is to create a core of high density commercial development, civic uses and public open space. Commercial uses will offer opportunities for employment, services, and shopping for residents in adjoining neighborhoods as well as those in outlying rural portions of the town. Civic uses and open spaces will provide gathering places for social interaction of residents. Residential uses are also permitted in this district as part of planned use developments as a means to support commercial development and allow for alternative housing options within the community.

ARTICLE 3 ..... PERMITTED USES

3.1 .... General Provisions

Except as herein provided, no building or land shall be used or occupied except for the purposes permitted in the district as described in this Article.

3.1(1)..A permit for the construction, installation, development, alteration, enlargement, moving, demolition**,** or use of a building or structure shall not be issued by the Building Inspector, or other town official, unless it complies with the provisions of this Article and/or has been granted a variance or special exception by the Zoning Board of Adjustment.

3.1.1.....Permitted Structures

Unless otherwise specified within this Ordinance, only one principal structure may be placed on any legally developable lot.

3.1.2.....Prohibited Uses

Any persistent uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse, fumes, noise, vibration, or similar conditions or that are dangerous to the comfort, peace, enjoyment, health, or safety of the community are prohibited. The limitations placed on these types of activities are more fully described in Section 7.1 of this Ordinance, Performance Standards.

3.1.3.....Building Codes

All structures shall be constructed in accordance with the building codes adopted by the town that pertain to the proposed construction.

3.1.4.....Impact Fees for Public Capital Facilities

3.1.4(1)..... No building permit shall be issued for any development which can be lawfully conducted under the terms of this Ordinance unless the required impact fee(s) has been assessed and/or collected, as prescribed in Article 14.

3.1.4(2)..... No certificate of occupancy shall be issued for any development which can be lawfully conducted under the terms of this Ordinance unless the required impact fee(s) has been assessed and/or collected, as prescribed in Article 14.

3.1.5.....Water Supply and Wastewater Treatment Systems

All water supply and wastewater treatment systems, whether they are intended for use as a single user system, a community system, or any other type of user or usage, shall be constructed and maintained in accordance with the standards established by the New Hampshire Department of Environmental Services (NHDES).

3.1.6.....Site Plan Review Regulations

All multifamily dwelling units and non-residential development shall comply with the Site Plan Review Regulations of the Town of Barrington.

3.1.7.....Parking

All development constructed under the provisions of this Ordinance shall comply with the appropriate parking standards contained in the Site Plan Review and/or Subdivision Regulations of the Town of Barrington.

3.1.8.....Signage

3.1.8(1).....Compliance Requirements - No sign shall be constructed, erected or otherwise placed in any zoning district unless said sign is in compliance with the standards specified in this ordinance.

3.1.8(2).....Removal of Signs - The Code Administrator, or other town personnel designated by the Town Administrator, shall cause to be removed any sign placed on or over any public right-of-way or public property that is not in compliance with the standards and provisions of this ordinance, the Town of Barrington Site Plan Regulations, the Town of Barrington Subdivision Regulations and/or any other regulation lawfully adopted by the Town of Barrington.

3.1.8(3).....Signs as Abandoned Property - Where a sign is removed, it shall be deemed to be abandoned and may be disposed of by the town as abandoned property.

3.1.9.....Excavation of Earth Materials

No property owner shall permit any excavation of earth materials on the premises, other than that which is incidental to the construction of a structure approved by the town, without first obtaining Planning Board approval in accordance with the Site Plan Review Regulations of the Town of Barrington.

3.1.10.....Appropriation of Municipal Tax Revenues

Any development approved by the Planning Board under the provisions of this Ordinance which may necessitate the expenditure of municipal tax revenues shall not obligate the town to expend funds that have not legally been made available for such purpose by voter appropriation or otherwise.

3.2 .....Use Regulations

The following Paragraphs (1) through (3) refer to Table 1, the Table of Uses, which is located in the Appendix of this Ordinance. Only uses listed in this Table shall be permitted in any zoning district.

3.2 (1).....Uses Permitted by Right

A use permitted as a matter of right is denoted by the letter "P" in ZO Table 1- Table of uses. A use permitted by right is subject to all other applicable local, State and Federal Regulations.

3.2(2).....Uses Permitted by Conditional Approval of Planning Board

A use listed in the Table of Uses and denoted by the letters "CP" may be permitted if the Planning Board determines that the requested use can be established in compliance with the provisions of Section 3.4 as well as all other applicable provisions of this Ordinance, and subject to all other applicable local, State and Federal regulations.

3.2(3).....Prohibited Uses

Prohibited uses shall be denoted by a dash (−) in the Table of Uses. Unless a use is specifically permitted in a zoning district as indicated in the Table of Uses, it shall be prohibited.

3.2(4)…...Uses with Specified Conditions: A use Permitted by Right ("P") or by Conditional Approval ("CP") may have specified conditions associated with that use. The existence of specified conditions is indicated by one or more numbers accompanying

the letter "P" or letter "CP" The number(s) reflect the footnote reference(s) specifying the condition(s)

3.3 .....Supplemental Regulations for Zoning Districts

3.3.1.....Regulations Pertaining to All Districts

3.3.1(1) Manufactured Housing

Manufactured housing units may be located on lawfully existing lots in manufactured housing parks, or, on individual lots anywhere conventional single-family homes are permitted. Manufactured housing units located on individual lots must comply with all dimensional standards applicable to conventional housing and must be erected on a permanent foundation. Manufactured housing units are not permitted within a Conservation Subdivision, as specified in Article 6. Manufactured housing shall not be construed to mean pre-site built or modular housing which shall be permitted within a Conservation Subdivision (Note: both terms are defined in Article 18 - Definitions).

3.3.1(2) Recreational Vehicles

A recreational vehicle, as defined in Article 18, shall not be construed as a dwelling unit under the provisions of this Ordinance. Occupancy of a recreational vehicle by any individual, group, or household, for more than 180 days in any calendar year shall not be permitted in Barrington. (03/08/2011)

3.3.1(3) Prohibited Uses

The storage, reprocessing, recycling, treatment or disposal of chemicals, hazardous substances, wastes or materials, municipal or industrial or medical waste, or metals, or the slaughtering and processing of animals and animal byproducts, as a principal or significant accessory use are prohibited in all districts.

3.3.2.....General Residential District

3.3.2(1).....Reserved

3.3.3.....Neighborhood Residential District

3.3.3(1)..... Reserved

3.3.4 Village District

3.3.4(1) Mixed Use Development (refer to Article 18 for definition)

3.3.4(1)(a) .....Non-Residential Uses Permitted

New or expanded development in the Village district may combine any non-residential uses otherwise permitted in this district as part of a mixed use development unless otherwise specified herein. This means that multiple primary structures, such as a retail store, professional or business office building, and restaurant, for example, may be combined on a single lot provided the proposed development can comply with all other applicable requirements of this ordinance. Such a development must also comply with the design guideline standards set forth in the Site Plan Review regulations, as well as all other applicable town and state regulations.

3.3.4(1)(b) .....Residential Uses Permitted

Residential structures, such as single family, duplexes, and multifamily dwellings, are permitted within a mixed use development only if said development is approved as a Planned Unit Development (PUD) as outlined in Article 16. Accessory dwelling units are permitted within any type of mixed use development.

3.3.4(1)(c)……Legally Existing residential uses may be combined as part of a mixed use development.

3.3.5.....Regional Commercial District

3.3.5(1) Mixed Use Development (refer to Article 18 for definition)

3.3.5(2) Non-Residential Uses Permitted

New or expanded development in the RC district may combine any non-residential uses otherwise permitted in this district as part of a mixed use development unless otherwise specified herein. This means that multiple primary structures, such as a retail store, professional or business office building, and light manufacturing facility, for example, may be combined on a single lot provided the proposed development can comply with all other applicable requirements of this ordinance. Such a development must also comply with the design guideline standards set forth in the Site Plan Review regulations, as well as all other applicable town and state regulations.

3.3.5(3) Residential Uses Excluded –

3.3.5(3)(a) ..... No residential structures are permitted within five hundred (500) feet of the centerline of Route 125 and Route 4 for properties located in the RC district.

3.3.5(3)(b) ..... Residential dwelling units, with the exception of Mixed Use Structures, may not be included as part of a mixed use development in the RC district.

3.3.5(3)(c)……Legally Existing residential uses may be combined as part of a mixed use development.

3.3.6.....Town Center District

3.3.6(1) Mixed Use Development (refer to Article 18 for definition)

3.3.6(1)(a) .....Non-Residential Uses Permitted

New or expanded development in the TC District may combine any non-residential uses otherwise permitted in this district as part of a mixed use development unless otherwise specified herein. This means that multiple primary structures, such as a retail store, professional or business office building, and restaurant, for example, may be combined on a single lot provided the proposed development can comply with all other applicable requirements of this ordinance. Such a development must also comply with the design guideline standards set forth in the Site Plan Review regulations, as well as all other applicable town and state regulations.

3.3.6(1)(b) .....Residential Uses Permitted

Residential structures, such as single family, duplexes, and multifamily dwellings, are permitted within a mixed use development only if said development is approved as a Planned Unit Development (PUD) as outlined

in Article 16. Mixed Use Structures are permitted within any type of mixed use development.

3.3.6(1)(c)……Legally Existing residential uses may be combined as part of a mixed use development.

3.3.6(2) Open Space Requirements

In order to implement the objectives of the Master Plan and Town Center Plan, all developments in the TC district must provide at least 15% of the tract's gross acreage as open space. To the extent possible, said open space areas should reflect the design concepts and uses identified in the Master Plan and Town Center Plan, as well as the Site Plan Review Regulations. Open space may include, but is not limited to, undeveloped land, as well as the civic center/open space uses identified in Subsection 16.5.1. In addition, it is recognized that the overall size and uses of a particular development site will be a major factor in determining the most suitable type and location of requisite open space for the site. Therefore, the Planning Board, as part of the Site Plan Review Process, is authorized to approve an alternative open space design concept so long as it is consistent with the Master Plan, Town Center Plan and generally accepted planning standards, and is a permitted use in the zoning district.

3.4 .....Conditional Use Permits Issued by Planning Board

Following a public hearing on the proposed use, which may be combined with a public hearing held for a subdivision or site plan review application, the Planning Board may issue a Conditional Use Permit, if it finds, based on the information and testimony submitted with respect to the application, that conditions presented in this Section have been met. Granting of a Conditional Use Permit shall authorize the applicant to apply for a building permit and/or certificate of occupancy once all other applicable town, state and federal requirements have been complied with, including subdivision and/or site plan review approval.

3.4(1)..... The building, structure or use is specifically authorized under the terms of this Ordinance.

3.4(2).....If completed, the development in its proposed location will comply with all requirements of this Ordinance, and with specific conditions or standards established in this Section for the particular building, structure or use.

3.4(3).....The building, structure or use will not materially endanger the public health or safety.

3.4(4).....The building, structure or use will not substantially de-value abutting property.

3.4(5).....The building, structure or use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located.

3.4(6).....The building, structure or use will not have a substantial adverse impact on highway or pedestrian safety.

3.4(7).....The building, structure or use will not have a substantial adverse impact on the natural and environmental resources of the town.

3.4(8).....Adequate public utilities, community facilities, and roadway capacity are available to the property to ensure that the proposed use will not necessitate excessive public expenditures in providing public services.

3.4(9).....Where deemed necessary when considering an application for Conditional Use approval, the Planning Board may require that adequate visual buffers be established

3.5……Accessory Dwelling Units

To preserve low density rural nature and appearances of Barrington's neighborhoods while complying with the State Law that requires local governments allow Accessory Dwelling Units that provide independent living facilities for elderly, disabled, adult children who wish to give care and support to parents, and to a lesser extent, expand the diversity and supply of housing. This keeps the Town of Barrington's Zoning Ordinance in compliance with RSA 674:71 to 674:73 which was modified by Senate Bill146 and signed into law by the Governor and effective June 1, 2017.

3.5.1..... An accessory Dwelling Unit (ADU) is a residential living unit that is within, attached to, or detached from a single-family dwelling, and 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. Where permitted, an ADU shall comply with the following:

3.5.1(1)……A maximum of one (1) ADU per property is permitted and shall not exceed two bedrooms. An ADU shall not be permitted on property where more than one dwelling currently exists.

3.5.1(2)……Exterior alterations, enlargements, or extensions of the single family dwelling or detached Accessory Structure (AS) are permitted in order to accommodate the ADU.

3.5.1(3)……Modification to the original single family dwelling or detached AS shall fit aesthetically with the principal residence and neighborhood (e.g., the house should not look like it was designed to be occupied by more than one family).

3.5.1(4)……The construction of any access ways into the house or detached AS that are required for access to the ADU shall be located to the side or rear of the building whenever possible.

3.5.1(5)……An interior door shall be provided between the principal dwelling unit and the ADU (if located within or attached to the primary dwelling unit) that can be locked or unlocked at the discretion of the owner.

3.5.1(6)……...A minimum of one dedicated off-street parking space shall be provided for the ADU.

3.5.1(7)……... New construction of a detached AS that incorporates an ADU shall meet the minimum dimensional standards set forth in Article 4 of the Zoning Ordinance for a single family dwelling.

3.5.1(8)……If located within or attached to a single family dwelling, an ADU shall not exceed1000 square feet. If the ADU is located in a detached AS, the ADU finished floor shall not exceed 750 square feet.

3.5.1(9)……...A single-family dwelling or a detached AS, and lot, shall not be converted to a Condominium or any other form of legal ownership distinct from the ownership of the single-family dwelling. In order to assure compliance with this requirement;

3.5.1(9)(a)……the property owner at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the Town, which shall be recorded in the Strafford County Registry of Deeds and a copy provided to the Planning and Land Use Department and the Assessor prior to the issuance of a Certificate of Occupancy.

3.5.1(10)……. The property owner shall occupy one of the two dwelling units. Electric, water and sewer utilities shall be metered on a single bill.

3.5.1(11)……. Where municipal sewer is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for the total occupancy of the premises.

3.5.1(12)……. No impact Fee shall be assessed for ADU's.

3.5.1(13)…….A certificate of Use for an ADU issued by the Zoning Administrator is required to verify conformance with the preceding standards;

3.5.1(13)(a)…Said certificate shall be valid until there is a transfer of ownership of the property;

3.5.1(13)(b)…If use of the ADU is to continue, the new owners of the property shall obtain an ADU Certificate of Use.

3.5.1(14)……. Fees shall be levied as set forth in the Town of Barrington Adopted Schedule of Fees, as amended annually, for ADU Certificates of Use and renewals.

ARTICLE 4 ..... DIMENSIONAL REQUIREMENTS

4.1 ..... General Provisions

4.1.1.....Minimum Standards

No building or structure shall be erected, enlarged, altered or moved, nor shall any existing lot size be changed or new lot created, except in accordance with the standards prescribed in Table 2, Table of Dimensional Standards or as otherwise specified herein.

Table 2 ....Table of Dimensional Standards (a)

Zoning District	Min. Lot Size (sq.ft.) (b)	Min. Lot Frontage (ft.) (b)	Min. Yard Setbacks (ft.)(i)			Max. Bldg. Height		Max. Lot Coverage (f)
			Front	Side	Rear	Feet	Stories	
General Residential	80,000(c)	200	40	30	30	35	2.5	40%
Neighborhood Residential	80,000(c)	200	40	30	30	35	2.5	40%
Village District (Residential)	80,000(c)	200	40	30	30	35	2.5	40%
Village District (Non-Residential)	30,000(g)	75	20	15	15	40(j)	3	60%
Town Center	20,000(h)	40	20(k)	15	15	40(j)	3	80%
Regional Commercial	40,000(d)	200	75(e)	30	30	40(j)	3	50%

Footnotes:
(a) All development is subject to the additional and supplemental dimensional standards prescribed in Article 4 of this Ordinance.
(b) Refer to Article 4.2 for calculating the minimum lot size per dwelling unit within each district.
(c) Minimum lot sizes and frontage may be reduced as part of a Conservation Subdivision in accordance with Article 6 of this Ordinance.
(d) Minimum lot sizes for residential dwelling units in the RC district shall be in accordance with Section 4.2 of this Ordinance.
(e) A greenbelt shall be maintained along the frontage of parcels on Route 125 in accordance with Subsection 4.2.3, Paragraph 4), of this Ordinance.
(f) Maximum lot coverage means the area of the lot covered by an impervious surface. Calculation of maximum lot coverage in a Planned Unit Development (PUD) shall be in accordance with Subsection 16.3.3. All development is subject to the provisions of Article 12, Groundwater Protection, with regard to the creation of impermeable surfaces.
(g) The minimum lot size for single-family dwelling units must comply with the provisions of Subsection 4.2.1 of this Ordinance, which are the same requirements for constructing a single-family dwelling in the GR and NR districts, as well as all other applicable provisions. Refer to section 4.2.2 for further specifications regarding minimum lot size and building size requirements in the VD district.
(h) Refer to Section 4.2.4 for additional provisions regarding minimum lot size and building size in the TC district.
(i) Increases in the Minimum Yard Setbacks may be required as part of the Site Plan Review or building permit process in order to comply with Life Safety Code requirements. Additional buffers may also be required between residential and nonresidential uses in the VD, RC, and TC districts as specified in Article 4, as well as other sections of this Ordinance.
(j) No structure may contain occupied residential building space above 35 ft. unless said structure contains a sprinkler system.
(k) The setback for all new structures shall be fifty (50) feet from the edge of the right-of-way along Route 125 and Route 9. No new structures (except signs) may be placed within this setback area.

4.1.2.....Lot Frontage

The side of a parcel used to satisfy the frontage requirement specified in the Table of Dimensional Standards, or other alternative standards, must be the side of the parcel used to provide vehicular access to the property. The Zoning Board of Adjustment may permit, by grant of a Special Exception, that a different side of the property be used for access because site constraints make using the otherwise required frontage inconsistent with protecting the safety, health and welfare of the public.

4.1.3.....Back Lots

For residential subdivisions, up to two (2) back lots may be allowed, notwithstanding the frontage requirements specified in the Table of dimensional Standards.

4.1.3(1)..... The parcel must have at least fifty (50) feet of frontage on an existing Class V or better road.

4.1.3(2)..... If there are two (2) back lots, the ownership of the neck and frontage shall be owned equally by both back lots.

4.1.3(3)..... The area of the neck cannot be used in any way to calculate the minimum lot size.

4.1.3(4)..... Back lots are not allowed off of cul-de- sacs.

4.1.3(5)..... Driveways must be centered in this neck as much as possible and the neck kept clear and maintained for safety.

4.1.3(6).....A permanent road agreement will be executed, shown on the plan and recorded in the deed of each lot.

4.2 .....Minimum Lot Size

The minimum dimensional standards for lots prescribed in Table 2, the Table of Dimensional Standards, shall be determined in accordance with the provisions of this Section. These dimensional standards may be reduced for either a Conservation Subdivision, approved by the Planning Board pursuant to Article 6 or a Planned Unit Development (PUD) approved by the Planning Board pursuant to Article 16.

4.2.1.....Standards for the GR and NR District

4.2.1(1)..... In the GR and NR districts the minimum lot size for Dwelling, Single-Family is 80,000 sq.ft. which must include at least 60,000 sq. ft. free of Hydric A soils, open water, bogs, marshes, rivers, streams, or exposed ledge. Additionally, the 60,000 sq. ft. must contain at least 35,000 sq. ft. of contiguous upland soils.

4.2.1(2)..... For each additional one (1) bedroom dwelling unit under a common roof, which does not qualify as an Accessory Dwelling Unit under this Ordinance, the minimum standards cited in Paragraph 1) above shall be increased in the following proportions. Minimum lot size shall be increased by 40,000 sq. ft., the area free of Hydric A soils, open water, bogs, marshes, rivers, streams, or exposed ledge shall be increased by 30,000 sq. ft. and the area of upland soils shall be increased by 15,000 sq. ft. Any dwelling unit created under this provision may contain a total of no more than two additional habitable rooms (such as a kitchen and living room), in addition to a bedroom. No additional habitable rooms may be created in said dwelling units at any time in the future.

4.2.1(3)..... For each additional dwelling unit under a common roof containing two (2) or more bedrooms, which does not qualify as an Accessory Dwelling Unit under this Ordinance, the minimum standards cited in Paragraph 1) above shall be increased in the following proportions. Minimum lot size shall be increased by 80,000 sq. ft., the area free of Hydric A soils, open water, bogs, marshes, rivers, streams, or exposed ledge shall be increased by 60,000 sq. ft. and the area of upland soils shall be increased by 35,000 sq. ft.

4.2.2.....Standards for the VD District

4.2.2(1) Minimum Lot Size, Non-residential

The minimum lot size for nonresidential uses in the Village district is 30,000 sq. ft. unless otherwise specified herein, however, said lot must be of adequate size, as specified by the New Hampshire Department of Environmental Services (NHDES) regulations, to safely accommodate an on-site septic system and/or water supply system. Community wastewater and/or water supply systems may be employed in this district for mixed use developments provided they are in compliance with NHDES requirements.

4.2.2(2) Accessory Dwelling Unit

For commercial buildings containing Dwelling Units the minimum lot size shall be increased in accordance with NHDES requirements based on the number of bedrooms contained in said unit(s).

4.2.2(3) Minimum Lot Size, Multifamily Housing

The minimum lot size for multifamily housing developments shall be 80,000 sq. ft. for the first unit, which must include 35,000 sq. ft. of contiguous upland area. Each additional dwelling shall require 10,000 sq. ft. of upland area per dwelling unit. This minimum shall be increased if necessitated by the requirements of the NHDES for installation of on-site septic systems and/or water supply systems.

4.2.2(4) Minimum Lot Size, Single Family and Duplex

The minimum lot size for single-family or duplex dwelling units must comply with the provisions of Subsection 4.2.1 of this ordinance, which are the same requirements for constructing a single-family dwelling in the GR and NR districts, as well as all other applicable provisions.

4.2.2(5) Maximum Building Size, Non-Residential

Non-residential structures shall not exceed a footprint of 50,000 sq. ft. in size, subject to the following exception. A non-residential building footprint may be larger than 50,000 sq. ft. if a Conditional Use Permit is granted by the Planning Board (see Section 3.4), and said structures is also in compliance with design guidelines prescribed in the Site Plan Review Regulations.

4.2.2(6) Architectural Requirements

All non-residential structures must comply with the Design Review Standards prescribed in the Site Plan Review Regulations.

4.2.2(7) Buffer for Existing Residential Uses

Any proposed non-residential development that abuts a parcel containing an existing residential structure(s) must have a buffer of at least fifty (50) feet between the existing residential structure(s) and the proposed non-residential structure(s). Said buffer shall contain sufficient vegetation or other barrier (e.g. fencing) that will provide visual screening between the adjoining land uses. Said buffer may include portions of the existing residential lot if adequate screening already exists there.

4.2.2(8) Greenbelt Buffer Required

A greenbelt buffer of fifty (50) feet from the edge of the right-of-way shall be maintained along the frontage of parcels on Route 125 and Route 9, in which no development, storage, parking, or paving shall be permitted (except as necessary to provide access or signage). The greenbelt may be left in its natural state if sufficiently vegetated, or planted to provide a visually attractive vegetated area.

4.2.3.....Standards for the RC District

4.2.3(1) Minimum Lot Size, Non-residential

The minimum lot size for nonresidential uses in the RC district is 40,000 sq. ft. which must include an area of contiguous upland soils of not less than 35,000 sq. ft. This minimum shall be increased if necessitated by the requirements of the NHDES for installation of on-site septic systems and/or water supply systems.

4.2.3(2) Minimum Lot Size, Residential

– All new residential dwelling units constructed in the RC district shall comply with the minimum lot size standards contained in Subsection 4.2.1 of this Ordinance, which are the same density requirements for constructing a residential dwelling in the GR and NR districts, as well as all other applicable provisions.

4.2.3(3) Residential Buffer Required

On any lot that abuts a residential district and that is developed for non-residential uses, a buffer of at least fifty (50) feet shall be maintained with sufficient vegetation to provide visual screening between uses in the adjoining residential district.

4.2.3(4) Architectural Requirements

All non-residential structures must comply with the architectural guidelines prescribed in the Site Plan Review Regulations.

4.2.3(5) Greenbelt Buffer Required

A greenbelt buffer of fifty (50) feet from the edge of the right-of-way shall be maintained along the frontage of parcels on Route 125 and Route 4, in which no development, storage, parking, or paving shall be permitted (except as necessary to provide access or signage). The greenbelt may be left in its natural state if sufficiently vegetated, or planted to provide a visually attractive vegetated area.

