

INCLUDING DRIVEWAYS IN BUILDABLE AREA

5.1.1 Lot Size and Buildable Area

- (e) Buildable Area shall be calculated using the definition of Steep Slopes found in Article 3. In residential zones, excavating or filling of slopes over fifteen percent (15%) to create buildable area may be permitted on new lots provided the total buildable area does not exceed 15,000 square feet on that lot, unless otherwise permitted by this ordinance in (f) below. ~~Areas for driveways shall not be counted in the 15,000 square feet of buildable area, but~~ Buildable area which is used for driveways, whether or not the area is filled or excavated, may be included in a lot's total buildable area if needed to total 15,000 square feet, but shall not be counted in the lot's total buildable area if it would cause the total buildable area to exceed 15,000 square feet. ~~Other areas, such as for septic systems, shall be counted in the 15,000 square feet of buildable area.~~ Filling and excavating of slopes over fifteen percent (15%) but not greater than twenty-five percent (25%) to create buildable area for new lots in residential zones shall require approval by the Planning Board. No slopes greater than twenty-five percent (25%) shall be excavated or filled to create buildable area on new lots in residential zones. Applicants shall submit a plan showing proposed areas of filling and excavation, and how siltation, runoff, and erosion will be mitigated. The Planning Board may require that these plans be reviewed by the town engineer. The costs of such reviews shall be borne by the applicant. Any areas disturbed by filling or excavation shall be properly secured to prevent erosion, siltation, or flooding, or to otherwise prevent damage of adjacent properties. The method of properly securing such areas shall be in accordance with the provisions of RSA 485-A:17 as applicable, and the NH Department of Environmental Services publication "Best Management Practices to Control Nonpoint Source Pollution: A Guide for Citizens and Town Officials; January 2004". This shall include all of the following:
1. Sediment Control – Protecting existing stormwater inlets and culverts from sediment by using temporary sediment traps, silt fence and