4.2.4.....Standards for the TC District

4.2.4(1)..... In addition to the provisions set forth in the following paragraphs, all newly created or improved lots must be of adequate size to accommodate an on-site septic system and/or water supply system as specified by the New Hampshire Department of Environmental Services (NHDES) regulations. The minimum permitted lot size shall be increased in accordance with NHDES requirements to accommodate wastewater loading capacity of the site. Community wastewater and/or water supply systems, as well as other innovative or alternative technology systems, may also be employed in this district provided they comply with all state requirements and the Planning Board determines that there will be no adverse impact on water quality and public health.

4.2.4(2) Minimum Lot Size, Non-residential

The minimum lot size for all nonresidential uses is 20,000 sq. ft. however, said lot must be of adequate size, as specified by the New Hampshire Department of Environmental Services (NHDES) regulations, to safely accommodate an on-site septic system and/or water supply system.

4.2.4(3) Minimum Lot Size, Exceptions

Exceptions to the minimum lot size requirements specified for the TC district under this Subsection may be permitted by the Planning Board if the proposed development is part of a Planned Unit Development (PUD) submitted in accordance with the provisions of Article 16. Minimum lot sizes for residential structures, which are only permitted as part of a PUD in the TC zoning district, are also specified within Article 16.

4.2.4(4) Maximum Building Size, Non-residential

Non-residential structures shall not exceed a building footprint of 20,000 sq. ft. in size. An exception to this provision may be made for non-residential structures that are part of a Planned Unit Development (PUD). Within a PUD the building footprint may be increased up to 70,000 sq. ft. if a Conditional Use Permit is granted by the Planning Board (see Section 3.4), and said structure(s) are in compliance with site design guidelines prescribed in the Site Plan Review Regulations.

4.2.4(5) Architectural Requirements

All non-residential structures must comply with the Design Review Standards prescribed in the Site Plan Review Regulations.

4.2.4(6) Buffer for Existing Residential Uses

Any proposed non-residential development that abuts a parcel containing an existing residential structure(s) must have a buffer of at least fifty (50) feet between the existing residential structure(s) and the proposed non-residential structure(s). Said buffer shall contain sufficient vegetation or other barrier (e.g. fencing) that will provide visual screening between the adjoining land uses. Said buffer may include portions of the existing residential lot if adequate screening already exists there.

ARTICLE 5 ..... NONCONFORMING LOTS, STRUCTURES, AND USES

5.1 .....Nonconforming Lots

5.1.1.....Development on Nonconforming Lots

Structures shall be permitted on a lot having frontage or area that is less than required by the Table of Dimensional Regulations in this Ordinance if said structure is permitted by right within the zoning district and if the following provisions are met:

5.1.1(1)..... The lot was a legal lot of record and duly recorded at the Strafford County Registry of Deeds prior to adoption of this Ordinance;

5.1.1(2)..... The lot is capable of supporting a well and septic system designed and installed in compliance with all applicable town and state regulations; and

5.1.1(3)..... All proposed uses, buildings, and structures, shall comply with the setback requirements in the Table of Dimensional Regulations.

5.1.2.....Repealed 03/08/2011

5.1.3.....Certified Plan Required For Building on One Acre or Smaller Lots

Before a building permit is issued for the erection of any structure or construction otherwise permitted on a nonconforming lot of one (1) acre or less in area, a plan stamped and certified by a licensed land surveyor must be submitted to the Building Inspector. The plan must show the exact location of all existing and proposed property lines, wells, septic tanks and leach fields, and structures on the lot in question. The plan must be drawn to a scale of not less than one (1) inch equaling fifty (50) feet (1” = 50’).

5.1.4.....Lot Line Adjustments Involving Non-Conforming Lots (3/9/2010)

Lot line adjustments involving one or more contiguous lots, of which one or more lots are nonconforming in area, are permitted if one of the two following set of circumstances exists:

5.1.4(1)..... The first set of circumstances being:

5.1.4(1)(a) ..... The lot line adjustment does not create a new violation of the zoning ordinance or increase an existing nonconformity; and

5.1.4(1)(b)..... The lot line adjustment does not decrease the size of a nonconforming lot or render a conforming lot nonconforming; and

5.1.4(1)(c) ..... The lot line adjustment does not result in a change of the total oarea of any of the involved lots.

5.1.4(2)..... The second set of circumstances being:

5.1.4(2)(a) ..... The lot line adjustment does not create a new violation of the zoning ordinance or increase an existing nonconformity; and

5.1.4(2)(b)..... The lot line adjustment does not decrease the size of a nonconforming lot or render a conforming lot nonconforming; and

5.1.4(2)(c) ..... The lot line adjustment results in an increase in the size of one or more nonconforming lots.

5.2 .....Nonconforming Structures

Where a lawful building or structure exists at the effective date of this Ordinance, or applicable amendment, that could not be built under the terms of this Ordinance or amendment by reason of restrictions on area, lot coverage, height, setbacks, or other dimension requirements, the building or structure may be continued so long as it remains otherwise lawful. Such a nonconforming building or structure may not be enlarged, expanded, or otherwise altered in such a manner that results in said building or structure being made less conforming to the provisions of this Ordinance, except as provided for below.

5.2.1.....Permitted Expansion for Certain Nonconforming Structures

5.2.1(1)..... Any lawfully-existing nonconforming structure may be enlarged or expanded if such an expansion can be executed in compliance with all setbacks, height limitations and other dimensional requirements of this Ordinance and does not make the building or structure less conforming than its present configuration, except as provided for in 5.2.1(2) below.

5.2.1(2)..... Notwithstanding any other provisions to the contrary, a lawful nonconforming structure may be expanded into a setback area by the addition of an unenclosed stoop, open deck or stairs, provided the same do not extend more than 8 feet into the required setbacks or buffers and provided further that at least 15 feet remain between the exterior of the addition and the nearest lot line.

5.2.2.....Permitted Expansion into Setbacks and Buffers for Accommodation of Physical Disabilities

Notwithstanding any other provisions to the contrary, a structure may be expanded into a setback area by the addition of an accessibility ramp when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided the same do not extend more than 8 feet into the required setbacks or buffers and provided further that at least 15 fee remain between the exterior of the addition and the nearest lot line.

5.2.3.....Special Exception for Accessibility Additions/Structures

If a structure or addition is necessary to provide access to a residence or business to accommodate persons with a disability that reasonably cannot be built or provided without violating the setback provisions of this Ordinance, the property owner may apply to the Zoning Board of Adjustment for a special exception to build or supply the accessibility addition/structure and this special exception shall be granted if the Zoning Board of Adjustment finds that:

5.2.3(1)..... The structure or addition is reasonably necessary for access purposes as provided herein;

5.2.3(2)..... The structure or addition reasonably cannot be built without violating the setback(s) or cannot be built without violating the setback(s) except with unreasonable expense to the owner;

5.2.3(3)..... The setback violation is as small as reasonably possible under the circumstances;

5.2.3(4)..... The value of abutting properties will not be affected adversely; and

5.2.3(5)..... The structure or addition is consistent with the health, safety and welfare of the public and the occupants/users of the premises. An application for special exception considered by the ZBA under this Subsection does not need to comply with the provisions of Section 15.2.

5.3 .....Nonconforming Uses

Where on the effective date of adoption of this Ordinance or applicable amendment, a lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, and is in compliance with the following provisions of this section:

5.3(1).....A nonconforming use may not be changed to another nonconforming use, extended or enlarged to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except as provided for in Subsection 5.3.5 below.

5.3(2)..... No such nonconforming use shall be moved, in whole or in part, to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

5.3(3)..... Once changed to a conforming use, no structure or land shall revert to a nonconforming use.

5.3(4).....A nonconforming use that has been discontinued for a period of one (1) year shall not be resumed or replaced by any other nonconforming use.

5.3.1.....Special Exception for Certain Changes In Use

The Zoning Board of Adjustment may grant a special exception authorizing a change from one nonconforming use to another nonconforming use where the Zoning Board of Adjustment finds that the following conditions have been met:

5.3.1(1)..... There will be no increase in any dimensional nonconformity;

5.3.1(2)..... The value of neighboring properties will not be affected adversely;

5.3.2(3)..... There will be no increased or unreasonable risk of harm to the health, safety or welfare of neighbors or the public; and

5.3.1(4)..... The change is consistent with the spirit and intent of this Ordinance. An application for special exception considered by the ZBA under this Subsection does not need to comply with the provisions of Section 15.2.

5.4 .....Permitted Restoration for Certain Non-Conforming Structures

Any lawfully existing non-conforming structure which is partially or totally destroyed by reason of fire, natural disaster, or other act of God may be restored, remodeled, and operated if such restoration, remodel, or operation is begun within a 2 year period of the date of the loss, providing, however, that the elements of non-conformity are no greater than those previously existing prior to the loss as described herein for that structure.

ARTICLE 6 ..... CONSERVATION SUBDIVISIONS

6.1 .....Purpose

The Master Plan contains strategic objectives that recommend implementing changes in municipal regulations that encourage future land development activities to set aside more open space for the purposes of maintaining the town's character, protecting key natural resource features, preserving wildlife habitat, and creating recreation opportunities for residents. In an effort to achieve these and other related objectives of the Master Plan, the regulations contained in this Article are intended to encourage the preservation of open space by promoting greater flexibility in the design of residential subdivisions than would otherwise be possible following conventional subdivision practice. All proposals for development of a Conservation Subdivision in Barrington should be designed to achieve as many of the objectives listed below as possible given the specific characteristics of the site under consideration. (RSA 674:21)

6.1(1)..... To maintain and protect Barrington's rural character by preserving important landscape elements, including those areas containing such unique and environmentally sensitive natural features as unfragmented woodlands, stream corridors, wetlands, floodplains, shorelands, steep slopes, ridgetops, and critical species habitat by setting them aside from development.

6.1(2)..... To preserve scenic views and to minimize views of new development from existing streets.

6.1(3)..... To provide for comprehensive site planning of larger tracts of land in order to facilitate better site design concepts that are compatible with the existing natural features and terrain in order to minimize disturbance of landscape elements.

6.1(4)..... To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, drainage requirements, and the amount of paved surfaces, where possible.

6.1(5)..... To permit active and passive recreational use of open space by residents of the proposed development and/or by the general public.

6.1(6)..... To promote the preservation of large blocks or corridors of protected open space by "linking" together smaller individual open space areas on adjoining parcels.

6.1(7)..... To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.

6.1(8)..... To permit various means of owning open space and for protecting it from development in perpetuity.

6.1(9)..... To implement the objectives of the Barrington Master Plan.

6.2 .....Density and Dimensional Standards

6.2.1.....Minimum Tract Size

The minimum size tract of land on which a Conservation Subdivision may be constructed is twenty (20) acres in the General Residential (GR) district, 20 acres in the Village District (VD), and thirty (30) acres in the Neighborhood Residential (NR) district.

6.2.2.....Common Open Space

Common open space, as defined herein, must constitute at least fifty percent (50%) of the total tract area in the GR district, and at least sixty percent (60%) of the total tract

area in the NR district, and at least sixty percent (60%) of the total tract area in the Village District, and shall comply with the following design standards:

6.2.2(1)..... The location of common open space shall be consistent with the objectives of the Master Plan.

6.2.2(2)..... All open space areas shall be part of a larger contiguous and integrated open space system. At least seventy-five (75) percent of the common open space shall be contiguous. For purposes of this section, contiguous shall be defined as located within one hundred (100) feet across which access is possible, for example, on opposite sides of an internal street. No common open space areas shall be less than 10,000 square feet in size and any areas below this threshold shall not be counted toward the required minimum percentages of open space specified in this subsection for the GR and NR districts.

6.2.2(3)..... The total amount of open space that is identified as open water, wetland soils, exposed ledge, or other terrain conditions that would normally be considered otherwise undevelopable, shall not constitute more than fifty percent (50%) of the area proposed as open space within a Conservation Subdivision. The Planning Board may allow for a smaller or larger percentage if it determines that by doing so the proposed development will better achieve the objectives specified in Section 6.1 or that the resulting development will preserve features of the site that are of particular importance to the town.

6.2.2(4)..... Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character. Environmental corridors, such as streams, rivers, or wildlife trails, as well as areas that are contiguous to protected open space on adjoining parcels, are considered to be of particular importance for preserving. (See Section 6.1).

6.2.2(5)..... Natural features shall generally be maintained in their existing condition, but may be modified to improve appearance or restore their overall condition and natural processes, as recommended by professionals with expertise in this area.

6.2.2(6)..... The location of proposed open space shall be situated so as to maximize common boundaries with existing or future open space on adjacent tracts.

6.2.2(7)..... In order to preserve scenic views, ridgetops and hilltops should be contained within common open space wherever possible.

6.2.2(8)..... Common open space may be used for individual or community water and sewerage systems required to service the proposed development.

6.2.2(9)..... Common open space may not be used for:

6.2.2(9)(a) ..... Private lot areas

6.2.2(9)(b) ..... Cluster group lot areas

6.2.2(9)(c) ..... Street rights-of-way

6.2.2(9)(d) ..... Parking areas

6.2.2(10)..... Safe and convenient pedestrian access and access for maintenance shall be provided to common open space areas.

6.2.3.....Creation of Lots and Minimum Lot Sizes

6.2.3(1)..... Conservation Subdivisions may be developed in one of the following ways:

6.2.3(1)(a) ..... Individual house lots for detached, single-family dwellings;

6.2.3(1)(b) ..... As cluster group lots for attached single-family dwellings; or

6.2.3(1)(c) ..... As land without lots (for either detached or attached dwellings) that is held in common interest by all homeowners residing in the subdivision.

6.2.3(2)..... The mixing of housing alternatives specified in Subsection 6.2.3(1) above shall not be permitted in a Conservation Subdivision wherein the development must either be all individual house lots, all cluster group lots, or all commonly owned land.

6.2.3(3)..... Land that is set aside as dedicated open space for public use shall be subdivided into a separate parcel in all of the development alternatives specified in Subsection 6.2.3(1).

6.2.3(4)..... Single-family, detached dwelling units may be placed on individual lots in a Conservation Subdivision. The minimum lot size for a single-family, detached dwelling unit shall not be less than 20,000 square feet. Subdivisions containing attached single-family dwelling units, or detached units without lot lines, shall be divided into cluster groups, as described in Subsection 6.2.5 of this Article.

6.2.4.....Dimensional Standards for Single-Family Lots

Table 3 provides the minimum standards for lot dimensions, building setbacks, and other dimensional requirements for subdivisions containing detached single-family dwellings on individual lots. The following standards apply only to the construction of single-family dwellings in Conservation Subdivisions as outlined in Subsection 6.2.3(1).

Table 3 ....Dimensional Standards for Detached Units on Individual Lots

Minimum Standard	
Lot Size	**20,000 sq. ft.**
Lot Width (at front building setback)	**75 ft.**
Front Setback (from interior roads)	**25 ft.**
Side Setback	**20 ft.**
Rear Setback	**20 ft.**

6.2.5.....Design Standards for Cluster Groups

The following standards shall apply to all cluster groups:

6.2.5(1)..... All dwelling units, with the exception of single-family detached houses on individual lots, shall be grouped together into cluster groups, each of which shall contain no more than eighteen (18) units and be surrounded by common open space.

6.2.5(2)..... The maximum number of dwelling units in a cluster group may be increased and cluster groupings may be assembled into larger groupings with the approval of the Planning Board, provided the applicant can demonstrate that such an alternative plan is more appropriate for the tract in question and will meet both the general intent and design standards of this Ordinance.

6.2.5(3)..... Cluster groups shall be defined by the outer perimeter of a contiguous lotted area or abutting streets and may contain streets, parking areas, accessory structures, or cluster group open space. The outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer than one hundred (100) feet to any unit. The cluster group perimeter does not have to be a legally recorded lot and may simply be a plan feature that defines open space associated with a particular group of dwellings.

6.2.5(4)..... Cluster groups shall be separated by at least one hundred (100) feet from another cluster group. This separation shall be composed of common open space in order to provide direct access to open space for privacy and yard areas for proposed dwelling units. Cluster groups may also be separated by streets.

6.2.5(5)..... All cluster groups shall obtain driveway access from interior streets.

6.2.5(6)..... In locating cluster groups, disturbance to the site's topography and important natural features, as identified in the site inventory, should be minimized.

6.2.6.....Perimeter Buffer

All Conservation Subdivisions must have a perimeter buffer setback of one hundred (100) feet around the entire tract that may not contain any structures or individual house lots. The buffer should provide a visual screen from exterior roads by either retaining existing woodlands or by planting additional landscaping that is considered sufficient to provide such screening.

6.3 .....Permitted Uses and General Provisions

6.3.1.....Permitted Uses

6.3.1(1).....Primary Uses - Primary permitted uses include single-family detached dwelling units and single-family attached dwelling units. Structures containing attached dwellings may not contain more than six (6) units per structure. Home businesses, as defined in this Ordinance, are specifically prohibited from Conservation Subdivisions.

6.3.1(2).....Accessory Uses - Accessory permitted uses include garages, recreation facilities such as playgrounds, parks and trails, parking lots for residential or recreational uses, and other accessory uses commonly associated with residential dwellings.

6.3.2.....Site Inventory and Conceptual Development Plan Required

6.3.2(1)..... All applications to the Planning Board for a Conservation Subdivision shall be accompanied by a Site Inventory that identifies existing natural and man-made features that represent the landscape character of the tract. This inventory shall be used by the developer and the Planning Board in determining which features of the site are most important to preserve as part of the proposed development. The specific information that must be presented in the Site Inventory is contained in the town's development regulations (subdivision and site review).

6.3.2(2)..... Prior to submission of an engineered/surveyed plat plan for a Conservation Subdivision, as required in the town's Subdivision and/or Site Plan Review Regulations, all applicants shall submit a Conceptual Development Plan for consideration by the Planning Board. Said Conceptual Development Plan shall show the general location of proposed roadways, lots, open space and buffers, as well as the significant features that have been identified as part of the Site Inventory. The purpose of this pre-application plan review is to insure that the development's proposed open space is shaped around the significant natural, cultural and historic features located on the site.

6.3.2(3)..... For comparison purposes, the Planning Board may also require an applicant to submit a second Conceptual Development Plan that illustrates a conventional subdivision layout, based on the town's zoning and subdivision standards, for a non-clustered development on the proposed site. The purpose of this second plan would be to insure that the number of dwelling units proposed for the Conservation Subdivision does not exceed the maximum number of dwelling units allowed as specified in Subsection 6.4 of this Ordinance.

6.3.3.....Compliance with Other Regulations

All Conservation Subdivisions shall, in addition to the requirements of this Ordinance, comply with applicable standards contained in the Barrington Subdivision and Site Review Regulations, as well as all other applicable town and state regulations and policies.

6.3.4.....Water and Sewerage Facilities

Subdivisions constructed under this Article may employ either individual wells or community water systems, and individual or community septic systems. All such systems shall be constructed in compliance with the standards prescribed by the New Hampshire Department of Environmental Services.

6.3.5.....Homeowner's Association Required

As a condition of approval, the applicant for a Conservation Subdivision shall be required to provide for the establishment of a Homeowner's Association, or similar entity, to manage in perpetuity all land and improvements within the subdivision that are to be owned in common. Specific requirements for the establishment of such an association are defined in the town's Subdivision Regulations.

6.4 .....Determining Permitted Density

The permitted density of dwelling units for a Conservation Subdivision shall **not exceed the density of dwelling units permitted in a conventional subdivision within the proposed zoning district.**

ARTICLE 7 ..... SUPPLEMENTAL REGULATIONS

7.1 .....Performance Standards

The intent of this section is to prevent land or buildings from being used or occupied in any manner that would create any dangerous, injurious, noxious, hazardous or nuisance conditions.

7.1(1)..... No use or structure otherwise permitted under this Ordinance shall be permitted by right or special exception which unreasonably and adversely affects the quality of air, water supplies, water bodies or courses, or other significant natural or artificial resources of the Town of Barrington.

7.1(2)..... The burden of establishing compliance with these Performance Standards shall be on the applicant and/or property owner.

7.1(3)..... The town, through an appropriate regulatory official or body, may require an environmental assessment or other appropriate studies, at the applicant's or property owner's expense, to aid in the determination of compliance with the standards of this Section:

7.1.1.....Vibration

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line of the site upon which vibration is produced.

7.1.2.....Noise

All noise, except that generated by normal human or vehicular activity, shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. At property lines noise levels shall not exceed 75 DBA.

7.1.3.....Odors

No condition or operation that will result or does result in the creation of odors of such intensity or character as to be detrimental to the health and welfare of the public or as to interfere unreasonably with the comfort of the public shall be permitted to be established or allowed to continue.

7.1.4.....Air Quality

Emissions into the air of any kind shall not be visible at ground level at any point outside the property lines of the site upon which such emissions are generated. No visible emissions shall be discharged into the air in excess of the limitations listed below.

7.1.4(1)..... Smoke shall be regulated by the Ringlemann Chart method and limited to a maximum No. 2 Ringlemann for periods totaling 4 minutes in any 30 minute period and to a maximum No. 3 Ringlemann for periods totaling 3 minutes in any 15 minutes when starting a new fire.

7.1.4(2)..... At property lines, dust, dirt, and fly ash shall not exceed 0.3 grains per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit and shall not exceed 50% excess air and in no manner be unclean, destructive, unhealthful, or hazardous. Visibility shall not be impaired by the emission of a haze with apparent opaqueness equivalent to or greater than No. 2 of the Ringlemann Chart.

7.1.4(3)..... There shall be no emissions into the air that contain sulfur dioxide in quantities greater than 2000 parts per million as measured in the flue.

7.1.4(4)..... No person shall cause or permit any material to be handled, transported or stored in a manner that allows or may allow particulate matter to become airborne. This section shall not apply to residential wood stoves.

7.1.5.....Glare

No direct or sky-reflected glare from high temperature processes such as combustion, welding or otherwise shall be visible at any point beyond the lot line.

7.1.6.....Heat

There shall be no emission or transmission of heat or heated air so as to be discernible at or beyond the lot line.

7.1.7.....Waste Disposal

7.1.7(1)..... No waste material, garbage or refuse shall be disposed of, or allowed to remain on-site for extended periods of time.

7.1.7(2)..... Temporary storage of such wastes must be in appropriate refuse containers.

7.1.7(3)..... No waste materials, garbage or refuse shall be dumped or allowed to remain in such a condition as to result in, or be reasonably likely to result in, scattering due to wind or precipitation, leakage into the ground or other discharge or run-off.

7.1.7(4)..... Upon written complaint from the town's representative, the violator shall promptly remove all waste materials. In the event that the waste material, garbage, or refuse is left from a construction project, the issuance of a certificate of occupancy may be withheld until this material is removed.

7.1.7(5)..... This section shall not be construed to prohibit the on-site disposal of stumps in conformity with state law.

7.1.8.....Vision Clearance

No structure, vehicle, vegetation, sign, fence or other obstacle shall be placed or maintained in such a manner as to create a traffic hazard or obstruct the vision clearance or sight distances at corners, driveways, intersections or curves in a road, street or highway, public or private.

7.2 .....Development on Class VI Roads and Private Roads

Development on Class VI and private roads shall be in compliance with the specifications and requirements of the Subdivisions Regulations.

7.3 .....Home Occupation

In zoning districts that permit the establishment of home occupations, all such uses must comply with the following provisions. If the Zoning Administrator determines that the proposed use is in compliance with all of the following provisions, authorization for the home occupation may be granted by the Building Inspector without review by the Planning Board. The proposed use must also comply with all other applicable local, state and federal regulations.

7.3(1).....A home occupation may only be conducted within a detached single-family dwelling.

7.3(2)..... Not more than one (1) home occupation may be carried on in a dwelling.

7.3(3)..... No more than thirty percent (30%) of the dwelling's net living area shall be devoted to such use.

7.3(4)..... There shall be no display of goods or wares visible from the street.

7.3(5)..... Not more than one (1) commercial vehicle related to said home occupation shall be stored on the premises.

7.3(6)..... The building or premises containing said home occupation shall not be rendered objectionable or detrimental to the residential character of the neighborhood because of exterior appearance, traffic, emission of odor, smoke, dust, noise, on-site storage of hazardous materials as determined by the Barrington Fire Department.

7.3(7).....A certificate of occupancy for the proposed use shall be issued by the Building Inspector once verification with all the preceding standards is confirmed.

7.4 .....Home Business

In zoning districts that permit the establishment of home businesses all such uses must receive a Conditional Use Permit from the Planning Board for said use. At a minimum, the Planning Board must determine that all of the following conditions have been met before such a permit may be authorized. The proposed use must also comply with all other applicable local, state and federal regulations.

7.4(1)..... All home businesses must receive a Conditional Use Permit and Site Plan approval from the Planning Board.

7.4(2)..... Before granting a conditional use permit the Planning Board must determine that the proposed structure(s), location, and size of the parcel, are of a suitable scale, appearance, and character that are compatible with the surrounding development and neighborhood where the use is proposed.

7.4(3).....A home business may only be conducted as an accessory use to a detached single-family dwelling located on the same property.

7.4(4)..... Not more than one (1) home business may be established on a property.

7.4(5)..... No more than two (2) non-residents of the property may be employed within a home business.

7.4(6)..... The use may be conducted in a separate accessory building but said building shall contain no more than 2,500 square feet of total floor space.

7.4(7)..... The home business shall be totally conducted within the designated accessory structure but may occupy an area outside said structure if this area is adequately screened with fencing or a vegetative buffer. In no case shall the activities of the home business, both inside and outside the accessory structure, occupy more than 4,500 square feet.

7.4(8)..... There shall be no display of goods or wares visible from the street.

7.4(9)..... Not more than two (2) commercial vehicles related to said home business shall be stored on the premises.

7.4(10)..... The building or premises containing said home business shall not be rendered objectionable or detrimental to the residential character of the neighborhood because of exterior appearance, traffic, emission of odor, smoke, dust, noise, on-site storage of hazardous materials as determined by the Barrington Fire Department.

7.4(11).....A certificate of occupancy for the proposed use shall be issued by the Building Inspector once verification with all the preceding standards is confirmed.

7.5 .....Fences

7.5.1.....Fence Height

Fences shall not exceed eight (8) feet in height, except that the Planning Board, through the site review process, may 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.

7.5.2.....Fence Design

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 post or poles or other bracing shall face inward to the property being fenced in or on which the fence is located.

7.5.3.....Fence Siting

On a corner lot, fences shall be subject to the vision clearance provisions of Subsection 7.1.8 of this Ordinance.

7.6 .....Off-Street Parking and Loading Spaces

The required number of off-street parking and loading spaces for multifamily and non-residential developments permitted under this Ordinance shall be determined by, and comply with, the applicable standards contained in the town's Site Plan Review regulations.

7.7 .....Scenic Roads

The Town of Barrington has designated certain roadways in the town as Scenic Roads, as provided for under state statute, which are identified in the Master Plan. Any alteration of these roadways, or roads that receive designation as Scenic Roads in the future, shall be done in accordance with RSA 231:158, as amended.

ARTICLE 8 ..... HIGHWAY COMMERCIAL DISTRICT OVERLAY (HCO)

8.1 ..... Purpose and Intent

8.1(1)..... The purpose of the Highway Commercial District Overlay is to support the development of appropriate levels of commercial development along portions of the state highways located in Barrington and to provide alternative opportunities for promoting economic development within the town.

8.1(2)..... This overlay district is established with the recognition that the areas adjacent to these state highways represent a "transitional zone" that presents limitations and constraints for the development of both residential and non-residential uses. Therefore, this district is intended to provide flexibility in evaluating the suitability of each property based upon the specific site characteristics and constraints of individual parcels while also attempting to minimize conflicts with existing residential development in the affected area.

8.2 ..... District Defined

8.2(1)..... The Highway Commercial District Overlay (HCO) zone includes parcels of land that have frontage on the portions of State Highway Routes 202, 9, and 126 that are located within the boundaries defined on the Official Zoning Map.

8.2(2)..... The boundaries illustrated on the Zoning Map are intended to indicate that the HCO includes all land area within seven hundred and fifty (750) feet of the centerline of said highways.

8.2(3)..... Only parcels that have frontage on these state highways shall be considered to be included in the HCO zoning district and subject to all applicable regulations set forth in this Article.

8.2(4)..... If a parcel is split by the HCO district boundary the use of the respective portions of the parcel shall be determined based on the criteria specified in Subsection 2.1.2 of this Ordinance.

8.3 ..... Permitted Uses

Uses permitted in the HCO district are listed in Table 1, Table of Uses, located in the Appendix of this Ordinance. In addition to the uses specifically listed in this Table as being permitted in the HCO, all uses normally permitted in the GR and NR districts shall also be permitted, subject to all other applicable provisions, within the HCO district.

8.4 ..... Dimensional Requirements

Minimum lot size, frontage, setbacks, and building height shall be the same as that which is specified for the applicable GR or NR based district, as noted in Table 2, Table of Dimensional Standards.

8.5 ..... Greenbelt Buffer Required

8.5(1)..... A greenbelt buffer of fifty (50) feet from the edge of the right-of-way shall be maintained along the frontage of parcels located in the HCO district, in which no development, storage, parking, or paving shall be permitted (except as necessary to provide access or signage).

8.5(2)..... The greenbelt may be left in its natural state if sufficiently vegetated, or planted to provide a visually attractive vegetated area.

8.6 .....Approvals Required

8.6(1)..... All non-residential development that is permitted in the HCO district, as specified in the Table of Uses, must also receive a Conditional Use Permit from the Planning Board as outlined in Section 3.4 of this Ordinance.

8.6(2)..... In addition to a Conditional Use Permit, all proposals for the development of non-residential and multifamily uses that are otherwise permitted in the HCO district shall also be subject to the provisions of the town's Site Plan Review Regulations.

ARTICLE 9 ..... WETLANDS PROTECTION DISTRICT OVERLAY (WDO)

9.1 .....Purpose and Intent

The general purpose of this District is to preserve and protect the many wetland areas in Barrington for the benefit of public health, safety and welfare. The intent of this section is to restrict the use of wetland areas and their buffers to promote the following goals:

9.1(1)..... Prevent the pollution of surface waters and groundwater;
9.1(2)..... Prevent the dewatering of wetlands;
9.1(3)..... Prevent adverse impact to wetlands that provide flood protection, recharge of groundwater supply, augmentation of stream flow during dry periods, habitat for plants, fish or wildlife, or commerce, recreation or aesthetic enjoyment; and
9.1(4)..... Permit those uses that can be appropriately and safely located in wetlands and their buffers areas.

9.2 .....Wetlands Defined

9.2.1..... For the purposes of this Ordinance, "wetlands" means 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.
9.2.2..... Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas. In accordance with New Hampshire Department of Environmental Services and United States Army Corps of Engineers requirements, jurisdictional wetlands are to be identified and delineated using the 1987 Corps of Engineers Wetlands Delineation Manual. Jurisdictional wetlands are to be delineated by a New Hampshire certified wetland scientist or a New Hampshire certified soil scientist.

9.3 .....Prime Wetlands

9.3(1)..... In conjunction with the definition of wetlands in Section 9.2, the Town of Barrington has also delineated a special classification of wetlands referred to as Prime Wetlands, in accordance with state statutes authorizing such designation.
9.3(2)..... The approximate boundaries of Prime Wetlands located in Barrington are illustrated on tax maps dated January 1991, along with an accompanying report entitled Prime Wetlands Report, Town of Barrington, New Hampshire, January 1991, which identifies the important values and critical functions that are provided by these wetlands.
9.3(3)..... The Prime Wetland maps and report are on file at the Barrington Town Offices as well as the offices of the New Hampshire Department of Environmental Services (NHDES).

9.3.1.....Delineation of Prime Wetland Boundaries

On any parcel of land where development is proposed, and that also contains a Prime Wetland as identified in the town's study cited in Section 9.6, or as designated by the town at any time thereafter, the applicant applying for said development approval shall be required to delineate the area of all Prime Wetlands on plans submitted to the town.

9.3.1(1)..... Since the Town adopted its Prime Wetland designation prior to January 1, 1992, the edge of the Prime Wetland shall be considered to be the areas where one hundred percent (100%) of the soils are Hydric A, which also have the presence of hydrophytic vegetation and wetlands hydrology.

9.3.1(2)..... The procedures and standards for mapping said Prime Wetlands shall be done in, accordance with the methods prescribed in this Ordinance, as well as the town's Subdivision and/or Site Plan Review Regulations, for mapping any jurisdictional wetlands.

9.3.1(3)..... If the boundary of a Prime Wetland is contested, the applicant may present data and evidence to the NHDES and to the Barrington Conservation Commission relative to the correct location of the boundary. In the event of a dispute, the final delineation shall be determined by the NHDES based on the data and evidence submitted.

9.4 .....Permitted Uses and Structures

The uses and structures as listed in Paragraphs (1) through (5) of this Section, and no others, except as provided for in Subsection 9.5.1, are permitted in wetlands and their buffer areas provided the use or structure does not involve substantial alteration of the surface configuration of the land; and will not result in a significant net loss of values associated with the functions of the wetland. Impacts to wetlands must comply with New Hampshire Department of Environmental Services Regulations.

9.4(1)..... Forestry/tree farming; and

9.4(2)..... Agriculture, including grazing, farming, truck gardening and harvesting of crops; but not including the stockpiling of manure or other activities or practices that could contaminate surface water or groundwater; and

9.4(3)..... Drainage ways: streams, creeks or other paths or normal runoff water; and

9.4(4)..... Open space, wildlife refuges, conservation areas, nature trails and passive recreational uses; and

9.4(5)..... Subject to the permitting and review processes of the State of New Hampshire Department of Environmental Services and/or the permitting and review requirements of Section 9.6 if applicable, culverts, footbridges, catwalks and wharves are permitted in the wetlands and the wetland buffer areas. Sheds, and similar pole mounted structures with a combined area of 200 square feet or less shall be permitted within wetland buffer areas, provided that:

9.4(5)(a) ..... The structures are constructed on posts or pilings so as to permit the unobstructed flow of water; and

9.4(5)(b) ..... The natural contours of the wetland shall be preserved.

9.4(5)(c)……An Administrative Zoning Permit is obtained from the Zoning Administrator, verifying the proposed structure is in compliance with 9.4(5)(a&b)

9.5 .....Wetland Buffer Areas Required

9.5(1).....A buffer area of fifty (50) feet is required from the edge of any wetland. If a vernal pool is determined to be located on a site a greater buffer may be required by the Planning Board. **This provision of the Ordinance was adopted on March 13, 2001 and is effective from that date.**

9.5(2)..... In the case of a Prime Wetland a minimum buffer of one hundred (100) feet shall be required from the edge of the wetland. The Planning Board may require a larger buffer around a Prime Wetland if an assessment of its functions indicates that such an increase is warranted to protect the roles the wetland serves that are of value to the public or the environment including, but not limited to, flood water storage, flood water conveyance, groundwater recharge and discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, fisheries, wetland plant habitat, aquatic habitat and wildlife habitat.

9.5(3)..... Within any required wetland buffer, including by way of example and not by way of limitation, no structures, impermeable surfaces, parking spaces, or construction-related activities, including dredging, filling, and re-grading, shall be permitted, except as noted in Section 9.4 and Subsection 9.5.1 below.

9.5(4)..... The following features shall not be construed as wetlands with regard to designating buffer areas under the provisions of this Ordinance:

9.5(4)(a) ..... Manmade ditches and swales

9.5(4)(b)..... Sedimentation/detention basins or ponds

9.5(4)(c) ..... Manmade agricultural/irrigation ponds and swales

9.5(4)(d)..... Fire ponds and cisterns

9.5(4)(e) .....A septage or manure lagoon

9.5(4)(f)..... Silage pits

9.5(4)(g) ..... An isolated wetland or surface water of 3,000 square feet or less that does not meet the definition of a swamp, marsh, bog or vernal pool

9.5.1.....Exceptions for Construction in Wetland Buffers

9.5.1(1)..... On all lots created after March 11, 1997 and before March 13, 2001, no structure shall be built or located closer than thirty-five (35) feet to a wetland area.

9.5.1(2)..... An existing building within a buffer area may be repaired and/or replaced provided that the new or repaired structure, including any impermeable surfaces, shall not extend further into the buffer area than the footprint of the original foundation.

9.5.1(3)..... Wetland crossings that would fall under the New Hampshire Department of Environmental Services Administrative Rules. ~~– 303.04, as amended, that expedites certain types of wetland crossings may be permitted.~~ *(Passed in 2010 and inadvertently left out of the revised document following Town vote)*

9.5.1(4)..... Wells / Well Lines are permitted.

9.5.1(5)..... This ordinance shall not prohibit the construction of principal and accessory structures within the buffer zone on unimproved lots that were approved for subdivision by the Planning Board or which otherwise legally existed on or before March 13, 2001.

9.6 ..... Special Permit for Construction in a Wetland Buffer

A use not otherwise permitted in the wetlands buffer may be undertaken if the Planning Board approves an applicant's request for a Special Use Permit, provided such use is in keeping with the intent and purposes set forth in this Ordinance as permitted in the base zoning district and meets the standards listed below. (Reference – RSA 674:21 II)

9.6(1) ..... After a review of all reasonable alternatives it is determined to be infeasible to place the structure outside of the buffer zone.

9.6(1)(a) ..... The structure must be set back as far as possible from the delineated edge of the wetland or surface water; and

9.6(1)(b) ..... Appropriate erosion control measures must be in place prior to and during construction; and

9.6(1)(c) ..... Any disturbance to the surrounding buffer zone must be repaired and restored upon completion of construction; and

9.6(1)(d) ..... All available mitigation measures to address changes in water quality and quantity be implemented, along with design and construction methods to minimize adverse impacts, if required by the Planning Board.

ARTICLE 10 ..... WIRELESS COMMUNICATION FACILITIES OVERLAY (WCO)

10.1 ...Purpose and Intent

It is the purpose of this ordinance to permit carriers to locate personal Wireless Communication Facilities within the Town of Barrington according to the provisions of the Federal Telecommunications Act of 1996, and to ensure that such facilities have the least impact on residential neighborhoods, scenic features, and the general safety and appearance of the town.

10.2 ...Standards

Wireless Communication Facilities shall be permitted in all Districts, and shall be subject to Subsection 7.1 (Performance Standards) of this Ordinance as well as the standards listed below.

10.2(1)..... The use poses no unreasonable risk of harm to the health, safety or welfare of abutters or the public; and

10.2(2)..... The use will not diminish the value of neighboring properties; and

10.2(3)..... By its nature and design or by the use of visual buffers (vegetative or topographical), the use will not substantially alter the character of the area where applicable, or its utility for residential uses; and

10.2(4)..... The use will be consistent with the spirit and intent of this Ordinance.

10.3 ...Location of Facilities

Wherever feasible, Wireless Communication Facilities shall be located or co-located in or on existing structures, including but not limited to buildings, water towers, existing telecommunication facilities, utility poles and towers and related facilities, providing that such installations will not adversely affect the character or integrity of an existing structure.

10.3.1.....Burden of Proof

The applicant shall have the burden to prove that there is no existing and available structure upon which it is feasible to locate the proposed facility. If the applicant makes such a showing, the proposed new structure shall be located and designed so as to minimize any adverse impacts to the greatest extent possible, which shall include but not be limited to the use of building materials and colors that are compatible with those in the surrounding area, screening, landscaping, proportional sizing and placement within trees.

10.3.2.....Contact List

The applicant shall submit to the Planning Board, a list of all contacts made with the owners of potential sites regarding the availability of space required for their service. The Planning Board may suggest other additional existing structures that may be available and it will be the responsibility of the applicant to contact owners of those properties.

10.3.3.....Letters of Inquiry

The applicant shall provide copies of letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, unanswered "Return Receipt Requested" forms from the United States Postal Service shall be provided for each owner contacted.

10.4 ...Dimensional Requirements

10.4(1)..... The maximum height of any new Wireless Communication Facility will not exceed one hundred and fifty (150) feet.

10.4(2)..... The height of any Wireless Communication Facility shall not increase the height of any existing structure by more than ten (10) feet unless it is completely camouflaged. The increase in height shall be in scale and proportion to the existing structure.

10.4(3)..... Ground mounted Wireless Communication Facilities shall not project higher than twenty (20) feet above the top of the tree canopy and one hundred (100) foot perimeter of the mount shown on the accepted application in an effort to more effectively blend into the surrounding terrain by not projecting above the surrounding tree canopy. The measurement will begin from the cleared area of the accepted application plan.

10.4(3)(a) .....A stamped as-built plan certifying the top of the tree canopy will be required before final approval of the plan.

10.4(3)(b)..... The buffer around the cleared area must be located on the property where the tower is to be located or an easement for the buffer must be put in place to ensure that it remains as represented at the time of approval. This easement could be on abutting properties where the buffer shown on the plan was located.

10.4(4)..... All Wireless Communication Facilities, equipment shelters, and fences shall comply with the setback requirements of the district in which they are located, unless otherwise stated. Any Wireless Communication Facilities requiring structures such as shelters, cabinets or other buildings must put crushed gravel, stone, or stone base within the fenced in area and at least fifteen (15) feet beyond the fence on all sides. This restricted area must be free of all vegetation.

10.4(5)..... No Wireless Communication Facility, equipment shelter or fence shall be constructed within seventy-five (75) feet of any wetlands.

10.4(6)..... In order to ensure public safety, the minimum distance from the base ground-mount of a Wireless Communication Facility to any property line, public road, dwelling, business or recreational use shall be at a minimum, the distance equal to the fall zone. This distance may cross property lines, so long as applicant secures an easement from the affected property owners. The area of the easement shall be shown on all applicable plans submitted to the town, and the terms of the easement shall be provided as part of the site plan.

10.5 ...Lighting Signage

10.1(1)..... The lighting on the mount of Wireless Communication Facilities shall be allowed only if, and as, required by the Federal Aviation Administration (FAA).

10.5(2)..... Any lighting of equipment structures or other facilities on site shall be completely shielded from above and from abutting properties.

10.5(3)..... Signage shall be limited to those needed to identify the property and owners, and to warn of danger.

10.5(3)(a) ..... Signs warning of danger shall be mounted on the security fence as needed.

10.5(3)(b).....A sign identifying the owner along with an emergency phone number shall be mounted on the fence by the entrance door.

10.5(3)(c) ..... These signs cited in subparagraphs ((1) and (2) shall not exceed four (4) square feet. No lighting shall be allowed on fences or signs.

10.6 ...Bonding

10.6(1)..... Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and the amount of security that represents the cost for removal and disposal of towers in the event that the tower is abandoned and the tower owner is incapable or unwilling to remove the tower.

10.6(2)..... The amount of the security shall be based upon the removal cost plus fifteen (15) percent. A professional civil engineer, licensed by the State of New Hampshire, shall determine this amount.

10.6(3)..... The owner of the facility shall provide the Planning Board with a revised removal estimate and structural evaluation every five (5) years from the date of the approval of the site plan. If the cost of removal has increased more than fifteen (15) percent, the owner shall provide additional security in the amount of the increase.

10.7 ...Removal of Abandoned Antennas and Towers

10.7.1.....Notice of Discontinued Use

The owner shall notify the town by certified mail of his intent to abandon or discontinue use of this facility, thirty (30) days prior to the intended date of end of service.

10.7.2.....Effective Abandonment

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

10.7.3.....Discontinued Use / Abandonment

Upon abandonment or discontinued use, the owner of the facility shall physically remove the personal wireless facility within ninety (90) days. “Physically remove” shall include, but not be limited to the following:

10.7.3(1)..... Removal of antennas, mounts, equipment shelters, foundations and security barriers from the property; and

10.7.3(2)..... Properly dispose of the waste materials from the site in accordance with local and state waste disposal regulations; and

10.7.3(3)..... Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after condition.

10.8..... Failure to Remove

If the owner fails to voluntarily remove the facility as required under Section 9.7, the Board of Selectmen shall have the authority to declare a default under any security given to ensure such removal, and may seek all other available equitable or legal remedies as the Board deems necessary.

ARTICLE 11 ..... SHORELAND PROTECTION DISTRICT OVERLAY (SDO)

11.1 ...Purpose and Intent

The purpose of the Shoreland Protection District is to preserve the overall quality of surface waters, and their adjacent environs, in the Town of Barrington in order to protect the public health and maintain the ecological integrity associated with these resources. More specifically, the intent of the regulations established in this Article are:

11.1(1)..... Maintain the quality of surface waters to insure protection of groundwater and drinking water supplies; and

11.1(2)..... Conserve and protect the aquatic and terrestrial habitat associated with the town's rivers, lakes and ponds; and

11.1(3)..... Preserve and enhance the aesthetic values associated with shoreline areas in order to maintain the town's rural character; and

11.1(4)..... Encourage those uses that can be appropriately located adjacent to the town's surface water resources.

11.2 ...District Defined

11.2(1)..... No structure of any type including, by way of example and not by way of limitation, all buildings, garages, sheds, parking lots and driveways, may be constructed within seventy-five (75) feet of the shoreline of any year-round stream, or any lake or pond over two (2) acres.

11.2(2)..... For the Isinglass River this overlay zone shall consist of all properties located within one hundred (100) feet of the mean high water mark of the river, wherein no structure of any type including by way of example and not by way of limitation, all buildings, garages, sheds, parking lots, and driveways, may be constructed.

11.3 ...Exemptions from Regulations

11.3(1)..... Lots of record that existed prior to July 28, 1988 (which was the effective date of the original version of this provision) are exempt from these shoreland setback provisions to the extent that it can be demonstrated that conformance is impossible; however, any structure on such lots must conform as fully as possible.

11.3(2)..... Exemptions to the setback provisions of Section 11.2 of this Article shall be made for the installation of docks, floats and other structures that are customarily associated with the recreational use of water.

ARTICLE 12 ..... GROUNDWATER PROTECTION DISTRICT OVERLAY (GDO)

12.1 ...Purpose and Intent

In the Town of Barrington, where water is drawn almost exclusively from wells~~,~~ protecting groundwater from contamination and preserving the capability to recharge this water supply are issues of town-wide importance. Therefore, the intent of the Groundwater Protection District is to protect, preserve, and maintain groundwater resources within the town. The establishment of these regulations is also intended to address the following specific issues:

12.1(1)..... To protect the public health and general welfare of the citizens of Barrington; and

12.1(2)..... To prevent development and land use practices that would contaminate or reduce the recharge of the groundwater supplies and aquifers; and

12.1(3)..... To provide for future growth and development of the town, in accordance with the Master Plan, by ensuring the future availability of public and private water supplies; and

12.1(4)..... To encourage uses that can appropriately and safely be located in the groundwater and aquifer recharge areas.

12.1(4)(a) ..... This Article is not intended to limit business or residential growth within the town but is intended to regulate such development within groundwater protection areas through the implementation of Best Management Practices (BMP). Standards used by the town to determine BMPs shall include, but not be limited to, the sources listed below. This Article refers to, and adopts by reference, the BMP standards contained in the following reports and regulations:

12.1(4)(b) ..... The New Hampshire Code of Administrative Rules, Part Env-Ws 421, Best Management Practices, as amended.

12.1(4)(c) ..... Best Management Practices for Agriculture in New Hampshire, New Hampshire Department of Agriculture, Market and Food (May 2001), and subsequent revisions.

12.1(4)(d) .....Best Management Practices for Urban Stormwater Runoff, New Hampshire Department of Environmental Service (January 1996), as amended.

12.2 ...Groundwater Protection District Defined

The Groundwater Protection District Overlay (GDO) consists of the entire area within the municipal boundaries of the town. The provisions of this Article are intended to protect both groundwater supply quantity and water supply quality on a town wide basis.. There are specific overlay areas within GWPDO that have been identified as being of particular importance or concern and for which specific provisions are given within this article.

12.2.1.....Identification and Boundaries of Overlays within the Groundwater Protection District.

12.2.1(1) The Stratified Drift Aquifer Overlay (SDAO)

The Stratified Drift Aquifer Overlay is identified as those areas having the potential to yield higher quantities of groundwater**:**

12.2.1(1)(a) .....BOUNDARIES OF THE STRATIFIED DRIFT AQUIFER (SDAO)

The boundaries of the Stratified Drift Aquifer (SDA**O**) overlay areas are illustrated on the town's Official Zoning Map. The boundaries of the SDA are based on data developed by the United States Geological Survey, in cooperation with the New Hampshire Department of Environmental Services Water Division, as illustrated on the map entitled Drinking Water Resources and Potential Contamination Sources, Barrington, NH (October 2001).

12.2.1(2) The Swains Lake Water Management Zone Overlay (SL-WMZO)

The Swains Lake Water Management Zone Overlay (SL-WMZO) is identified as that area where there is a risk of spreading a contamination of the water supply by increasing the number of wells within the SL-WMZO.

12.2.1(2)(a) .....BOUNDARIES OF THE "SWAINS LAKE WATER MANAGEMENT ZONE OVERLAY" (SL-WMZO)

The boundaries of the "Swains Lake Water Management Zone Overlay " (SL-WMZO) area are illustrated on the town's Official Zoning Map. The boundaries of the SL-WMZO are based on data developed in cooperation with the New Hampshire Department of Environmental Services Water Division, US Environmental Protection Agency, the Strafford Regional Planning Commission, and the Swains Lake Village Water District Board.

12.3 ...Applicability and Exemptions

All non-residential development within the Town of Barrington must comply with the standards set forth in this Article:

12.3(1)..... Any business or facility where regulated substances are not stored in containers with a capacity of more than five (5) gallons is exempt from Performance Standards 3 through 6 in of Subsection 12.4.1.

12.3(2)..... With the exception of the private residences within the SL-WMZO, private residences are exempt from the provisions of this Article. (See Subsection 12.4.3).

12.3(3).....Any uses that existed before March 12, 2002 are exempt from the provisions of this Article. However, any pre-existing use that is changed to another use, expanded, extended, or enlarged shall be required to comply with all applicable standards of this Article, as well as the town's Site Review Regulations.

12.3(4)..... Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection and secondary containment in place, is exempt from Performance Standards 3 through 6 in Subsection 12.4.1.

12.3(5)..... Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standard 3 through 6 in Subsection 12.4.1.

12.3(6)..... Storage and use of office supplies is exempt from Performance Standards 3 through 6 in Subsection 12.4.1.

12.3(7)..... Temporary storage of construction materials and fuel for equipment on a site not to exceed six months where they are to be used is exempt from Performance Standards 3 through 6 in Subsection 12.4.1.

12.3(8)..... The sale, transportation and use of pesticides as defined in RSA 430:29 XXVI, as amended, are exempt from all provisions of this ordinance.

12.3(9)..... Household hazardous waste collection projects regulated under New Hampshire Code of Administrative Rules (Env-Wm 401.03 (b) and 501.01 (b), as amended) are exempt from Performance Standards 3 through 6 in Subsection 12.4.1.

12.3(10)..... Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections.

12.4 ...Performance Standards for Development

12.4.1.....Town wide Performance Standards

The following standards shall apply to all regulated development, as defined in Section 12.3, throughout the entire town.

12.4.1(1)..... Animal manure, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets and Food, (May, 2001), and subsequent revisions.

12.4.1(2)..... All regulated substances stored in containers with a capacity of more than five (5) gallons must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains.

12.4.1(3)..... Facilities where regulated substances are stored must be secured against unauthorized entry by means of doors or gates that are locked when authorized personnel are not present and must be inspected weekly by the facility owner.

12.4.1(4)..... Regulated substances in outdoor storage areas must be protected from exposure to precipitation by some means of coverage, for example a roof. The storage must be located at least 50 feet from surface or storm drains, and outside the radius of any wells.

12.4.1(5)..... Secondary containment must be provided for outdoor storage of regulated substances if an aggregate of 275 gallons or more of regulated substances are stored outdoors on any particular property.

12.4.1(6)..... Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred.

12.4.2.....Performance Standards within Stratified Drift Aquifer Area Boundaries

All land uses located within the boundaries of the Stratified Drift Aquifer are subject to the following performance standards, in addition to those listed in Subsection 12.4.1.

12.4.2(1)..... For any use that will render impervious more than fifteen percent (15%) or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared based on the standards set forth in Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District (August 1992 or as amended) and Best Management Practices for Urban Stormwater Runoff, New Hampshire Department of Environmental Services (January 1996 or as updated). The Planning Board shall make the determination as to whether or not the stormwater management plan is in compliance with these standards.

12.4.2(2)..... Stormwater management plans prepared pursuant to Paragraph 1) shall demonstrate the stormwater recharged to groundwater will not result in violation the standards set forth in Ambient Groundwater Quality Standards of the Department of Environmental Services (ENV-Ws 410.05 as amended), at the property boundary and additional standards subsequently deemed applicable by the Department.

12.4.2(3)..... Businesses located in the Stratified Drift Aquifer area may be required to perform additional studies, and or provide additional information, as required by the Planning Board.

12.4.2(4)……. Gasoline Service Stations shall be prohibited in or within 500 feet of a stratified drift aquifer area boundary.

12.4.3.....Performance Standards within Swains Lake Water Management Zone Overlay Boundaries

All land uses land uses located within the boundaries of the Zone Overlay SL-WMZO are subject to the performance standards and requirements applicable within the Base Zone. In addition, all land use located within any area defined as being in the intersection of any other overlay with the SL-WMZO shall comply with the performance standards and requirements of the base zone and each overlay zone represented in the area defined by such intersection. Nothing in this Ordinance shall prohibit a property owner from developing property within SL-WMZO.

12.4.3(1) New Wells within Swains Lake Water Management Zone Overlay Boundaries

Effective the date of the adoption of the provisions of the Ordinance relating to the SL-WMZO, any provisions of this Ordinance notwithstanding, all future development within the SL-WMZO area will be required to meet the water supply requirements of such development from a source of water located outside the SL-WMZO area or through the Swains Lake Village Water District system.

12.4.3(2) Repair and Replacement of Existing Wells within Swains Lake Water Management Zone Overlay Boundaries

Wells existing as of the date of the adoption of the provisions of the Ordinance relating to the SL-WMZO will be permitted to be repaired and/or replaced provided such repair and replacement is consistent with the previously existing well capacity and use.

12.4.3(3) Comprehensive Environmental Response, Compensation, and Liability Act),

The standards and restriction of this Article shall not apply to the activities of the US Environmental Protection Agency and/or the activities of the NH Department of Environment Services authorized under th Comprehensive Environmental Response Act (CERCLA.)

12.5 ...Maintenance Requirements

For uses requiring Planning Board approval for any reason, a narrative description of maintenance requirements for structures required to comply with the necessary Performance Standards, shall be recorded at the Registry of Deeds for Strafford County so as to run with the land on which such structures are located. The description so prepared shall comply with the requirements of RSA 478:4A, as amended.

12.6 ...Property Development

Nothing in this Ordinance intends to or shall prohibit a property owner from developing property within the SL-WMZO

ARTICLE 13 ..... FLOODPLAIN MANAGEMENT DISTRICT OVERLAY (FDO)

13.1 ... Applicability

13.1(1)..... The regulations presented in this Article shall overlay and supplement the regulations of this Ordinance and shall be considered part of the Ordinance for purposes of administration and appeals under state law.

13.1(2)..... The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for Strafford County, New Hampshire, dated May 17, 2005 or as amended, together with the associated Flood Insurance Rate Map Panels number 0190, 0195, 0213, 0260, 0280, 0285, 0290[1], 0295, 0302, 0305, and 0315 of the Town of Barrington [FEMA community #330178] date May 17, 2005 or as amended, which are declared to be a part of this Ordinance and are hereby incorporated by reference.

13.2 ... Standards for Construction

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

13.2(1)..... 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; and

13.2(2)..... Constructed with materials resistant to flood damage; and

13.2(3)..... Constructed by methods and practices that minimize flood damage; and

13.2(4)..... 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.

13.3 ... Water and Sewer System Requirements

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

13.4 ... Application Information Required

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

13.4(1)..... The as-built elevation, in relation to National Geodetic Vertical Datum (NGVD) of the lowest floor (including the basement).

13.4(2)..... Information regarding whether of not such structures contain a basement; if the structure has been flood-proofed, the as-built elevation (in relation to NGVD) to which the structure was flood-proofed.

13.4(3)..... Any certification of flood-proofing. The Building Inspector shall maintain for public inspection, and shall furnish such information upon request.

13.5 ...Additional Approvals Required

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

13.6 ...Construction in Riverine Location

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, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetland Bureau and hearings before the Zoning Board of Adjustment pursuant to Article 15 of this Ordinance.

13.6.1.....Certification

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

13.6.2.....Floodway Data

The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from federal, state or other sources as criteria for requiring that all developments located in Zone A meet the following floodway requirement.

13.6.3.....Encroachments

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

13.7 ...Determination of Flood Elevation by Building Inspector

In Zone A, the Building Inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the town (i.e. subdivisions, site approvals). The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in Zone A that the following standards be met:

13.7(1)..... That all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation.

13.7(2).....That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level or together with attendant utility and sanitary facilities, shall comply with the following.

13.7(2)(a) ..... Be floodproofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water.

13.7(2)(b) ..... Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

13.7(2)(c) ..... 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 provision of this section.

13.7(3) ..... For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:

13.7(3)(a) ..... The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;

13.7(3)(b) ..... The area is not a basement; and

13.7(3)(c) ..... The area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater.

13.7(4) ..... Designs for meeting the automatic equalization of hydrostatic flood forces must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.

13.7(4)(a) .....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.

13.7(4)(b) ..... The bottom of all openings shall not be higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

13.8 ...Requirements for Recreational Vehicles and Manufactured Housing

13.8(1) ..... Recreational vehicles placed on sites within Zone A shall either be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c) (6) of Section 60.3.

13.8(2) ..... All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the 100 year flood elevation; and be securely anchored to resist 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.

13.9 ...Appeals to the Zoning Board of Adjustment

13.9(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.

13.9(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 standard under state law, that the following conditions have been met.

13.9(2)(a) ..... That the variance will not result in increased flood heights, additional threat to public safety, or extraordinary public expense.

13.9(2)(b) ..... That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

13.9(2)(c) ..... That the variance is the minimum necessary, considering the flood hazard, to afford relief.

13.9(3).....The Zoning Board of Adjustment shall notify the applicant in writing that:

13.9(3)(a) ..... The issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage.

13.9(3)(b) ..... Such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions.

13.9(4)..... The community shall maintain a record of all variance actions, including their justification for their issuance, and report such variance issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

ARTICLE 14 ..... IMPACT FEES FOR PUBLIC CAPITAL FACILITIES

14.1 ... General Provisions

14.1.1.....Authority

14.1.1(1)..... This Article is authorized by New Hampshire RSA 674:21 as an innovative land use control.

14.1.1(2)..... The administration of this Article shall be the responsibility of the Planning Board.

14.1.2.....Applicability

This Article, as well as regulations and studies adopted by the Planning Board consistent with and in furtherance of this Article, shall govern the assessment of impact fees imposed upon new development in order to meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the Town of Barrington or the Barrington School District.

14.1.2(1)..... The public facilities for which impact fees may be assessed in Barrington may include and are limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewer; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreation facilities not including public open space.

14.1.2(1)(a) ..... Prior to assessing an impact fee for one or more of the public facilities enumerated above, the Planning Board shall have adopted such studies or methodologies and related fee schedules that provide for a process or method of calculating the proportionate share of capital improvement costs that are attributable to new development.

14.1.2(1)(b)..... Calculations of impact fees shall reasonably reflect the capital cost associated with the increased demand placed on capital facility capacity by new development.

14.1.2(1)(c) ..... The following findings and the regulations predicated on those findings shall govern the assessment of impact fees for public capital facilities in order to accommodate increased demand on the capacity of these facilities due to new development.

14.2 ... Findings

The Town of Barrington hereby finds that:

14.2(1)..... The Town of Barrington is responsible for and committed to the provision of public facilities and services at standards determined by the town to be necessary to support development in a manner that protects and promotes the public health, safety and welfare.

14.2(2)..... Capital facilities have been and will be provided by the town utilizing funds allocated through the Capital Improvements Program, which has been adopted and regularly updated by the Planning Board.

14.2(3).....An impact fee ordinance for capital facilities is consistent with the goals and objectives of the Master Plan and the Capital Improvements Program of the Town of Barrington.

14.2(4).....New development in Barrington will create the need for the construction, equipping, or expansion of public capital facilities in order to provide adequate facilities and services for its residents.

14.2(5).....Impact fees may be used to assess an equitable share of the growth-related cost of public facility capacity to new development in proportion to the facility demands created by that development.

14.2(6).....In the absence of impact fees, anticipated residential and non-residential growth and associated capital improvement costs could necessitate an excessive expenditure of public funds in order to maintain adequate facility standards and to promote and protect the public health, safety, and welfare.

14.2(7).....Impact fees assessed pursuant to this Article shall be reasonably based upon the rationale for assessing the fees.

14.2(7)(a) ..... Impact fees established on the basis of providing additional public capital facilities necessitated by new development in Barrington shall not exceed the cost of such additional facilities.

14.2(7)(b) ..... Impact fees established on the basis of compensating the Town of Barrington or the Barrington School District for facility capacity that it provided in anticipation of new development in Barrington.

14.3 ...Computation of Impact Fees

14.3(1)..... The amount of each impact fee shall be assessed in accordance with written procedures or methodologies adopted and amended by the Planning Board for the purpose of capital facility impact fee assessment in Barrington. These methodologies shall set forth the assumptions and formulas comprising the basis for impact fee assessment, and shall include documentation of the procedures and calculations used to establish impact fee schedules. The amount of any impact fee shall be computed based on the municipal capital improvement cost of providing adequate facility capacity to serve new development. Such documentation shall be available for public inspection at the Office of the Selectmen of the Town of Barrington.

14.3(2)..... In the case of new development created by the conversion or modification of an existing use, the impact fee assessed shall be computed based upon the net increase in the impact fee assessment for the new use as compared to the highest impact fee that was, or would have been, assessed for the previous use in existence on or after the effective date of this Article.

14.4 ...Assessment of Impact Fees

14.4(1)..... Impact fees shall be assessed on new development to compensate the Town of Barrington for the proportional share of the public capital facility costs generated by that development, including the public capital facility costs that were incurred in anticipation of new development.

14.4(2)..... Any person who seeks a permit for new development, including permits for new or modified service connections to the public water system or public wastewater disposal system that would increase the demand on the capacity of those systems, is hereby required to pay the public capital facility impact fees authorized under this Article in the manner set forth herein, except where all or part of the fees are waived in accordance with the criteria for waivers established in this Article.

14.4(3)..... The Planning Board may agree to accept in lieu of a cash payment of the impact fee: a proposed contribution of real property; or, facility improvements of equivalent value and utility to the public. Prior to acting on a proposed contribution under this provision, the Planning Board shall submit a copy of the proposal to the Board of Selectmen for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment.

14.5 ...Waivers

The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular capital facilities for which impact fees are normally assessed. A person may request a full or partial waiver of school facility impact fees for those residential units that lawfully qualify as Housing for Older Persons, pursuant to RSA 354-A:15, because the housing unit(s) at issue are;

14.5(1)..... Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; and the residential units meet either of the following additional qualifications,

14.5(1)(a) ..... The residential units are intended for, and solely occupied by, persons 62 years of age or older; or

14.5(1)(b)..... The residential units are intended and operated for occupancy by at least one person 55 years of age or older per unit, as further defined by the rules adopted by the State Commission for Human Rights.

14.5(2)..... Any change that results in the unit(s) no longer satisfying the above definition for Housing for Older Persons shall require the property owner to come back before the Planning Board for reconsideration of the waiver fee.

14.5(3)..... The Planning Board may waive an impact fee assessment for a particular capital facility where it finds that the subject property has previously been assessed for its proportionate share of public capital facility impacts, or has contributed payments or constructed capital facility public improvements equivalent in value to the dollar amount of the fee(s) waived.

14.5(4)..... The Planning Board may waive an impact fee assessment where it finds that, due to conditions specific to a development agreement, or other written conditions or lawful restrictions applicable to the subject property, the development will not increase the demand on the capacity of the capital facility or system for which the impact fee is being assessed.

14.5(5).....A fee-payer may request a full or partial waiver of the amount of the impact fee for a particular development based on the results of an independent study of the demand on capital facility capacity and related costs attributable to that development. In support of such request, the fee-payer shall prepare and submit to the Planning Board an independent fee calculation or other relevant study and supporting documentation of the capital facility impact of the proposed development. The independent calculation or study shall set forth the specific reasons for departing from the methodologies and schedules adopted by the town. The Planning Board shall review such study and render its decision. All costs incurred by the town for the review of such study, including consultant and counsel fees, shall be paid by the fee-payer.

14.6 ...Payment of Impact Fees

14.6(1)..... No permit shall be issued for new development as defined in this Article until the impact fee has been assessed by the Building Inspector. The Building Inspector shall not issue a certificate of occupancy for the development on which the fee is assessed until the impact fee has been paid in full, or the impact fee has been waived in full by the Planning Board pursuant to the provisions of Subsection F. The Planning Board may accept as payment prior to issuance of a building permit an irrevocable letter of credit or other acceptable payment guarantee.

14.6(2)..... Where off-site capital improvements have been constructed, or where such improvements will be constructed simultaneously with new development, and where the town has appropriated necessary funds to cover such portions of the work for which it will be responsible, the Building Inspector may collect the impact fee for such capital facilities at the time a building permit or a permit to connect to the public water or public wastewater system is issued.

14.7 ...Appeals from this Article

14.7(1).....A party aggrieved by a decision made by the Building Inspector pursuant to the assessment or collection of impact fees authorized by this Article may appeal such decision to the Zoning Board of Adjustment as provided by RSA 676:5, as amended.

14.7(2)..... The decision of the Zoning Board of Adjustment may be appealed to the Strafford County Superior Court as provided by RSA 677:2-14.

14.7(3).....A party aggrieved by a decision of the Planning Board under this Article may appeal such decision to the Strafford County Superior Court as provided by RSA 676:5, III and RSA 677:15, as amended.

14.8 ...Administration of Funds Collected

14.8(1)..... All funds collected shall be properly identified and promptly transferred for deposit into separate impact fee accounts for each type of public capital facility for which impact fees are assessed. Each impact fee account shall be a non-lapsing special revenue fund account and under no circumstances shall such revenues accrue in the General Fund. The Town Treasurer shall have custody of all accounts, and shall pay out same upon approved vouchers through the accounts payable system.

14.8(2)..... The Treasurer shall record all fees paid by date of payment, name of the person making payment, and tax map and lot reference number, and shall maintain an updated record of the current ownership and tax map and lot reference number of properties for which fees have been paid under this Article for each permit so affected for a period of at least nine (9) years from the date of receipt of the impact fee payment associated with the issuance of each permit.

14.8(3)..... Impact fees collected may be spent from time to time by order of the Board of Selectmen and shall be used solely for the reimbursement of the Town of Barrington School District in the case of school impact fees, for the cost of the public capital improvements for which they were collected, or to recoup the cost of capital improvements made by the town or the Barrington School District in anticipation of the needs for which the impact fee was collected.

14.8(4)..... In the event that bonds or similar debt instruments have been or will be issued by the Town of Barrington or the Barrington School District for the funding of capacity-related improvements, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

14.8(5)..... At the end of each fiscal year, the Treasurer shall make a report to the Board of Selectmen and Planning Board, giving a particular account of all impact fee transactions during the year.

14.9 ...Use of Funds

14.9(1)..... Funds withdrawn from the capital facility impact fee accounts shall be used solely for the purpose of acquiring, constructing, equipping, or making improvements to public capital facilities to increase their capacity, or to recoup the cost of such capacity improvements.

14.9(2)..... Effective upon passage of this Article, the annual updates of the Barrington Capital Improvement program shall contain a procedure for assigning funds, including any accrued interest, from all of the public capital facility accounts to specific capital improvement projects, related expenditures or debt service.

14.9(3)..... Impact fee monies, including any accrued interest, that are not assigned in any fiscal period shall be retained within the same public capital facilities impact fee account until the next fiscal period except where a refund is due.

14.9(4)..... Funds may be used to provide refunds consistent with the provisions of this Article.

14.10 .Refund of Fees Paid

14.10(1)..... The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest where:

14.10(1)(a)..... The impact fee has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the full and final payment of the fee. If any capital improvement or capital improvement program for which an impact fee is collected has been commenced either to, or within six years from the date of final collection of an impact fee, that impact fee payment shall be deemed to be encumbered and legally bound to be spent for said capital improvement or capital improvement program and shall not be refunded, even if it is not fully expended within the six year period; or

14.10(1)(b)..... Whenever the impact fee calculation has been predicted upon the town, or in the case of school impact fees the Barrington School District, bearing some share of the cost of the capital improvement and the town, or in the case of school impact fees the Barrington School District, within the period of (6) years from the date of the full and final payment of such fee, has failed to appropriate any of its share of related capital improvement costs.

14.10(2)..... The Board of Selectmen shall provide all owners of record who are due a refund, written notice of the amount due, including accrued interest, if any, and shall promptly cause said refund to be made.

14.11 . Additional Assessments

Payment of the impact fee under this Article does not restrict the town or the Planning Board from requiring other payments from the fee-payer, including such payments relating to the cost of the extension of water and sewer mains or the construction of roads or streets or other infrastructure and public capital facilities specifically benefiting the development as required by the subdivision or site plan review regulations, as authorized under RSA 674:21, V(j), as amended.

14.12 . Scattered or Premature Development

Nothing in this Article shall be construed so as to limit the existing authority of the Barrington Planning Board to deny new proposed development that is scattered or premature, requires an excessive expenditure of public funds, or otherwise violates the Town of Barrington Zoning Ordinance, or the Barrington Planning Board Site Review Regulations or Subdivision Regulations, or which may otherwise be lawfully denied.

14.13 . Review and Change in Method of Assessment

14.13(1)..... The methodologies adopted by the Planning Board for impact fee assessment and the related fee schedules, shall be reviewed periodically and amended as necessary by the Planning Board.

14.13(2)..... Such review shall take place not more than five years from the initial adoption of this Article, nor more frequently than annually, except as required to correct errors or inconsistencies in the assessment formula.

14.13(3)..... Any proposal for changes in the impact fee assessment methodology or the associated fee schedule shall be submitted to the Board of Selectmen for its review and comment prior to final consideration of the proposed changes by the Planning Board.

14.13(4)..... The review by the Planning Board and Board of Selectmen may result in recommended changes or adjustments to the methodology and related fees based on the most recent data as may be available.

14.13(5)..... No change in the methodology or in the impact fee schedules shall be adopted by the Planning Board until it shall have been the subject of a public hearing noticed in accordance with RSA 675:7.

ARTICLE 15 ..... ZONING ADMINISTRATION

15.1 ...Zoning Board of Adjustment

There shall be a Zoning Board of Adjustment (ZBA) consisting of five (5) members who are residents of the town and appointed by the Board of Selectmen. The Selectmen may also appoint up to three (3) alternate members of the ZBA. Members and alternates in office on the effective date of this section shall continue in office. If for any reason a member of the ZBA vacates his/her position such vacancy shall be filled for the remainder of the unexpired term by appointment of the Selectmen. Members and alternates shall be removable, after a public hearing, for inefficiency, neglect of duty or malfeasance in office upon vote of the Board of Selectmen, which shall make written findings of fact and cause the same to be filed with the Town Clerk.

15.1.1.....Meetings

Meetings of the Board shall be held at least once a month and at such other times as the Board may determine, or upon call of the chairman. All meetings shall be open to the public. The board shall adopt its own rules of procedure after a public hearing duly advertised in a local news source, and shall keep a record of its proceedings, showing the vote of each member on each question or if absent or failing to vote, and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the board shall immediately be filed in the office of the Zoning Administrator and become a public record. The Board shall file with the Town Clerk, for distribution as necessary, a complete record of the minutes of their meetings and public hearings. Included in the minutes shall be the reasons for the granting or denying of a request for a variance or special exception, together with the vote of each member on each item on the agenda.

15.1.2.....Powers and Duties

The ZBA shall have the following powers and duties:

15.1.2(1)..... To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an Administrative Officer in the enforcement of this Ordinance except for sections that provide for the appeal, administration, or enforcement by another person or board as designated within that section.

15.1.2(2)..... To hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass under this article. In granting a special exception the Board shall apply the standards set forth in Section 15.2 of this Ordinance, unless otherwise provided herein.

15.1.2(3)..... To authorize, upon appeal in specific cases, such variances from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article will result in unnecessary hardship, and so that the spirit of this article shall be observed and substantial justice done.

15.2 ...Requirements for Granting Special Exceptions

15.2.1.....Standards

The ZBA shall apply the following standards when considering the granting of a special exception.

15.2.1(1)..... No detriment to property values in the vicinity of the proposed development will result on account of: the location or scale of buildings, structures, parking areas, or other access ways; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or unsightly outdoor storage of equipment, vehicles, or other materials.

15.2.1(2)..... No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.

15.2.1(3)..... No creation of a traffic safety hazard or substantial traffic congestion will result in the vicinity of the proposed development.

15.2.1(4)..... No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection, and schools.

15.2.1(5)..... The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site that would result in the loss of significant habitat or flood control protection.

15.2.2.....More Stringent Standards

In addition to the guiding principles specified above, the ZBA may condition the granting of a special exception upon more stringent standards if the Board determines that such conditions are necessary to protect the health and welfare of the town and its residents. Such conditions may include the following:

15.2.2(1)..... Front, side, or rear yards in excess of the minimum requirements of this Ordinance.

15.2.2(2)..... Screening of the premises from the street or adjacent property by walls, fences, or other devices.

15.2.2(3)..... Limitations on the size of buildings and other structures more stringent than minimum or maximum requirements of this Ordinance.

15.2.2(4)..... Limitations on the number of occupants and methods and times of operation.

15.2.2(5)..... Regulation of the design and location of access drives, sidewalks, and other traffic features.

15.2.2(6)..... Location and amount of parking and loading spaces in excess of existing standards.

15.2.2(7)..... Regulation of the number, size, and lighting of signs in excess of existing standards.

15.2.3.....Criteria for Granting Variances

In accordance with state statute, the Zoning Board of Adjustment is authorized to grant variances from the terms of this Ordinance if the request for said variance conforms to the provisions specified in Subsection 15.1.2 Paragraph 3) above. In addition to these provisions the Board shall also be guided by the following specific criteria in determining whether the granting of a variance is appropriate under the terms of this Ordinance.

15.2.3(1)..... The Zoning Board of Adjustment shall, when considering a request for a variance, make findings of fact that consider the following factors.

15.2.3(1)(a) ..... Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.

15.2.3(1)(b) ..... Granting the variance would be consistent with the spirit of the Ordinance.

15.2.3(1)(c) ..... Granting the variance will not result in diminution of surrounding property values.

15.2.3(1)(d) ..... Granting of the variance would do substantial justice.

15.2.3(1)(e) ..... Granting of the variance would not be contrary to the public interest.

15.2.3(2) ..... For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

15.2.3(2)(a) ..... No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

15.2.3(2)(b) ..... The proposed use is a reasonable one.

15.2.3(3) ..... If the criteria in subparagraphs 15.2.3(2)(a) and 15.2.3(2)(b) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

15.2.3(4) ..... The definition of "unnecessary hardship" set forth in paragraph 15.2.3(2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

15.3 ...Administration and Enforcement

15.3.1.....Zoning Administrator

15.3.1(1) ..... This Ordinance shall be administered by a Zoning Administrator, appointed by the Selectmen for such a term, or for an indefinite term, as the Selectmen may **decide.**

15.3.1(1)(a) ..... The Zoning Administrator may not be a member of the Planning Board, the Zoning Board of Adjustment, the Conservation Commission or any other local land use board.

15.3.1(1)(b) ..... All plans for the use or development of land shall be referred to the Zoning Administrator.

15.3.1(2) ..... The Zoning Administrator shall determine in the first instance, in so far as practical, whether or not the proposed use or development complies with the Zoning Ordinance.

15.3.1(3) ..... The Zoning Administrator shall also address other issues regarding the Zoning Ordinance as may be put to the Zoning Administrator from time to time.

15.3.1(4) ..... The decisions of the Zoning Administrator may be appealed to the Zoning Board of Adjustment.

15.3.2.....Enforcement of the Zoning Ordinance

The Selectmen shall have the authority to enforce the provisions of this Zoning Ordinance. The Selectmen may delegate such authority to a Code Enforcement Officer. The Code Enforcement Officer may also serve as the Building Inspector, the Zoning Administrator or other like officer, but the Code Enforcement Officer may not

be a member of any local land use board. This Ordinance may be enforced through all statutory or other lawful means.

15.4 ...Building Permit and Certificate of Occupancy

15.4.1.....Building Permit Required

No building or structure that is regulated by the building code shall be constructed, reconstructed, altered, or relocated; nor shall the use of any building or structure be substantially changed; nor shall any excavation be commenced under the provisions of this Ordinance without a duly authorized building permit issued by the Building Inspector. Said permit shall be issued only if it is determined that the proposed construction is in compliance with all applicable town and state codes and regulations which have been adopted for the purpose of regulating such activities.

15.4.2.....Certificate of Occupancy Required

No person shall use or permit the use of any building, structure or premises or part thereof,

hereafter erected, relocated, altered, repaired, converted or extended until a certificate of occupancy is issued by the Building Inspector. The purpose of a certificate of occupancy is to give the Building Inspector a mechanism by which he/she can verify conformance with provisions of this Ordinance, the building permit and other requisite approvals related thereto. Application for a certificate of occupancy shall be made on standard forms provided by the Building Inspector. Application shall be required at such time as when the applicant has complied with the provisions of this Ordinance, the building permit and/or any other requisite town or state approval related thereto.

15.5.....Violations and Penalties

Any person who violates any provisions of this Ordinance, or any provision or specification of any decision issued by any local administrator or land use board acting in an authorized manner, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, and shall be subject to a civil penalty not to exceed two hundred and seventy-five dollars ($275) for the first offense and five hundred and fifty dollars ($550) for subsequent offenses for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the town that the violator is in violation, whichever is earlier.

ARTICLE 16 ..... PLANNED UNIT DEVELOPMENT (PUD)

16.1 ...Purpose

A Planned Unit Development (PUD) is intended to offer an alternative approach to site design that reflects historic settlement patterns and town planning concepts such as narrow and interconnected streets, reduced front and side setbacks, and a street layout that is pedestrian-oriented within a "neighborhood" environment. The PUD standards and procedures set forth in this Article, as well as the additional requirements contained in the Site Plan Review and Subdivision Regulations, are intended to allow for flexibility in plan review by the Planning Board by establishing a series of performance standards that facilitate high quality design and encourage a mix of land uses. These standards are also intended to offer use and development intensity incentives to developers in exchange for the provision of land and/or facilities for civic uses and open space, as provided for under State Statute 674:21, Innovative Land Use Controls.

The core principles and objectives of the PUD that are outlined below should be used by applicants to guide the design of their development proposals since these concepts will provide the overarching framework used by the Planning Board in evaluating the suitability of said proposals within the context of these regulations.

16.1.1.....Compact Development and Human-Scale Design

The layout and design of a PUD should foster effective interaction between people and the proposed land uses, as well as allowing the development to be serviced efficiently by required infrastructure systems. In order to achieve these objectives a PUD must have moderately high density of development at a scale that makes the pedestrian feel comfortable.

16.1.2.....Mix of Uses

A PUD typically provided a mix of commercial, civic, and residential structures or uses, all of which are fully integrated with open spaces that are suitably placed throughout the development and assessable to the general public

16.1.3.....Accessibility and Transportation

Within the PUD, ease of pedestrian movement is very important as is integration into the adjourning public transportation network. This objective should be accomplished by creating a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit access potential. This system should offer multiple routes for motorists, pedestrians, and bicyclists and provide connections to existing roadways as well as potential future developments.

16.1.4.....Cultural and Environmental Context

A PUD should distinguish the town center from the rural countryside in Barrington by complimenting and building upon the historical architecture and development patterns that exist in the Town Center Zoning District, as prescribed in the Site Plan Review Regulations. Developments should retain existing buildings with historical or architectural features that enhance the visual character of the community and incorporate significant environmental features into the overall project design.

16.2 ...PUD Permitted

Planned Unit Developments (PUD) are permitted in the TC zoning district. A PUD may also be permitted in the Village District (VD) if the parcel proposed for such use is contiguous to the TC zoning district boundary, or to an existing PUD development, and a Conditional Use Permit is obtained from the Planning Board in accordance with Section 3.4 of this ordinance.

16.3 ...Density and Dimensional Standards

16.3.1.....Minimum Tract Size

The minimum tract size for a PUD in the Town Center (TC) and Village (V) zoning districts shall be ten (10) acres.

16.3.2.....Minimum Lot Size/Lot Area

16.3.2(1).....Non-Residential Uses – The minimum lot size for all non-residential uses in a PUD shall be 10,000 sq. ft. In instances where multiple primary buildings are combined on a single lot (for example, a retail store, business or professional office building, and restaurant), the minimum lot size (lot area) shall be increased in accordance with NHDES regulations to accommodate wastewater loading capacity of the site, with regard to on-site septic and/or water supply systems. Community wastewater and/or water supply systems, as well as other innovative or alternative technology systems, may also be employed in this district provided they comply with all state requirements and the Planning Board determines that there will be no adverse impact on water quality and public health.

16.3.2(2).....Residential Uses – The minimum lot size for all residential uses in a PUD shall be 10,000 sq. ft. However, in no instance shall the overall net density of residential units per acre of land devoted to residential uses exceed one (1) unit per 40,000 sq. ft. for single family dwellings (attached or detached) and two (2) units per 40,000 sq. ft. for multifamily units. Where on-site septic systems and/or water supplies are proposed the minimum lot area will be increased in accordance with NHDES requirements for said systems.

16.3.2(3)..... The net density of residential development in a PUD shall be calculated based only on the land area devoted to residential uses which shall not exceed twenty-five percent (25%) of the total development tract (Refer to Section 16.5). Where the calculation from this formula results in a fraction of a unit, and the fraction is one-half (1/2) or greater, the number of units may be rounded up to the next larger whole number. For example, a PUD development on 10 acres may dedicate no more than 2.5 acres for residential use. Therefore, the net density would allow for construction of 3 single family homes or 5 multifamily units (43,560 sq. ft. x 2.5 = 108,900 sq. ft./40,000 sq. ft. = 2.7 single family units (round up to 3) or 43,560 sq. ft. x 2.5 = 108,900 sq. ft./20,000 sq. ft. = 5.4 multifamily units (round down to 5).

16.3.3.....Maximum Lot Coverage

The determination of maximum permitted lot coverage in a PUD, as specified in Table 2, Table of Dimensional Standards, located in Article 4, shall be calculated in the following manner. Lot coverage, which refers to all impervious surfaces, shall be calculated separately for each of the three major development components permitted in a PUD which include commercial, civic/open space, and residential, as described in Section 16.5. For example, a PUD on 10 acres may dedicate no more than 8.5 acres (85%) to non-residential uses. In accordance with Table 2 in Article 4, the maximum lot coverage for this commercial portion of this PUD would be 80% (in the TC district), or approximately 6.8 acres.

16.4 ...Design Standards

In addition to the standards provided in this Article, all PUD proposals shall comply with the requirements set forth in the Site Plan Review and Subdivision Regulations, as well as all other applicable town and state regulations.

16.5 ...Permitted and Required Uses

16.5(1).....A Planned Unit Development may consist of a mix of three distinct components: a residential component, a commercial component, and civic uses combined with open space component.

16.5(1)(a) ..... The commercial component and civic center/open space component are required as part of all PUD development proposals.

16.5(1)(b) ..... The residential component is included in a PUD proposal at the developer's discretion. 16.5(2) All three of these land use components may be integrated with one another (i.e. civic uses may adjoin commercial or residential uses and need not be on separate tracts of land) however, the percentage of the total tract devoted to each use must comply with the standards noted below.

16.5.1.....Civic Center/Open Space Requirements

If a PUD is being developed with a commercial component only (i.e. the PUD will not include a residential component) the portion of the site set aside for civic and/or open space shall be a minimum of fifteen percent (15%) of the total development tract. However, if a PUD is being developed with both a commercial and a residential component, the portion of the side set aside for civic and/or open space shall be a minimum of twenty-five percent (25%) of the total development tract.

Said civic/open space areas may remain privately owned but must be accessible to the general public in a manner that is compatible with operation of other institutional, commercial and/or residential uses that may also be developed on the site. Said conditions for public use shall be approved by the Planning Board as part of the Site Plan Review process. If the civic/open space portion of a PUD is deemed suitable for development of a municipally-operated facility, such as a library, school, park, etc., the developer and the town may negotiate the use of said property based on terms that are acceptable to both parties, and subject to all legal requirements for acceptance by the town. In addition, the developer and the Planning Board shall mutually agree upon the placement and or siting of said civic or open space uses as part of the Site Plan Review process. The civic/open space component may be developed with any of the following uses.

16.5.1(1)..... Municipal offices, fire stations, libraries, museums, community meeting facilities, post offices
16.5.1(2)..... Educational facilities
16.5.1(3)..... Central square or common
16.5.1(4)..... Neighborhood park
16.5.1(5)..... Playground
16.5.1(6)..... Open, undeveloped land
16.5.1(7)..... Outdoor entertainment facility
16.5.1(8)..... Skating area
16.5.1(9)..... Recreational uses
16.5.1(10)..... Pedestrian/cycling corridors
16.5.1(11)..... Transit Shelters
16.5.1(12)..... Other uses determined by the Planning Board to be in the public interest

16.5.2.....Commercial Component Requirements

The commercial component must account for at least fifty percent (50%) of the total development tract but may encompass as much as eighty-five percent (85%) of the total tract. The commercial component may be composed of a mix of commercial activities, and /or Mixed Use Structures. Any non-residential use (e.g. commercial, industrial, agricultural) permitted in the TC and V zoning districts, as noted in the Table of Permitted Uses (Table 1) in Article 18, may be included in the commercial component of a PUD.

16.5.3.....Residential Component Requirements

The residential component of a PUD shall not exceed twenty-five percent (25%) of the total development tract. Residential uses may be integrated amongst the community center structures (commercial, civic, open space) as long as the total land area devoted to such uses does not exceed 25% of the total development acreage. To the extent possible, residential structures should be located within close proximity to commercial and/or civic open space uses in order to create a walkable neighborhood for pedestrians. The following residential uses are permitted in a PUD.

16.5.3(1)..... Single family detached dwellings
16.5.3(2)..... Single family attached dwellings
16.5.3(3)..... Duplexes
16.5.3(4)..... Multifamily structures
16.5.3(5)..... Senior housing
16.5.3(6)..... Residential dwelling units located above first floor commercial space

ARTICLE 17 ..... WORKFORCE HOUSING (03/09/2010)

17.1 ...Purpose

The purpose of this Article is to encourage and provide reasonable and realistic opportunities the development of workforce housing within Barrington. This Article addresses the objective for related to regional cooperative efforts that promote the construction of housing for low income and elderly families and individuals as set forth in the Barrington Strategic Master Plan. Additionally, in implementing this Article Barrington has considered the region's affordable housing need as defined in the Strafford Regional Planning Commission 2004 Housing Needs Assessment, as may be amended.

17.2 ...Authority

This article is adopted pursuant to RSA 674:58 -:61 and RSA 674:21, and is intended as a "Workforce Housing" provision.

17.3 ...Applicability

17.3.1.....Districts

Workforce Housing is permitted as a conditional use in the following zoning districts so long as the conditions set forth in Sections 17.5 through 17.7 are met.

17.3.1(1)..... Neighborhood Residential
17.3.1(2)..... Village
17.3.1(3)..... General Residential

17.3.2.....Permitted Uses

Single-family, duplex, and multi-family work force housing, for either for sale or rental, is permitted in the zoning districts identified in Subsection 17.3.1 irrespective of whether the specified residential use is permitted in the underlying zoning district.

17.3.3.....Statement of Intent

Any person applying under this Article must provide a written statement of intent to the Planning Board as required under RSA 674:60, evoking the provisions of RSA 674:58 et. seq. The failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61, but shall not preclude an appeal under other applicable laws. Additionally, the applicant shall not be entitled to a judgment on appeal that allows construction of the proposed development or otherwise permits the proposed workforce housing development to proceed.

17.3.4.....Conditional Approval

Any person receiving an approval subject to conditions or restrictions under this Article shall receive written notification of such conditions and restrictions and shall have an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The notice constitutes a conditional approval solely for the purpose of complying with the requirements of RSA 676:4, I(c)(1), and shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period.

17.3.5.....Notice of Approval

Upon receiving written notice of conditions and restrictions under Subsection 17.3.4, the applicant may submit evidence to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed, which shall not be less than 30 days.

17.3.5(1)..... Upon receipt of such evidence from the applicant, the applicant shall be allowed to review the evidence at the next meeting for which 10 days notice can be given and shall be provided with written notice of the meeting at least 10 days in advance. At such meeting evidence from other sources may be received and considered.

17.3.5(2)..... After such meeting, any or all conditions or restrictions may be affirmed, altered, or rescinded.

17.3.5(3)..... Subject to paragraph 17.3.5(4) a final decision on the application shall not be issued prior to such meeting, unless the applicant fails to submit the required evidence within the period designated by written notice, in which case a final decision may be issued at any time after the expiration of the period in Subsection 17.3.5.

17.3.5(4)..... If an applicant provides written notification at any time that the applicant accepts the conditions and restrictions of approval, a final decision may be issued at any time without further action under Subsection 17.3.5.

17.4 ...Reserved

17.5 ...Workforce Housing Incentives

17.5(1).....A site plan or subdivision plan which guarantees that at least 20 percent of the total number of units proposed within the development (including all units allowed by density bonuses), shall be reserved as permanent workforce housing units, may be approved with an increase in the density of the site and a reduction of the minimum site frontage. The planning board may allow a reduction of the minimum lot size to accommodate the increased site density.

17.6. ..General Requirements of Workforce Housing Units

17.6(1)..... The affordable units shall be constructed in a manner that is harmonious in appearance with the market rate dwelling units in the proposed development and adjacent neighborhoods and natural surroundings.

17.6(2)..... The affordable units should be interspersed throughout the overall development, when workforce housing and market rate dwelling units are being constructed within the same development.

17.6(3)..... The application shall comply with all site plan and/or subdivision regulations that apply, other than those waived hereunder.

17.6(4)..... When a workforce housing development shall consist of both workforce housing dwelling units and market rate dwelling units, the workforce housing dwelling units shall be made available for occupancy on approximately the same schedule as the development's market rate dwelling units, except that the certificates of occupancy for the last 10 percent of the market rate units shall be withheld until certificates of occupancy have been issued for all the workforce housing units.

17.6(5).....A schedule for the phasing of the construction of the total number of units in a project under this Article, to include a schedule setting forth the phasing of the required workforce housing units, shall be established prior to the issuance of a building permit for any workforce housing development.

17.7. ..Assurance of Continued Affordability

In order to qualify as workforce housing under this Article, the developer must make a binding commitment on behalf of him or herself and any successors-in-interest that the workforce housing units will meet the following affordability requirements for a period of not less than 30 years. The affordability requirement shall be enforced through a deed restriction; restrictive covenant; or a contractual arrangement through a local, state or federal housing authority or other non-profit housing trust or agency. The affordability commitment shall include the following:

17.7(1)..... Workforce housing units shall be sold with deed restrictions and a recorded housing agreement that limit, for a period of at least 30 years, the resale value of the unit to not more than the purchase price plus two times the accumulated consumer price index. (Specify which CPI, location.)

17.7(2)..... Workforce housing rental units shall limit annual rent increases to the percentage increase in the area median income, except to the extent that greater increases are made necessary by hardship or other unusual conditions. The then-owner of the rental unit must obtain authorization from the planning board prior to instituting such greater increases.

17.7(3)..... Deed restrictions, restrictive covenants, and contractual arrangements related to a workforce housing development must be referenced on all plans filed with the Barrington Planning Board and recorded with the Strafford County Registry of Deeds.

17.8 ...Administration, Compliance, and Monitoring

17.8(1)..... No certificate of occupancy shall be issued for a workforce housing unit until the owner has filed with the planning board confirmation of the rent or price of the workforce housing unit as documented by an executed lease or purchase and sale agreement.

17.8(2)..... On-going responsibility for monitoring the compliance with resale and rental restrictions on workforce housing units shall be the responsibility of the Town's planning board.

17.8(3)..... The owner of a project containing workforce housing units for rent shall prepare an annual report, due on December 1st, certifying that the gross rents of workforce housing units have been maintained in accordance this Article. Such reports shall be submitted to the Town's planning board

ARTICLE 18 ..... DEFINITIONS (Revised 2016)

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning. Some of the definitions included in this Article indicate that they are primarily intended to explain the meaning of a term related to a specific Article (e.g. "for the purposes of Floodplain Management Regulations") within this Ordinance. However, these terms may also be applied to the entire Ordinance if no other separate or alternative definition is provided.

Abandonment The discontinuance of a use or structure for a continuous period of at least one (1) year in any Residential Zoning district, or at least two (2) years in any Nonresidential Zoning District.

Abut or Abutting Adjoining or directly across the street or a stream.

Abutter As defined by New Hampshire State statute an abutter is any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form or ownership as defined in RSA 205-A: 1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing that adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Accessibility Ramp An adaptive feature of a residential or other structure that provides access via an inclined plane. Accessibility ramps are one of a variety of methods used to provide reasonable accommodation allowing a person or persons with a recognized physical disability to reside in or regularly use a structure.

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

Accessory Building A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and that is located on the same lot as that occupied by the principal building.

Accessory Use A structure or use that is subordinate in purpose to the principal use; contributes to the comfort, convenience, or necessity of the principal use; and, is located on the same lot as the principal use.

Active and Substantial Development or Building Shall mean the expenditure of at least twenty-five percent (25%) of the infrastructure costs required for a development proposal, as indicated by a subdivision or site plan approved by the Planning Board, within twenty four (24) months of said approval, where the approved plans have been properly recorded at the Registry of Deeds. Infrastructure shall mean in this instance, the construction of roads, storm drains, water and sewer facilities, or parking lots. Compliance with this definition shall also necessitate that a bond or other security to cover the costs of said infrastructure requirements has been

posted with the town prior to the beginning of construction, if required as a condition for subdivision or site plan approval.

Active Open Space Any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user.

Affordable Housing Housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income. (Income: As defined as "Annual Income" by 24 CFR Part 5, Subpart F, and as amended from time to time.)

Agricultural Use A parcel that is used for the production and storage of farm crops such as vegetables, fruit trees, grain, as well as open air farmers markets, and which applies best management practices to said activities. It shall also include animal and poultry husbandry but not the slaughtering or processing of animals or animal byproducts.

Agricultural Use, Commercial Keeping of Farm Animals The keeping of domestic farm animals i.e. chickens, ducks, rabbits and other similar animals at a rate greater than 1 per 5000 sq. ft. of lot area, or for financial gain. The keeping of horses, cows, pigs, sheep and similar animals at a rate higher than 1 per 40,000 sq. ft. of lot area.

Alley A minor right-of-way not intended to provide the primary means of access to the abutting lots, which is used for vehicular service access to the back or sides of properties otherwise abutting on a public street.

Alteration Any change or rearrangement in structural parts or exit facilities; or an enlargement, whether by extending on a side or by increasing in height.

Antenna Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Application for Development Approval Any application for approval of a building permit, certificate of occupancy, rezoning, conditional use permit, variance, special exception, subdivision plat, site plan, or any other permit or decision required by this Ordinance.

Aquifer A geologic formation composed of significant amounts of potentially recoverable water.

Area of Special Flood Hazard (for purposes of Floodplain Management Regulations) The land in the floodplain within the Town of Barrington subject to a one percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zone A.

Art Gallery A public or private facility that is operated as a repository or a collection of works of individual art pieces not mass produced consisting of one (1) or more of the following: paintings, drawings, etchings or sculptures; may include the sale of related objects and services.

Assisted Living Facility A facility with individual living units where medical and social support services are provided on the basis of an individual plan of care and which provided other common support services (as defined in RSA 151E:2)

Attached Building A building having any portion of one (1) or more walls in common with adjoining buildings.

Automated Banking Facility (ATM) An automated device, which is operated by the customer that, performs banking or financial transactions.

Awning A shelter of canvas, metal or similar material extending over a doorway or window to provide shelter from natural elements.

Back Lot Back lot, also known by the term Flag Lot, a parcel of land which does not meet minimum frontage requirements, is set back from the street where access is provided by means of a narrow, private right-of-way or driveway.

Bank A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. Walk-in and drive-through services to consumers are generally provided on site. In some zoning districts, drive-through services may be restricted or prohibited.

Base Flood (For purposes of Floodplain Management Regulations) The flood having a one percent possibility of being equaled or exceeded in any given year.

Basement That portion of a building that is partly or completely below grade.

Basement (For purposes of Floodplain Management Regulations) Any area of a building having its floor subgrade on all sides.

Bed and Breakfast A lodging business, generally located in a single-family home, that offers rooms and/or detached guest houses for rent on a temporary basis, which may also provide meals to said lodgers in a communal setting.

Best Management Practices (BMPs) The combination of conservation measures, structures, or management practices that reduces or avoids adverse impacts of development to the land, water, or air. When referring to forestry, Best Management Practices (BMPs) are defined in a publication entitled Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire prepared by the NH Department of Resources and Economic Development. Another source of technical information and standards used for performance guidance is Stormwater Management and Erosion and Sediment Control for Urban and Developing Areas in New Hampshire, NHDES and RCCD, 1992, as amended.

Body Piercing Studio An establishment that offers as a service to the public the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Bog A wetland area distinguished by peat deposit, poor drainage and/or highly acidic soil and/or water conditions.

Buffer An area of land separating distinct zoning districts or land uses that acts to soften or mitigate the effects of one land use on the other. The term greenbelt refers to a specific type of buffer area.

Building A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.

Building Area The aggregate of the maximum horizontal cross-section area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies and terraces, expressed as a percentage of total lot area.

Building Envelope The area of a newly created subdivided lot eligible for the placement of dwelling units or other structures.

Building Height Notwithstanding more stringent requirements of this chapter, the height of a building or structure shall be the vertical distance measured from the highest point of the building to the average elevation of the corners of the building at the finished grade. The highest point of the building shall be either the top of the parapet or coping of a flat-roofed building, or the ridge of a sloping roof. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as church spires and towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks serving the roof including any vertical or sloped screen walls may extend a maximum of twenty-eight (28) feet above the permitted height of the building.

Business Offices Business offices include all types of offices, other than professional offices as defined elsewhere in this ordinance, which are defined as a room, or group of rooms used for conducting the affairs of a business, service industry, or government entity.

Business Support Services Establishments engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office, professional, and service establishments. Typical uses include office equipment and supply firms, small business machine or computer repair shops, convenience printing and copying establishments, or hotel equipment and supply firms.

Campground A campground or camping park means a parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency. (03/08/2011)

Camper A temporary dwelling for travel, recreation and vacation use including:

1) Travel trailer: A vehicle that is towed, identified by the manufacturer as a travel trailer, built on a chassis eight (8) feet or less wide and thirty (30) feet or less in length and designed to move on a highway;

2) Pick-up coach: A structure designed to be mounted on a truck chassis or cut-down car;

3) Motor home: A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle; or

4) Camping trailer: A canvas or other foldable structure built on a chassis with wheels and designed to move on the highway.

Capacity The maximum demand that can be accommodated by a Public Facility or service without exceeding the Adopted Level of Service.

Cellar A portion of a building, partly or entirely below grade, that has more than one-half of its height measured from finished floor to finished ceiling, below the average established finished grade of the ground adjoining the building. A cellar is not deemed a story. See also Basement.

Certificate of Occupancy A statement signed by the Administrative Officer, setting forth either that a building or structure complies with this Chapter or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

Child Day Care Agency Means any person, corporation, partnership, voluntary association or other organization, either established for profit or otherwise, which regularly receives for child day care one or more children, unrelated to the operator or staff of the agency. The total number of hours in which a child may remain in child day care shall not exceed 13 hours per day, except in emergencies. The types of child day care agencies are defined as follows:

(a) "Family day care home" means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to 6 children from one or more unrelated families. The 6 children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays.

(b) "Family group day care home" means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays.

(c) "Group child day care center" means a child day care agency in which child day care is provided for preschool children and up to 5 school-age children, whether or not the service is

known as day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.

(d) "Day care nursery" means a child day care agency in which child day care is provided for any part of a day, for 5 or more children under the age of 3 years.

(e) "Night care agency" means a center or family home in which child day care is provided during the evening and night hours. A child day care agency may be licensed for day care, night care, or both.

(f) "Preschool program" means a child day care agency providing care and a structured program for children 3 years of age and older who are not attending a full day school program. The total amount of hours a child may be enrolled in a preschool program shall not exceed 5 hours per day.

(g) "School-age program" means a child day care agency providing child day care for up to 5 hours per school day, before or after, or before and after, regular school hours, and all day during school holidays and vacations, and which is not licensed under RSA 149, for 6 or more children who are 4 years and 8 months of age or older. The number of children shall include all children present during the period of the program, including those children related to the caregiver.

(h) "Dual licensure" means the issuance of 2 licenses by the department of health and human services to operate both a child day care agency and a family foster care agency, as provided by RSA 170-E:8, II. (03/08/2011)

Cluster Subdivision See "Conservation Subdivision."

Collector Street A street that collects traffic from local roads and channels it into the arterial system, and provides land access and traffic circulation within residential neighborhoods, commercial and industrial area.

Co-location Locating additional antennas on an existing communications tower or other site where one or more antennas are already present.

Commercial Recreation Facility A privately owned and/or operated land use, provided for gain or profit, either indoors or outdoors, where the main purpose is to provide the public with recreation. Examples of such facilities include skating rinks, water slides, gymnasiums, sports fields, miniature golf, driving ranges, swimming pools, race tracks, and stadiums. (03/08/2011)

Commercial Wireless Telecommunication Services Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Common Open Space Active or passive open space specifically reserved for common use and enjoyment by a Homeowner's Association, and restricted only for such recreational and conservation uses as tot lot, park, playground, playfield, swimming, golf course and conservation area.

Common Ownership Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Communications Tower Any ground or roof mounted pole, spire, structure, or combination thereof higher than fifty (50) feet free standing or twenty (20) feet from the tower's point of contact with a roof or water tank, including supporting lines, cables, wires, braces, and masts,

intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Communications Tower, Multi-User A tower to which is attached the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.

Communications Tower, Single-User A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Ordinance.

Community Water Supply System Means a community water system as defined in RSA 485:1-a, I, as amended, namely "a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents."

Conference Center A facility that provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; may be developed separately or in combination with another permitted use.

Congregate Care Facility means a residential facility for elderly persons containing individual, one (1) and two (2) bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities such as housekeeping, transportation and organized social and recreational activities, and may include medical services on site. The facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as “housing for older persons” under state law.

Conservation Easement As prescribed in New Hampshire RSA 79-B:2 a Conservation Easement means a permanent restriction of open space land by deed granted in perpetuity, and further, as defined by RSA 477:45, I, to a federal, state, county, local or other government body, or to a charitable, educational, or other nonprofit corporation established for the purposes of natural resource conservation and as further defined in RSA 79-B:2, X. ….” RSA 477:45 provides: “I. A conservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a land or water area, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right, limitation, or obligation is appropriate to retaining or maintaining such land or water area, including improvements thereon, predominantly in its natural, scenic, or open condition, or in agricultural, farming, open space or forest use, or in any other use or condition consistent with the protection of environmental quality. II. A preservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a structure or site historically significant for its architecture, archaeology or associations, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the structure or site or in any order of taking, which right, limitation or obligation is appropriate to the preservation or restoration of such structure or site. III. "Agricultural preservation restriction means the restraint placed on the development rights of agricultural land whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land which is appropriate to retaining land or water areas predominantly in their agricultural use, to prohibit or limit construction or placement of buildings except those used for agricultural purposes or for dwellings used for family living by the land owner, his immediate family or employees; excavation, dredging or removal of loam, sod, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's future agricultural potential; or other acts or uses detrimental to such retention of the land for agricultural use.”

Conservation Subdivision A subdivision wherein single-family dwellings are laid out on lots of reduced dimensions, or in clustered groupings, in order to preserve open space on the parcel, as provided for under the terms of this Ordinance.

Contiguous The term contiguous shall be construed to mean areas that form or represent a single unit of similar features or features that are touching at a common property line or other type of boundary.

Contractor Storage Yard A site upon which vehicles or equipment (such as bulldozers, front-end loaders, and backhoes) or materials used by professional contractors in construction, land clearing, landscaping, or other similar activities are stored. This includes the office used by the contractor as an accessory use. This does not include equipment for personal use or the parking of a single truck. Land upon which any of the above items are temporarily stored on-site during the course of an active construction project is not considered a contractor's storage yard.

Convenience Store with Gas Pumps Any retail establishment whose principal activity is offering for sale such items, by way of illustration and not limitation, prepackaged food products, household items, newspapers and magazines, and freshly prepared foods, such as salads or sandwiches, for off-site consumption, which also offers the sale of fuels from pumps.

Corner Lot A lot at the point of intersection of, and abutting on, two (2) or more intersecting streets, the interior angle of intersection of the street lot lines or, in case of a curved street, extended lot lines, being not more than one hundred thirty-five (135) degrees. Each street frontage shall be considered a front yard.

Day Care Nursery See Child Day Care Agency

Density The number of dwelling units within a designated land area. For purposes of this Ordinance, "density" means gross density unless otherwise provided.

Density, Gross The number of dwelling units divided by the total land area, stated as dwelling units per gross acre.

Density, Maximum The maximum number of permitted density units (e.g. dwelling units or building square footage) where indicated in this Ordinance, stated as Net or Gross Density unless otherwise indicated.

Density, Net The maximum number of permitted dwelling units permitted in a Conservation Subdivision based on the net developable area of a tract of land as determined by the methodology set forth in this Ordinance.

Designated Agent The person designated by the Selectmen to carry out its inspection and enforcement role with respect to this Zoning Ordinance.

Detached Building A building having open space on all sides, and that is not an attached building.

Development (for purposes of Floodplain Management Regulations) 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 or storage of equipment or materials.

Development Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. "Development" includes the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the Subdivision of land. The following activities or uses shall be considered "development," as defined herein.

1) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land;

2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
3) Alteration of a shore or bank of a river, stream, lake, or pond;
4) Commencement of grading, drilling, or excavation on a parcel of land, except to obtain soil samples;
5) Demolition of a structure; and
6) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

Development, New (for purposes of Impact Fee Regulations) An activity that results in any of the following.
1) The creation of a new dwelling unit or units;
2) The conversion of a legally existing use, or additions thereto, that would result in a net increase in the number of dwelling units;
3) Construction of a new use that creates a net increase in the demand on public capital facilities that are the subject of impact fee assessment methodologies adopted by the Planning Board; and/or
4) The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of impact fee assessment methodologies adopted by the Planning Board.

New development shall not include the replacement of an existing mobile home, or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on the capital facilities of the Town of Barrington.

Dimensional Nonconformity A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the zoning district in which the property is located.

Disturbed Area An area where the natural vegetation has been removed exposing the underlying soil, or vegetation has been covered.

Driveway A private, vehicular access connecting a house, carport, parking area, garage, or other buildings to the street.

Duplex See Dwelling, Two-family.

Dwelling (or Dwelling Unit) One (1) or more rooms providing complete living facilities for one (1) family, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating. A recreational vehicle, as defined in this Article, shall not be construed as a dwelling unit.

Dwelling, Single-Family A building or structure containing one dwelling unit. The addition of an Accessory Dwelling does not change the status of the Single Family Dwelling to a Duplex.

Dwelling, Two-Family (duplex) A detached structure designed for and occupied exclusively as the residence of not more than two (2) families, each living as an independent housekeeping unit. A Single-Family Dwelling with an Accessary Dwelling Unit is not a duplex under this Ordinance.

Elderly Assisted Care Home means a residential facility permanently housing up to (15) elderly residents with common dining facilities an Accessory Uses typically needed for elderly persons. The Planning Board may increase the number of residents through the granting of a conditional use permit.

Excavation Operation Means the use of any land area for the taking of earth materials including sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing, or any other mining activity.

Fall Zone

1) For a Lattice Tower the fall zone is the area on the ground from the base of a ground mounted lattice tower that forms a circle with a diameter equal to one half of the height of the facility, including any antennas or other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

2) For a Guyed Tower the fall zone is the minimum distance from a guyed tower to any property line, public road, dwelling, business, or recreational use shall be at a minimum, the height of the tower and antennas plus ten (10) feet.

Family Day Care Home See Child Day Care Agency

Family Group Day Care Home See Child Day Care Agency

Farm See "Agriculture Use"

Farm Animals Cattle, calves, horses, mules, swine, sheep, goats, poultry or other similar birds and animals. It does not include house pets such as dogs, cats, or other similar animals.

Feepayer (for purposes of Impact Fee Regulations) The applicant for the issuance of a permit that would create new development as defined in this Article.

Fence This word shall be given its common meaning, except that it shall not apply to temporary snow fences or to wire agricultural fences.

Flood Insurance Rate Map (FIRM) (for purposes of Floodplain Management Regulations) The official maps incorporated as part of this Ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Barrington.

Flood Insurance Study (FIS) (for purposes of Floodplain Management Regulations) 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 or Flooding (for purposes of Floodplain Management Regulations) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

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

land area, as illustrated on the town's FIRM maps, susceptible to being inundated by water from any source (see definition of "Flooding")

Floodplain or Flood Prone Area (for purposes of Floodplain Management Regulations) Any land area, as illustrated on the town's FIRM maps, susceptible to being inundated by water from any source (see definition of "Flooding")

Floodway See "Regulatory Floodway".

Floor Area Ratio (FAR) The ratio of gross building area to the lot area on which the building(s) are located. The ratio is calculated by dividing the gross area of said buildings by said lot area.

Fluvial Erosion The wearing away of riverbeds and banks by action of the water, which can be accelerated to rates harmful to life, property, and infrastructure during high flow conditions.

Fluvial Erosion Hazard Fluvial erosion hazard (FEH) refers to major stream-bed and stream-bank erosion associated with the often catastrophic physical adjustment of stream channel dimension and location that can occur during flooding.

Fraternal or Social Organization A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship (not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public), which meets periodically and is limited to members.

Frontage The length of a lot line abutting a Class V highway or other road upon which buildings may be built lawfully.

Functionally Dependent Use (for purposes of Floodplain Management Regulations) A use that 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.

Garage A building or structure or a portion thereof, the principal use of which is or may be to store, house, keep, repair or service a motor vehicle or vehicles containing a flammable fluid or other propellant in its fuel storage tank. This does not include a new car salesroom.

Garage, Private A garage for housing motor vehicles only, with a capacity of not more than four (4) vehicles.

Garage, Public Any garage not included in the definition of a private garage.

Gasoline Service Station A retail establishment engaged in the sale of automotive fuel, motor oil, and/or services, that provide for the routine maintenance of automobiles. Such services may include washing, polishing, greasing, emissions testing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing.

Glare Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grade Plane A reference plane representing the average of finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and a point six feet from the building, or between the building and the lot line, whichever point is closer.

Gross Floor Area (for purposes of Impact Fee Regulations) The sum of the areas of all floors of main and accessory buildings on the lot as measured to the outside surfaces of the exterior walls. The gross floor area shall include basements, lobbies, and stair openings, elevator shafts and storage. The gross floor area shall exclude open wells (atriums), mechanical rooms, crawl spaces and attics without floors, attics used only for mechanical services, porches, balconies and open-sided roofed-over areas.

Gross Floor Area The sum of the gross horizontal area or the several floors of a building and its accessory buildings on the same lot, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or for commercial and/or industrial use, or malls within a shopping center utilized purely for pedestrian circulation and/or decorative purposes between individual shops of the center.

Groundwater Subsurface water that occurs beneath the water table in soils and geologic formations.

Group Child Day Care Center See Child Day Care Agency

Guyed Towers A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

Habitable Attic The habitable space between the rafters of a pitched roof and the next floor below provided that the spring point of the rafters is no higher than thirty inches (30") from the subfloor.

Habitable Space Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and other similar areas are not considered habitable space.

Health Club A building or portion of a building designed and equipped for the conduct of exercise and related activities utilizing weight control or muscle building equipment or other apparatus for the purpose of physical fitness, along with customary ancillary activities and facilities.

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

Highest Roof Plane The roof plane having the highest ridge and having highest average height (exclusive of cupolas) or the flat roof that is higher than any pitched roof.

Historic Structure (for purposes of Floodplain Management Regulations) Any structure that meets any of the following criteria.

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

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

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

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

(a) By an approved state program as determined by the Secretary of the Interior; or

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

Home Business A business conducted from an owner-occupied single-family dwelling unit that may include the use of accessory structures on the property, as specified under the provisions of this Ordinance.

Home Occupation Any use that is conducted entirely within a dwelling that is clearly incidental and secondary to the use as a dwelling, which does not change the character of said dwelling or its neighboring environment.

Home Produce Agricultural products, preserves, art works, or any other goods or products produced or substantially produced or altered entirely as a home occupation on the premises or as the result of agricultural activities on the premises, other than forestry, accessory to the principal residential use.

Homeowner Association A corporation, trust, or unincorporated association, the members of which consist of the owners of the development units or lots within a development, which owns and manages all private interior ways and the land not occupied by residential, commercial or industrial structures and lots, including facilities and structures thereon, in perpetuity. An association that individual owners share common interest in common open space and/or facilities. The association is in charge of preserving, managing and maintaining the common open space and/or facilities and will enforce certain covenants and restrictions.

Hospital An institution providing organized inpatient diagnostic and nursing care for persons suffering from acute or chronic illness, injury or deformity requiring obstetrical or other care, including both inpatient and outpatient emergency services as may be required.

Hotel One or more buildings providing temporary lodging accommodations offered to the public on a daily rate for compensation. The building or buildings have an interior hall and lobby with access to each room from such interior hall or lobby, supervised by a person in charge at all hours. Accessory uses may include a restaurant, conference center facility, meeting rooms, health club and other customary uses.

Hydric A Soils Hydric A soils are those soils identified as Type A hydric soils or very poorly drained soils in the "High Intensity Soil Maps For New Hampshire," as amended, as published by the Society of Soil Scientists of Northern New England.

Hydric B Soils Hydric B soils are those soils identified as Type B hydric soils or poorly drained soils in the "High Intensity Soil Maps For New Hampshire," as amended, as published by the Society of Soil Scientists of Northern New England.

Impervious or Impervious Surface A material or surface that does not readily permit the infiltration of water. It shall include, but not be limited too, building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas. It shall also mean, where appropriate, a surface through which regulated substances cannot pass when spilled.

Indirect Light Light that has been reflected or has scattered off of other surfaces.

In-House Dwelling Unit A separate dwelling unit contained within an owner-occupied single-family residence on a conforming lot and having no more than one (1) bedroom nor a floor area greater than 650 square feet.

Interior Lot A lot in which the side lot lines do not abut a street.

Junk Any worn out, cast off or discarded articles or material ready for destruction or collected or stored for salvage or conversion to some use. Any article or material that is unaltered or unchanged and, without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

Junk Yard As defined in NH RSA 236:112, as amended.

Jurisdictional Wetlands (3/9/2010) Those that are regulated by the US Army Corps of Engineers (Corps) under Section 404 – must exhibit all three characteristics: hydrology, hydrophytes, and hydric soils (ACOE 1987).

Kennel means any building(s) or land operated as a business for the boarding, breeding, training, or selling of dogs or cats.

Lattice Tower A type of mount with multiple legs and structural cross-bracing between the legs that is self supporting and free standing.

Level of Service Level of Service indicates the capacity per unit of demand for each public facility. It is an indicator of the extent or degree of service provided by a facility based upon and related to the operational characteristics of the facility.

Level of Service, Adopted The level of service established as an adequate public facility's standard for subdivision and site plan approval and the capital improvements program.

Light Manufacturing By way of illustration and not limitation the manufacture of finished products or parts, including processing, fabrication, machining of metal blanks or other materials, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained within the building and where no process involved will exceed levels or conditions as set forth in the Performance Standards of the Barrington Zoning Ordinance or other applicable codes for noise, vibration, air pollution, noxious emissions or fire hazard.

Light Trespass The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
Loading Space An off-street space used exclusively for loading and unloading of goods and materials from one (1) vehicle.
Lot An area or parcel of land, or any part thereof, that can be legally developed under the terms of this Ordinance.
Lot Depth The mean horizontal distance between a front lot line and a rear lot line.
Lot Frontage The horizontal distance measured along a front lot line between the points of intersection of the side lot lines with the front lot line.
Lot Line The lines enclosing or bounding a lot.
Lot of Record A lot that is part of a subdivision plan approved by the Barrington Planning Board, recorded in the Strafford County Registry of Deeds and exempt from subsequent zoning changes pursuant to RSA 674:39, as amended, and/or a separate and distinct parcel of land described in a deed recorded in the Strafford County Registry of Deeds prior to September 12, 1972 (the date of the initial Barrington Zoning Ordinance.)
Lot Width The horizontal distance between the side lot lines as measured at the minimum front yard depth required by this Ordinance, and parallel to the street line.
Lot Line, Front The property line dividing a lot from a street right-of-way from which vehicular access is provided to the lot.
Lot Line, Rear The lot line opposite from the front lot line.
Lot Line, Side Any lot line that is not a front or rear lot line.
Lowest Floor (for purposes of Floodplain Management Regulations) The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this Ordinance.
Manufactured Housing Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Structures meeting this definition shall be constructed in accordance with the standards specified by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (generally referred to as the HUD Code). Manufactured housing as defined in this section shall not be construed to include pre-site built housing as defined in this Article. For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles places on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.
Manufactured Home Park or Subdivision (for purposes of Floodplain Management Regulations) A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
Market Rate Housing Any unit within a development, whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

Mean Annual High Water Mark The line from visible markings and changes in soils and vegetation from the prolonged presence of water which distinguishes between predominantly aquatic and terrestrial land.

Mean Sea Level 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.

Medical or Dental Clinic A building or portion of a building in which the primary use is the provision of health care services to patients or clients. Such services may include the following: medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, mental health professional, physical and/or occupational therapy, related medical services, or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services. The sale of merchandise is allowed only as an accessory use.

Membership Club A social, sports or fraternal association or organization used exclusively by members and their guests and not conducted as a gainful business.

Mixed Use Development A single tract of land containing more than one primary building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. Under the terms of this Ordinance, a mixed use development may be implemented as a Planned Unit Development (PUD), or a conventional site plan, subject to all provisions and regulations of the respective zoning district in which the development is proposed.

Mixed Use Structure A building which contains dwelling units located above the ground floor of an institutional, civic, office, commercial, or retail use building.

Modular Housing (see Pre-Site Built Housing)

Motel One or more attached or detached buildings providing residential room accommodations intended primarily for sleeping that are rented out to the public on a daily rate, where each room has a separate entrance leading directly outside the building.

Multi-family Housing For the purpose of workforce housing developments, it is a structure or building containing 5 or more dwelling units, each designed for occupancy by an individual household. (Compare Multifamily Structure(Housing))

Multifamily Structure (Housing) A structure containing three or more dwelling units, or apartments, each of which shall contain separate living, sleeping, cooking, and bathroom facilities. Dwelling units in a multifamily structure may be located entirely above the ground floor level. A typical example of a multifamily structure is an apartment building that has dwelling units stacked above one another that have shared egress (i.e. joint hallways or staircases) from multiple apartments. A Multifamily Structure is distinguished from an Single Family Attached (SFA) Dwelling structure by the fact that each dwelling in a SFA must have a ground floor level and a common wall with an adjoining unit.

Museum A public or private facility, including an aquarium, established for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest designed to be used by members of the public for viewing, with or without an admission charge. Such activity may include, as an accessory use, the sale of memorabilia, crafts work and artwork, and the holding of meetings and social events.

New Construction (for purposes of Floodplain Management Regulations) For the purposes of determining insurance rates, structures for which the start of construction" commenced on or

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

Night Care Agency See Child Day Care Agency

Nonconforming Structure Any building, structure, or paved surface that contains a Dimensional Nonconformity.

Nonconforming Use The use of property for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

Nursing Facility An institution or facility, whether proprietary or non-propriety, which is engaged in providing 24-hour care for residents needing skilled nursing care, medical monitoring, and related services; rehabilitation services for rehabilitation of injured chronically disabled or sick; medication administration or instruction and supervision; or on a regular basis, health related care services (above the level of room and board) which can be made available to them only through institutional facilities which provide 24-hour care. (RSA 151-E2V)

Office Use or Office Building A place where the business of a commercial, industrial, service or professional organization is transacted, but not including retail sales, manufacturing, clinics, personal services, places of amusement or places of assembly.

One Hundred (l00) Year Flood See "base flood".

Open Space, Active See Active Open Space

Open Space, Passive See Passive Open Space

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.

Outdoor Storage Storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

Packaging and Delivery Services The packaging and delivery of parcels as a retail service use. It shall not include the bulk storage of parcels on-site but may include the sale of ancillary goods typically used in the packaging and shipping of parcels.

Parapet or Parapet Wall The portion of a building wall elevated above the roof level.

Parcel A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

Park or Playground An Open Space improved with playground equipment or other active open space improvements. These may be surrounded by street frontages and building frontages, but this is not necessarily required.

Parking Lot Any area, not within a building or other structure, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking to include a motor vehicle display lot and/or a commercial parking lot.

Parking Space An off-street space for exclusive use as a parking stall for one (1) motor vehicle.

Passive Open Space Areas which, due to the presence of a particular natural or environmental setting, which may include conservation lands, can provide for both active and passive types of resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man.

Personal Services Establishment An establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barber shop, beauty shop, dry cleaner, tailor, or other similar services.

Porch A roofed structure projecting from the front, side or rear wall of a building, either enclosed or open, not used as habitable living space.

Pre-School Program See Child Day Care Agency

Pre-Site Built Housing This type of housing that is built in a factory, but is constructed in accordance with the standards set forth in the town's building code applicable to site built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Such housing shall not be construed to mean manufactured housing. Pre-site built dwelling units shall be considered to be a single-family dwelling under the provisions of this Ordinance.

Principal Building Or Principal Structure A building or structure or, where the context so indicates, a group of buildings or structures, in which the Principal Use of a lot or parcel is conducted. This shall include any buildings that are attached to the principal structure by a covered structure.

Principal Dwelling A dwelling unit that constitutes the Principal Building or Principal Structure on a lot or parcel.

Principal Use The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this article.

Professional Offices The office of a member of a recognized profession maintained for the conduct of that profession. A profession is defined as an occupation requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field, any occupation requiring licensing by the state and maintenance of professional standards applicable to the field.

Public Right-of-Way The portion of a public street dedicated to and accepted by the city as measured from property line to property line.

Public Utility Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this Ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

Public Utility Structure Any structure including a line, pipe, building, building, station, or facility used to deliver or provide a public utility to the general public.

Recharge Water that infiltrates into an aquifer, usually from overlying soils.

Recreation The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, by way of illustration and not limitation, boating, fishing, camping, or use of recreational vehicle as such as defined herein, or may be passive as in enjoyment of scenic vistas.

Recreational Vehicle Any building, structure, or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pickup truck coaches (campers), motor homes, boats, travel trailers, and camping trailers not meeting the specifications for manufactured housing. A recreational vehicle is not designed or permitted for use as a permanent dwelling. For the purposes of this Ordinance a recreational vehicle shall not be considered to be a dwelling unit. For the purpose of the Floodplain Management Regulations recreational vehicles shall also be construed to have the following characteristics:

1) A vehicle that is built on a single chassis;
2) Contains 400 square feet or less when measured at the largest horizontal projection;
3) Is designed to be self propelled or permanently towable by a light duty truck; and
4) Is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulated Substance (for purposes of Groundwater Protection District) Petroleum, petroleum products, and substances listed under 40CFR 302, 7/1/90 edition, excluding the following substances: ammonia, sodium hypochlorite, sodium hydroxide, acetic acid, sulfuric acid, potassium, sodium potassium permanganate, and propane and other liquefied fuels that exist as gases at normal atmospheric temperature and pressure.

Regulatory Floodway (for purposes of Floodplain Management Regulations) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Repair Services Repair and servicing of appliances, computers, electronic equipment, tools and other small machinery common to homes and businesses.

Research and Development A business that engages in research and development of innovative ideas and technology. Examples include research and development of computer software, bio-technology, information systems, communication systems, transportation, multi-media and video technology. Development and construction of prototypes may be associated with this use.

Restaurant An establishment where food and/or beverages are prepared, served, and consumed, and whose principal method of operation includes one or both of the following characteristics: (1) customers are normally provided with an individual menu and served their food and beverages by a restaurant employee at the same table or counter where the items are consumed; or (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Restaurant, Drive-through An establishment whose primary business is serving food to the public for consumption on or off the premises, and that provides all or part of these services by means of a drive-through window. A drive-through window is defined as an opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

Retail Uses (sales and services) A business or activity having as its primary function the supply of merchandise or wares to the end consumer; or establishments engaged in the rental of goods at retail, or in providing a service(s) to individuals and households. This category excludes animal sales or service; building and garden materials, supplies, sales or rental; and motor vehicle and related equipment sales, leasing, rental, or repair.

Roof Line The top edge of the roof or the top of the parapet, where the junction of the roof and the perimeter wall of the structure forms the top line of the building silhouette.

Runoff Precipitation, snow melt, or irrigation that flows over the land, eventually making its way to a surface water such as a stream, river, or pond.

Screening A visual barrier that blocks out a use on one (1) property from abutting properties. Screening shall consist of a landscaped area containing plant materials, walls and/or fences.

Secondary Containment A structure such as a double walled tank, a berm, or dike with an impervious surface that is adequate to hold at least 110% of the volume of the regulated-substances that will be stored there.

Sediment Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Self-Storage Facility A facility that rents space on a short-term basis to individuals or businesses. The rented spaces are secured by the tenant's own lock and key. Unlike in a warehouse, self-storage facility employees do not have casual access to the contents of the space.

Senior Housing A facility for long-term residency exclusively by persons fifty-five (55) years of age or older, that provides either independent living or assisted living arrangements, and that shall include, without limitation, common dining and social and recreational features, and special safety and convenience features designed for the needs of the elderly. The facility may also include the provision of services such as meal services, transportation, housekeeping, personal care, or health care. Such a facility shall not be construed to mean a nursing home, group home, or residential treatment center.

Service for Autos and Trucks Any building, structure or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles. Said service shall generally include the maintenance, repair or replacement of engines, wheels and brakes, mufflers, and tires. It may include body shops which involve the repair, replacement, or painting of body, fender, or interior components of motor vehicles.

Setback Unless specifically exempted in this Ordinance, a setback shall mean an area lying between the furthest projection of any building or structure and the property line of the lot on which the building or structure is located. Where a yard abuts a street, the setback is the area lying between the abutting street right-of-way line and the furthest projection of any building or structure.

Shoreline The mean high water line of the body of water at the water's edge.

Shoreline Frontage The average of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the reference line.

Sign A permanent or temporary device, structure, light, letter, word, two- or three-dimensional, object or copy, model, banner, streamer, pennant, display, insignia, emblem, trade flag, presentation by figures, designs, pictures, logos or colors visible to the public from outside a building, from a traveled way or otherwise. The purpose of a sign is to convey a message to the public, to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products services or facilities available, either on the lot or on any other premises.

Sign, A-Frame (a.k.a Sandwich Board Sign or Sidewalk Sign) A free standing sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and which is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

Sign, Abandoned The cessation of the use of a sign as indicated by the visible or otherwise apparent intention of an owner to discontinue the use of a sign and/or structural framework; or the removal of the characteristic equipment or furnishing of the sign, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming sign with a conforming sign.

Sign, Air Activated Graphic A sign, all or part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

Sign, Animated Any sign that includes action or motion, such as changing electronic sign or electronic message center. For purposes of this division, this term does not refer to flashing, changing or indexing.

Sign Area The space, on the largest single face of a sign, within and including a perimeter which forms the outside shape of a sign. Where signs are established back to back the larger face shall be calculated for purposes of determining allowable area. The space of a sign having no such perimeter or border shall be computed by enclosing the entire copy area within the outline of either a parallelogram, triangle, circle or any other easily recognized geometric shape and then computing the area. Where a sign is of a three-dimensional, round or irregular shape, the largest cross section shall be used in a flat projection for the purpose of computing sign area.

Sign, Awning An "awning sign" is a sign painted on or attached flat or flush against the surface of the awning, but not extending above, below or beyond the awning or attached to the underside.

Sign, Balloon Sign (a.k.a., Inflatable Device) A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by cord, rope, cable, or similar method. See also the definition for air-activated graphics.

Sign, Banner A "Banner sign" is a temporary sign composed of cloth, canvas, plastic fabric or similar lightweight, no ridged material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

Sign, Blade (a.k.a. Feather, Teardrop Sign, and Flag Sign) A temporary sign that is constructed of cloth, canvas, plastic fabric, or similar lightweight, non-ridged material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Sign, Directional A sign that is necessary for on-site public safety and convenience. Examples include signs located next to a driveway and reading "in," "out," "entrance," "parking," or "exit."

Sign, Electronic Message A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Sign, Flashing A flashing sign contains an intermittent light source or includes the illusion of intermittent light by means of animation or an externally mounted intermittent light source.

Sign, Free Standing Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Sign, Ground A sign established on a freestanding frame, mast or pole and not attached to any building. Where such signs are established back to back, the larger face shall be calculated for the purposes of determining allowable area.

Sign, Illuminated Any sign that emanates light either by means of exposed tubing, electrical bulbs, fluorescent lights, neon tubes or lamps on its surface, or by means of illumination transmitted through the sign faces. Any decorative lighting that is used expressly for the purpose of advertisement shall be construed as a sign.

Sign, Light Pole Banner (a.k.a., Support Banner) A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.

Sign, Pennant A triangular or irregular piece of fabric or other material, whether or not containing a message or any kind, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Sign, People (a.k.a. Human Mascot, Sign Spinner, and Human Sign) A person attired or decorated with commercial insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign.

Sign, Portable Message Center A sign not permanently affixed to the ground, building or other structure, which may be moved from place to place, including but not limited to signs designed to be transported by means of wheels. Such signs may include manually changeable (non-electronic) copy.

Sign, Projecting A building mounted sign with the faces of the sign projecting 12 inches or more from and generally perpendicular to the building fascia, excepting signs located on a canopy, awning or marquee.

Sign, Stationary Vehicle Any sign permanently or temporarily attached to or placed in any way so that the vehicle is used primarily as a stationary identification or advertising sign.

Sign, Temporary Any sign intended to remain in use for a short period of time which is not permanently installed.

Sign, T-Frame A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. (See also the definition of A-frame signs.

Single-Family Attached Dwelling A building containing two or more attached dwelling units where each unit shares a common wall with at least one other dwelling unit. Each dwelling unit shall have a ground floor level but may be more than one story in height. These types of dwellings are commonly referred to as rowhouses or townhouses and are distinguished from multifamily housing under the terms of this Ordinance (see Multifamily Structure (Housing).

Single-Family Detached Dwelling A dwelling designed for occupancy by a single family that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Slope The ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance by the horizontal distance and multiplying the ratio by one hundred.

Special Exception A use of a structure or lot, or any action upon a premises, that may be permitted upon application to the Zoning Board of Adjustment if in accordance with the provisions of this Ordinance.

Special Flood Hazard Area (for purposes of Floodplain Management Regulations) An area having flood, mudslide, and/or flood related erosion hazards, and shown on the FIRM as Zone A.

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

Story The portion of a building that is between one (1) floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is six (6) or more feet above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be a story if unfinished and without human occupancy.

Story, Half A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of the story.
Stratified Drift Aquifer A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water courses to wells.
Stream Areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.
Street A road, thoroughfare or way that affords the means of access to adjacent lots and is devoted to vehicular travel, and measured from property line to property line. It includes any street, avenue, road, lane, viaduct, boulevard, alley, highway or other way, whether public or private.
Structure (for purposes of Floodplain Management Regulations) 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.
Structure (3/8/2010) Anything constructed, installed, placed or erected, whether above or below grade. Unless otherwise stated in this Ordinance, the following structures are exempt from the building permit requirements set forth in Section 15.4.1 and shall not be construed as structures for purposes of setback requirements, but shall be so construed for all other purposes. Sheds may require an Administrative Zoning Permit, see Article 9.4.5.

(a) Signs,
(b) Stonewalls,
(c) Septic systems,
(d) Driveways, sidewalks, parking lots,
(e) Home propane and heating oil tanks,
(f) One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 200 square feet,
(**g)** Retaining walls that are not over four feet in height measured from the top of the footing to the top of the wall, unless supporting a surcharge, the differential in grade shall be no more than four feet,
(h) Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed 2 to 1,
(i) Prefabricated swimming pools that are less than 24 inches deep,
(j) Swings and other playground equipment,
(k) Window awnings supported by an exterior wall that does not project more than 54 inches from the exterior wall,
(l) Heating or cooling equipment,
(m) Fences,
(n) Cisterns,
(o) Wells, provided they meet NHDES requirements, including ancillary equipment,
(p) Drainage facilities,
(q) Such structures as are authoritatively deemed required for the Safety of the community and its citizens and
(r) Utility service lines.

Structure, Accessory A detached structure, the use of which is customarily incidental and subordinate to that of the principal use, principal building or principal structure, and which is

located on the same lot as that occupied by the principal use, principal building or principal structure.

Subdivision A "subdivision" means any activity defined in RSA 672:14.

Substantial Completion of Development For determining whether an approved subdivision or site plan is vested under the terms of RSA 674:39 the following conditions must be met. At least fifty percent (50%) of the total cost of all public and private improvements approved by the town must have been expended within four (4) years of the date of approval of said subdivision or site plan. In addition, a bond or surety for completion of all required public improvements, if required as a condition of approval, shall have been posted with the town.

Substantial Damage (for purposes of Floodplain Management Regulations) 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 (50%) of the market value of the structure before the damage occurred.

Substantial Improvement (for purposes of Floodplain Management Regulations) Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alternation of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially Different Use A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

Surface Water Streams, lakes, ponds, and tidal waters, including marshes, water courses and other bodies of water, natural or artificial.

Tanning Salon Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, and health clubs, where tanning is only one of a number of services offered to patrons.

Tattoo Parlor An establishment that offers as a service to the public, the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, by means of the use of needles or other instruments designed to contact or puncture the skin, using ink or other substances that result in the permanent coloration of the skin.

Tower Any structure that is used primarily to support one tower, lattice towers, guyed towers, and monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular towers, alternate tower structures and the like.

Townhouse A single dwelling unit whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner (condominiums).

Toxic or Hazardous Material Any substance or mixture with physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Toxic or

hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes acids and alkalis, and all substances defined as toxic or hazardous under applicable state or federal statutes, and also include such products as solvents and thinners in quantities greater than normal household use.

Unimproved Not developed with a principal-use structure.

Upland Soils Soils not present in any wetland area.

Use The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Use The purpose or activity for which land or structures are utilized, occupied or maintained.

Vernal Pool A confined basin depression without a permanent above ground outlet that, at least in most years, holds water and for a minimum of two continuous months during the spring and/or summer; contains fairy shrimp and/or supports the breeding of wood frogs and/or mole salamanders; and is free of adult fish populations. Observation of breeding activity by obligate species is required to determine that a water body is a vernal pool.

Veterinary Offices/Clinic A facility where a veterinarian treats sick or injured animals, gives preventative care, as well as where medical and surgical care is given, or short-term hospitalization is provided. Use of an on-site kennel shall be in enclosed facilities and shall be limited to short-term boarding which is incidental to the extended treatment of patients.

Violation (for purposes of Floodplain Management Regulations) The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article 13.4 and 13.7 (2) of this ordinance is presumed to be in violation until such time as the documentation is provided.

Water Surface Elevation (for purposes of Floodplain Management Regulations) The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

Wastewater Treatment System Means any effluent disposal or treatment system that receives either sewage or other wastes, or both, including septic tank leach field systems, privies or dry pit toilets, and incinerator-type toilets such as gas-operated, electric, fossil-fueled or any combination thereof.

Wetland Areas Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. In accordance with New Hampshire Department of Environmental Services and United States Army Corps of Engineers requirements, jurisdictional wetlands are to be identified and delineated using the 1987 Corps of Engineers Wetlands Delineation Manual. Jurisdictional wetlands are to be delineated by a New Hampshire certified wetland scientist or a New Hampshire certified soil scientist.

Wetland Buffer A naturally vegetated upland area adjacent to wetland or surface water. In this definition, “naturally vegetated” includes the following: uncut or undisturbed forest, minimally disturbed or managed forest, and abandoned pasture or fields.

Wholesale Uses An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Such uses shall not typically include the processing, manufacturing, or assembling of raw materials or goods.

Workforce Housing Housing that meets the requirements set forth in the definitions of "Workforce housing for rental" and "Workforce housing for sale" herein. Housing developments that exclude minor children from more than 20 percent of the units or in which more than 50 percent of the dwelling units have fewer than two bedrooms shall not constitute workforce housing for the purposes of this Article.

Workforce housing development A residential development that is approved under the provisions of Article 17 of this Ordinance.

Workforce Housing for Rental Housing which is intended to be leased and is affordable to a household with an income of no more than 60 percent of the median income for a 3 person household for the metropolitan area or county in Strafford County as published annually by the United States Department of Housing and Urban Development.

Workforce Housing for Sale Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4 person household in Strafford County as published annually by the United States Department of Housing and Urban Development.

Yard A portion of a lot upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

Yard, Side A yard extending for the full length of a building between the nearest building wall and the side lot line.

ARTICLE 19 ..... APPENDIX

(Refer to Subsection 3.2 for an explanation of how to interpret information presented in Table 1: Table of Uses)

TABLE 1: TABLE OF USES (Sheet 1 of 4)						
USE RESIDENTIAL	**General Residential (GR)**	**Neighborhood Residential (NR)**	**Village (V)**	**Town Center (TC)**	**Regional Commercial (RC)**	**Highway Commercial District Overlay (HCO)**
Conservation Subdivisions	**P(5)**	**P(5)**	**P(5)**	**(−)**	**(−)**	**P**
Manufactured Housing	**P**	**P**	**P**	**(−)**	**P(8)**	**P**
Multifamily Housing	**CP(6)**	**CP(6)**	**CP(6)**	**P(6,13)**	**P(8)**	**P**
Senior Housing	**CP(6)**	**CP(6)**	**P(6)**	**P(6,13)**	**P(8)**	**P**
Single-Family Dwellings (Attached)	**P(7)**	**P(7)**	**P**	**P(13)**	**P(8)**	**P**
Single-Family Dwellings (Detached)	**P**	**P**	**P**	**P(13)**	**P(8)**	**P**
Two Family Dwellings	**P**	**P**	**P**	**P(13)**	**P(8)**	**P**
Accessory Dwelling Unit	**P**	**P**	**P**	**P**	**P**	**P**
USE AGRICULTURAL						
Agricultural Uses	**P**	**P**	**P**	**P(16)**	**P**	**P**
Farms	**P**	**P**	**P**	**P(16)**	**P**	**P**
Open Air Farmers Market	**P**	**P**	**P**	**P**	**P**	**P**
Keeping/Boarding of Horses	**P**	**P**	**P**	**(−)**	**P**	**P**
Orchards	**P**	**P**	**P**	**(−)**	**P**	**P**
USE COMMERCIAL						
Arts & Crafts Establishments	**CP**	**CP**	**P**	**P**	**P**	**CP**
Art Studios	**CP**	**CP**	**P**	**P**	**P**	**CP**
Assisted Living Facility	**CP(15)**	**CP(15)**	**P(15)**	**P(15)**	**P(15)**	**CP(15)**
Sale of Automobile Parts & Supplies	**CP**	**CP**	**CP**	**P**	**P**	**CP**
Automated Banking Facility (ATM)	**CP**	**CP**	**P**	**P**	**P**	**CP**
Banks	**(−)**	**(−)**	**P**	**P**	**P**	**CP**
Bed & Breakfasts	**CP**	**CP**	**P**	**P**	**P**	**CP**
Billiard Parlors	**(−)**	**(−)**	**(−)**	**P**	**P**	**CP**
Bowling Alleys	**(−)**	**(−)**	**(−)**	**P**	**P**	**CP**
Business Support Services	**CP**	**CP**	**P**	**P**	**P**	**CP**
Business & Professional Offices	**CP**	**CP**	**P**	**P**	**P**	**CP**
Business & Professional Park	**CP**	**CP**	**CP**	**CP**	**CP**	**CP**
Commercial Recreation Facilities	**CP**	**CP**	**CP**	**P**	**P**	**CP**
Conference Centers	**CP**	**CP**	**P**	**P**	**P**	**CP**
Child Day Care Agency (03/08/11)	**CP**	**CP**	**P**	**P**	**P**	**CP**
Distillery/Brewery with Retail	**(-)**	**(-)**	**P**	**P**	**P**	**CP**
Distillery without Retail	**(-)**	**(-)**	**(-)**	**(-)**	**P**	**P**
Drug Store	**CP**	**CP**	**P**	**P**	**P**	**CP**
Elderly Assisted Care Home	**CP(3)(15)**	**CP(3)(15)**	**CP(3)(15)**	**CP(3)(15)**	**(-)**	**CP(3)(15)**
Funeral Homes	**(−)**	**(−)**	**P**	**P**	**P**	**CP**
Gasoline Service Stations	**CP**	**CP**	**P**	**P**	**P**	**CP**
Convenience Stores w/Gas Pumps	**CP**	**CP**	**P**	**P**	**P**	**CP**

TABLE 1: TABLE OF USES (Sheet 2 of 4)						
USE COMMERCIAL (Continued)	**General Residential(GR)**	**Neighborhood Residential (NR)**	**Village (V)**	**Town Center (TC)**	**Regional Commercial (RC)**	**Highway Commercial District Overlay (HCO)**
Golf Courses	**CP**	**CP**	**(−)**	**(−)**	**(−)**	**CP**
Grocery Store	**(−)**	**(−)**	**P**	**P**	**P**	**(−)**
Hardware Stores	**CP**	**CP**	**P**	**P**	**P**	**CP**
Health Care Facilities	**CP**	**CP**	**P**	**P**	**P(3)**	**CP**
Health Clubs	**CP**	**CP**	**P**	**P**	**P**	**CP**
Home Business	**CP(9)**	**CP(9)**	**CP(9)**	**CP(9)**	**CP(9)**	**CP(9)**
Home Occupation	**P(10)**	**P(10)**	**P(10)**	**P(10)**	**P(10)**	**P(10)**
Hospitals	**(−)**	**(−)**	**(−)**	**(−)**	**P**	**CP**
Hotels	**CP**	**CP**	**CP**	**P**	**P**	**CP**
Inns	**CP**	**CP**	**P**	**P**	**P**	**CP**
Landscape Nurseries/Greenhouses	**CP**	**CP**	**P**	**(−)**	**P**	**CP**
Kennel	**(-)**	**(-)**	**(-)**	**CP**	**P**	**CP**
Medical/Dental Clinics	**(−)**	**(−)**	**P**	**P**	**P**	**CP**
Mixed Use Developments	**(−)**	**(−)**	**P(2)**	**P(2)**	**P(2)**	**CP**
Motels	**(−)**	**(−)**	**CP**	**P**	**P**	**CP**
Movie Theaters	**(−)**	**(−)**	**P**	**P**	**P**	**CP**
Museums	**CP**	**CP**	**P**	**P**	**P**	**CP**
Nursing Facility	**CP**	**CP(15)**	**P(15)**	**P(15)**	**P(15)**	**CP(15)**
Packaging & Delivery Services	**CP**	**CP**	**P**	**P**	**P**	**CP**
Personal Services Establishments	**CP**	**CP**	**P**	**P**	**P**	**CP**
Planned Unit Development (PUD)	**(−)**	**(−)**	**CP(12)**	**P(12)**	**(−)**	**(−)**
Publishing & Printing Establishments	**CP**	**CP**	**P**	**P**	**P**	**CP**
Repair Services	**CP**	**CP**	**P**	**P**	**P**	**CP**
Restaurants	**CP**	**CP**	**P**	**P**	**P**	**CP**
Restaurants, Drive-Through	**(−)**	**(−)**	**P**	**P**	**P**	**CP**
Retail Uses	**CP**	**CP**	**P**	**P**	**P**	**CP**
Self-Storage Facility	**-**	**-**	**-**	**-**	**P**	**-**
Service for Autos and Trucks	**CP**	**CP**	**CP**	**CP**	**P**	**CP**
Social or Fraternal Organizations	**CP**	**CP**	**P**	**P**	**P**	**CP**
Veterinary Offices/Clinic	**CP**	**CP**	**P**	**P**	**P**	**CP**
Wireless Communication Facilities	**P(4)**	**P(4)**	**(−)**	**(−)**	**P(4)**	**CP(4)**

TABLE 1: TABLE OF USES (Sheet 3 of 4)						
USE INDUSTRIAL	**General Residential(GR)**	**Neighborhood Residential (NR)**	**Village (V)**	**Town Center (TC)**	**Regional Commercial (RC)**	**Highway Commercial District Overlay (HCO)**
Contractor's Storage & Equipment Yards	**CP**	**CP**	**(−)**	**(−)**	**P**	**CP**
Excavation Operations	**CP(1)**	**CP(1)**	**CP(1)**	**(−)**	**P(1)**	**P(1)**
Light Manufacturing Facilities	**CP**	**CP**	**CP**	**(−)**	**P**	**CP**
Machine Shops	**CP**	**CP**	**(−)**	**(−)**	**P**	**CP**
Research & Development Facilities	**CP**	**CP**	**P**	**CP**	**P**	**CP**
Sawmills	**CP**	**CP**	**(−)**	**(−)**	**P**	**CP**
Truck Terminals	**(-)**	**(-)**	**(-)**	**(-)**	**P**	**CP**
Wholesale Uses	**CP**	**CP**	**P**	**(-)**	**P**	**CP**
Warehouse Operations	**CP**	**CP**	**P**	**(-)**	**P**	**CP**
USE PUBLIC / INSTITUTIONAL						
Churches	**CP**	**CP**	**P**	**P**	**P**	**CP**
Educational Institutions	**CP**	**CP**	**P**	**P**	**P**	**CP**
Municipal Buildings & Uses	**P**	**P**	**P**	**P**	**P**	**CP**
Parks & Playgrounds	**CP**	**CP**	**P**	**P**	**P**	**CP**
USE ACCESSORY						
Private Garages	**P**	**P**	**P**	**P**	**P**	**P**
Accessory Uses	**P**	**P**	**P**	**P**	**P**	**P**
Farm/Produce Stand	**P(11)**	**P(11)**	**P**	**P**	**P**	**P**
In-House Dwelling Unit	**P**	**P**	**P**	**P**	**P**	**P**
Recreation	**P(14)**	**P(14)**	**P(14)**	**P(14)**	**P(14)**	**P(14)**
Swimming Pools	**P**	**P**	**P**	**P**	**P**	**P**

KEY / LEGEND	INTERPRETATION OF KEY / LEGEND
P	**Permitted by Right**
P(with Number)	**Permitted with conditions specified in the footnote number given.**
CP	**Permitted if a Conditional Permit is issued by the Planning Board**
CP(with Number)	**Permitted if a Conditional Permit is issued by the Planning Board with conditions specified in the footnote number given.**
(--)	**Not permitted**

Footnotes to Table 1 (Meaning of numbers given in parentheses in the table.) Page 4 of 4	
(1)	All excavation operations shall conform to the Performance Standards specified in Section 7.1 of this Ordinance, as well as the requirements specified in the town's Site Plan Review Regulations. The Planning Board may require an undisturbed and/or vegetated buffer of suitable size to be maintained between an excavation site and any adjoining properties if said properties would be adversely impacted by such an operation
(2)	Provided that such use complies with Section 3.3 of this Ordinance as well as all other applicable regulations.
(3)	Such facilities may have no more than fifteen (15) patient/client beds
(4)	Provided that such use complies with Article 10 of this Ordinance entitled Wireless Communication Facilities Overlay
(5)	Provided that such use complies with Article 6 of this Ordinance entitled Conservation Subdivision Regulations.
(6)	No structure may contain more than eight (8) dwelling units.
(7)	Permitted within Conservation Subdivisions as specified in Article 6.
(8)	No residential structures are permitted within five hundred (500) feet of the centerline of Route 125 and Route 4 for properties located in the RC District.
(9)	Provided that such use complies with Section 7.4 of this Ordinance entitled Home Businesses.
(10)	Provided that such use complies with Section 7.3 of this Ordinance entitled Home Occupations.
(11)	For the sale of agricultural products, or any other goods, which are produced substantially as a home occupation or from agricultural activities on the premises, other than forestry related activities, as an accessory use to a principal residential use; one structure of 200 sq. ft. or less may be utilized without site review, after review by the Zoning Administrator for compliance with section 7.3 of this ordinance and consultation with appropriate department heads for review of access and safety concerns.
(12)	Planned Unit Developments (PUD) must comply with the provisions of Article 16 of this Ordinance as well as other applicable regulations
(13)	These uses shall only be permitted as part of a PUD in accordance with Article 16 of this ordinance.
(14)	In the absence of a primary use, a Recreational Vehicle may be utilized as a primary use for up to 180 days per year. Sewage disposal and other applicable codes requirements shall apply.
(15)	Maximum density per NHDES Subsurface Disposal Regulations or no more than one bedroom per ten thousand (10,000) square feet of upland soil, and the most restrictive shall apply.
(16)	For the growing and harvesting of crops and not for the raising of farm animals.

ARTICLE 20……SIGNS

20.1….Purpose

The purpose of this section is to create signage regulations that are intended to facilitate a flexible and agreeable communication between people, while remaining content neutrality consistent with the U. S. Supreme Court decision in Reed v Gilbert. Such a regulation acknowledges the need to protect the safety and welfare of the public, the need for a well maintained attractive appearance throughout the Town of Barrington and the need for adequate business identification, advertising and communication.

20.2….General Provisions

20.2.1……Permitted Signs

No sign shall be permitted within the Town of Barrington, except in accordance with the provisions of this article. See also Table 1- Sign Performance Standards by District & Type for an overview of permitted signs on commercially approved lots.

20.2.2……Permit Required

No Sign shall be erected or placed in the Town of Barrington without a sign permit except as identified in 20.2.3. Said sign permit shall be issued by the Zoning Administrator, provided that the sign meets all the regulations of this section, after submission of an application and a set of plans to an appropriate scale, showing location, any structures on the site, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing signs and support structures where materials are being altered shall require a permit and such replacement shall conform to the regulations of this article. The Zoning Administrator may issue a sign permit in conjunction with the approval of a site plan by the Planning Board, after sufficient review of compliance with the regulations herein and payment of any permit fees.

20.2.3……Exceptions to Permit Requirement

The following signs do not require a permit when located on the immediate property and within the size set out below:

20.2.3(1)……Unlighted signs not exceeding two(2) square feet in area or smaller, bearing property numbers, post box numbers, or names of occupants as required by Federal, State or Local Law.

20.2.3(2)……Legal Notices, identification information or directional signals erected or required by governmental bodies.

20.2.3(3)……Signs of not more than three (3) square feet in area, attached to service station fuel pumps.

20.2.3(4)……Decorative or architectural features of a building except integral signs.

20.2.3(5)……Signs showing the location, stops, routes and or schedules of municipal or regional transportation facilities.

20.2.3(6)……. Signs or flags on a business which is open, provided such signs or flags:

20.2.3(6)(a)……..are limited to one (1) per use

20.2.3(6)(b)……..are attached to the building where the use is located, or to its ground sign

20.2.3(6)(c)……..do not exceed fifteen (15) square feet in area if a flag attached to a building or two (2) square feet if a wall sign or addition to a ground sign

20.2.3(7)……Signs erected for public safety and welfare or pursuant to any governmental function.

20.2.4……Location of Signs

The owner, group, business, or organization applying for a sign permit shall be responsible for the accurate location of the sign which must meet all setback requirements in this article.

20.2.4(1)……. No part of any sign shall be located in or over the public Right-of- Way, except for traffic control devices and directional signs authorized by the Town or State agencies.

20.2.4(2)……. No sign in a Non-Residential District shall be located within twenty-five (25) feet of a Residential boundary.

20.2.5……Design and Safety

20.2.5(1)…….. Signs shall not cause any traffic hazard or any nuisance and shall not be placed within a state or town right-of-way

20.2.5(2)…….. Sign color or format shall not resemble traffic signals or safety signs.

20.2.5(3)…….. Signs adjacent to any public way shall not:

20.2.5(3)(a)……..obstruct clear and free vision of vehicle operators

20.2.5(3)(b)……..interfere with, obstruct the view, or be confused with any authorized sign, by reason of its position, shape color, illumination or wording

20.2.5(3)(c)……..otherwise constitute a hazard to pedestrian or vehicle traffic

20.2.5(4)…….. Signs shall not restrict clear vision between a sidewalk and street or access from the site or street onto another street.

20.2.5(5)…….. Signs shall not prevent free access to any door, window or fire escape.

20.2.5(6)…….. Signs shall withstand a wind pressure of at least thirty (30) pounds per square foot.

20.2.6……..Sign Movement and Illumination

20.2.6(1)…….. No sign shall move or create an illusion of movement through shimmering or rippling. Nor shall any sign contain parts which move.

20.2.6(2)…….. No sign shall be intermittently illuminated nor of a traveling, tracing, or sequential light type. No sign shall contain or be illuminated by animated or flashing lighting.

20.2.6(3)…….. No sign or related fixture shall be so placed as to create a hazard to vehicles traveling within the public right-of-way

20.2.7……..Continuance and Maintenance

20.2.7(1)…….. Continuance – Signs lawfully approved and erected and/or existing as of the date of passage of this Ordinance, may continue although such signs do not conform to the provisions of this Article. Lawfully existing signs may be replaced in kind in place.

20.2.7(2)……. Any lawfully existing sign may be maintained, repaired, or repainted. The type of supports, lighting, or location cannot be changed except through the permit process, in provisions of this Article.

20.2.8……..Obsolete Signs

20.2.8(1)……. Any sign which is located on property which becomes vacant and unoccupied for a period of more than ninety (90) days shall be deemed to have been abandoned, and the sign shall be considered obsolete. Such obsolete signs are prohibited and shall be removed by the owner of the sign or owner of the premises. Reusable sign structures may remain provided the sign face is removed.

20.2.8(1)……..... When a sign for a use which has changed or terminated is one of several panels which make up a sign for a multiple uses on a property, only the panel related to the changed or terminated use must be removed.

20.2.9……..Nonconforming Sign

20.2.9(1)……... Any legal nonconforming ("grandfathered") sign associated with an existing legal use may be continued and maintained. But no such nonconforming sign shall be enlarged, replaced, redesigned or otherwise altered in any way except to bring it into compliance with the provisions of this Article unless a Special Exception is granted by the Zoning Board of Adjustment upon finding, after public hearing, that:

20.2.9(1)(a)…….the proposed alteration would significantly reduce the degree of nonconformance of the sign; and

20.2.9(1)(b)…….there are unusual extenuating physical circumstances which support allowing such alteration, or permitting such an alteration would be in public interest.

20.2.9(2)…….. Rewording of a sign for an existing use, and ensuring uniformity in background necessitated by the rewording, shall not be deemed to constitute sign alteration.

20.2.9(3)…….. Any nonconforming sign that is destroyed or damaged to the extent that the cost of repair or restoration will exceed three-quarters (3/4) the replacement value as of the date of destruction shall not be repaired, rebuilt, restored or altered unless in conformance with this Article. Where the date of destruction is not clear, the date of the application for a new sign permit shall be used for computation.

20.2.9(4)…….. Signs erected in violation of a previously existing sign ordinance shall not, by virtue of the adoption of this Article, become a legal nonconforming sign.

20.2.10……..Prohibited Signs and Displays

20.2.10(1)……Billboards, flashing, moving or animated signs, beacons, search lights, strobes, electronic message display and neon or gas-filled tubular signs (where tubes are visible by pedestrians or motorists) are not permitted.

20.2.10(2)……Any sign installed or placed on public property, except in conformance with the requirements of this Ordinance, shall be subject to removal. In addition to other remedies provided by law, the Town shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such sign.

20.2.10(3)……Any sign not specifically allowed is prohibited.

20.3……...Sign Classification

Signs shall be classified and regulated based upon the following categories.

20.3(1)……Free Standing Sign

20.3(2)……Wall Signs

20.3(3)……Projecting Sign

20.3(4)……Temporary Signs – Including the following:

20.3(4)(a)……A-Frame Sign (a.k.a., Sandwich Board Sign or Sidewalk Sign)

20.3(4)(b)……Air-Activated Graphic

20.3(4)(c)……Balloon Sign (a.k.a., Inflatable Device)

20.3(4)(d)……Banner Sign

20.3(4)(e)…….. Blade Sign (a.k.a., Feather Sign, Teardrop Sign, and Flag Sign)

20.3(4)(f)…….. Freestanding/Yard Sign

20.3(4)(g)…….. Light Pole Banner (a.k.a., Support Pole Banner)

20.3(4)(h)…….. Pennant

20.3(4)(i)……... People Sign (a.k.a., Human Mascot, Sign Spinner, and Human Sign)

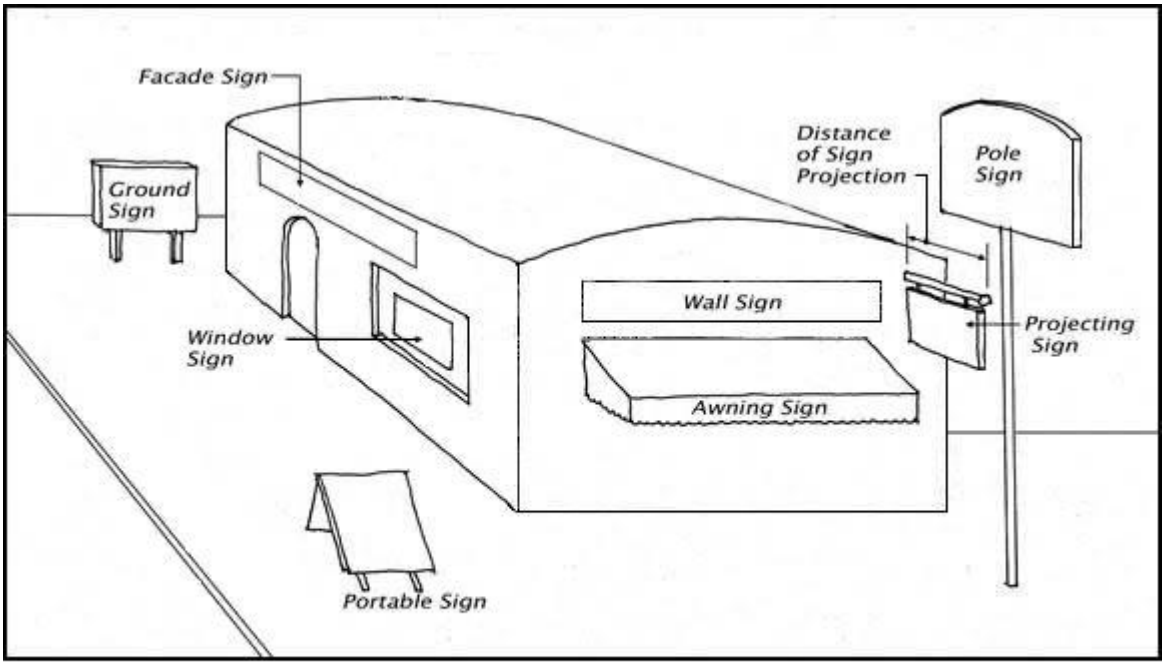
20.3(4)(j)…….. Portable Message Center Sign

20.3(4)(k)……Projected-Image Sign

20.3(4)(l)……..T-Frame Sign

20.3(4)(m)……Window Sign

FIGURE A – EXAMPLES OF SIGN TYPES



20.4…..Measurement of Sign Area

20.4(1)……Sign area shall be determined as the product of the maximum width and maximum height of the sign unit, including the entire display area of the sign. Structural members not bearing advertising matter shall not be included in computation of sign area unless those elements are internally or decoratively lighted. Where there is more than one set of letters or symbols, the area shall be the total of each set, except for internally illuminated letters or symbols.

20.4(2)……When the sign is painted on or attached or otherwise applied to any part of a building, canopy, awning, fence, window or structure, the area is the smallest rectangle (or circle, for circular signs) that encompasses all its lettering an accompanying figures, designs, logos, or symbols together with any background of a color different from the color of the structure.

20.4(3)……. In computing the area of a double-faced sign, only one side shall be considered if both faces are identical. Notwithstanding the above, if the interior angle formed by the two (2) faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

20.4(4)……The maximum allowable sign shall include all permanent signs attached, painted, or applied to a building façade.

20.5…..Sign Lighting

20.5.1……General Requirements

20.5.1(1)…..... Signs may be illuminated by stationary, shielded light sources directed solely on the sign, without causing glare.

20.5.1(2)……. Signs may be illuminated internally.

20.5.1(3)……. Illuminated signs shall be constructed and erected in such a manner as to deflect light away from residential properties and public roads.

20.5.2…...Methods of Illumination

20.5.2(1)……. General (G) – The sign has an external source of light specifically directed at it.

20.5.2(2)……. Back Lite (BL) – The letters are raised above or in front of the sign's background and the lighting source illuminates the letters from behind by reflection of the background. All sign materials are solid versus translucent so that light does not shine through any portions of the sign.

20.5.2(3)……. Spot Lite (SL) – The sign is lighted by spotlights specifically directed at it. Any spotlights permitted to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads.

20.5.2(4)…….. Internally Illuminated (IL) – A sign that has the light source enclosed within it so the source is not visible to the eye.

20.6…..Sign Height

20.6(1)……The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or structure.

20.6(2)……The height of a projecting sign shall be measured from the base of the sign face to the ground below.

20.6(3)……The height of a wall sign shall be measured from the base of the building below to the top of the sign face. The top of the sign shall be no higher than the maximum permitted building height.

Table 1 – Sign Performance Standards By District & Type on Commercially Approved Lots

	Dimensional Element		Zoning District				
		GR	NR	V	TC	RC	HCO
Sign Type Free Standing Standards	Maximum Area	8 sq. ft.	8 sq. ft.	48 sq. ft.(5)	48 sq. ft. (5)	96 sq. ft. (6)	48 q. ft. (5)
	Maximum Height	6 feet	6 feet	10 feet	10 feet	15 feet	10 feet
	Lighting Type	G	G,BL,SL	G,BL,SL,IL	G, BL,SL,IL	G,BL,SL, IL	G,BL,SL,IL
	Min. Front Setbacks	5	5	10	10	15	10
Additional Standards for Free Standing		1) Only one (1)ground sign is permitted for each separate street frontage devoted to a building with accessible street frontage 2) Only one (1)multi-tenant commercial sign is permitted for each street frontage per business complex 3) The longest dimension of a freed standing sign in the V, TC,RC, and HCO Districts shall not exceed 16 linear feet 4) All free standing signs shall be located no closer than 15 feet from side lot lines 5) As an alternative, a group of businesses located in a single building, mall, plaza, or office park may choose the following option: signs may be a maximum of 24 square feet per side for the sign bearing the name of the building, mall plaza, or office park and up to 10 square feet per side for each business or office located there. 6) As an alternative, a group of businesses located in a single building, mall plaza, or office park may choose the following option: free standing signs may be a maximum of 64 square feet per side bearing the name of the building, mall plaza, or office park and up to 12 square feet per side for each business or office located there.					
Sign Type Wall Signs Standards		1). In the V, TC, RC, and HCO Districts, the total area of all wall signs for each establishment does not exceed two (2) square feet for each linear foot of building frontage devoted to such establishment. 2). If such establishment does not occupy any floor area on the ground level, other than an entryway, the maximum permitted sign area shall not exceed one (1) square foot for each linear foot of frontage devoted to such establishment. 3). Signs painted on or affixed to the inside or outside of windows shall be included in the computation under (1) and (2) above, only if the combined area exceeds twenty-five (25) per cent of the area of the window which they occupy. 4). In no case, however, may the total area of wall signs exceed one hundred and fifty (150) square feet or ten (10) per cent, whichever is less, of the area of the wall to which they are attached, including graphic signs and signs on windows, door area and cornices. 5). Wall signs shall not be internally illuminated in the GR, NR, V, TC and HCO Districts.					
Sign Type Projecting Signs Standards	**Dimensional Element**	**GR**	**NR**	**V**	**TC**	**RC**	**HCO**
	Maximum Area	N/A	N/A	9 sq. ft.	9 sq. ft.	9 sq., ft.	9 sq., ft.
	Maximum Height	N/A	N/A	12 feet	12 feet	12 feet	12 feet
	Lighting Type	N/A	N/A	G, SL	G, SL	G, SL	G, SL
Additional Standards for Projecting Signs		Projecting business signs are allowed in the V, TC, RC, and HCO Districts in addition to wall signs and freestanding signs, provided such sign: 1) Does not visually interfere with the view to and from adjacent properties; 2). Does not extend above any portion of the roof of the building to which such sign is affixed; 3). Has its lower edge at least eight (8) feet above any pedestrian way; has a vertical alignment.					

Table legend:
[Zoning Districts] GR=General Residential – **NR**=Neighborhood Residential, **V**=Village, **TC**=Town Center – **RC**=Regional Commercial, - **HCO**=Highway Commercial Overlay.
[Lighting] G=Ground Lit**, BL-** Back Lit**, SL=**Side Lit**, IL=**Internally Illuminated

20.7…..Standards in Residential Zones

20.7.1…….. Residential properties – all single family residential properties that are located in Residential Zoning Districts are permitted permanent signs not to exceed eight (8) square feet in total sign area per road frontage. Corner lots and lots with frontage on more than one street are entitled to eight (8) square feet per frontage. This sign area allowance covers as examples, but is not limited to: address signs, home occupation signs, lawn sign and farm stands. Signs may be free standing, mounted to a permanent building structure or displayed in a window.

20.7.2……. Neighborhood Signs – A total of two (2) signs on either side of the primary entrance to a residential neighborhood not to exceed 24 square feet in area and six feet (6) in height. Neighborhood signs shall be supported with decorative and/ or landscaping materials.

20.8….Performance Standards for Temporary Signs on residential lots in the General Residential (GR), Neighborhood Residential (NR),Village (V), Town Center (TC), Highway Commercial Overlay (HCO), or Regional Commercial (RC) Zoning Districts

20.8.1…. Temporary wall or freestanding signs are allowed without a permit, provided:

20.8.1(1)…… they are six square feet or less in total area, per side;

20.8.1(2)…… there are no more than two (2) temporary signs

20.8.2…. Temporary signs greater than six (6) square feet, per side are permitted with a permit provided:

20.8.2(1)…… they do not exceed two (2) temporary signs;

20.8.2(2)……there are not more than two temporary signs are allowed per permit;

20.8.2(3)…… the signs shall not exceed 12 square feet in size;

20.8.2(4)…… temporary wall signs do not exceed 10% of the total area of the wall being used.

20.8.3….A building or property for sale, lease, or rental is allowed one additional sign, six (6)square feet or less. Said sign shall not be subject to the permit requirements of this section.

20.8.4…. Exception: Additional Signs may be posted 30 days prior to an election without a Permit provided they are:

20.8.4(1)……located on the property with the consent of the owner or lessee of the property;

20.8.4(2)……do not exceed six (6) square feet in area;

20.8.4(3)……are removed no later than 10 days following the election.

20.8.5…. Temporary signs shall not be illuminated.

20.8.6…. Exception: Air Activated Graphics and Balloon Signs (a.k.a. Inflatable Device),

Projected Image Signs and other temporary signs customarily utilized as decorations on residential lots are exempt from these regulations.

20.9.…Performance Standards for Temporary Signs on commercially approved lots in the TC, V, RC, and HCO zoning districts

20.9.1……. One (1) A-Frame sandwich board or T-Frame Temporary Sign is permitted per lot or tenant and does not require a permit, provided all of the following conditions are met:

20.9.1(1)……The sign is not located on a Town sidewalk or within a public right of way;

20.9.1(2)…....…The maximum size of the sign is eight (8) square feet per side.

20.9.2……. One (1) Blade sign per 50 feet of frontage with a maximum of three (3) per each frontage is allowed with a permit, provided:

20.9.2(a)…….each sign does not exceed 3.5 feet in width (at the widest point) and up to 18 feet in height measured from grade, including the full length of the supporting pole.

20.9.3…... One (1) portable message center is permitted per lot with a permit, provided;

20.9.3(a)……the maximum size of the sign does not exceed 32 square feet in size;

20.9.3(b)……the maximum height does not exceed six (6) feet;

20.9.3(c)……the display cannot be electronically or mechanically changed by remote or automatic means.

20.9.4……Projected –Image Signs are not permitted

20.9.5……Window signs are permitted without a permit, provided;

20.9.5(a)…….the signs do not exceed 25% window coverage

20.9.6……. One (1) banner sign is permitted with a permit per occurrence, provided;

20.9.6(a)…….the maximum size does not exceed 32 square feet;

20.9.6(b)…… it is not displayed more than thirty days for a maximum of four times per calendar year

20.9.7……. One (1) People Sign (a.k.a. Human Mascot, Sign Spinner, and Human Sign) is permitted:

20.9.7(a)……..only during daylight hours;

20.9.7(b)……..if utilized in a manner that will not affect public safety

20.9.8……A building or property for sale, lease, or rental is allowed an additional sign, twelve (12) square feet or less. Said sign shall not be subject to the permit requirements of this section and must be removed thirty (30) days following the sale.

20.9.9…... Light Pole or Support Pole Banners are permitted, provided;

20.9.9(a)…… they do not exceed two temporary banners per pole;

20.9.9(b)…… they do not exceed 16 square feet of sign area per pole;

20.9.9(c)……the temporary banner or sign is affixed with permanent structural elements;

20.9.9(d)……. the temporary banner or sign is not posted above the height of the structure;

20.9.9(e)……..they are not changeable-copy signs, or have internal lighting.

20.9.9(1)……A sign permit is required for the initial installation of the permanent structure which holds the temporary banner or sign, but further message changes are allowed without a permit

20.9.10…. One (1) Air Activated Graphics or Balloon Sign (a.k.a. Inflatable Device) is permitted with a permit per occurrence, provided;

20.9.10(a)…….the height of the device does not exceed 20 feet;

20.9.10(b)……the device is setback equal to or greater than the height of the sign from all rights-of-way, lot lines, and overhead utility lines;

20.9.10(c)…… it is not displayed more than thirty days for a maximum of four times per calendar year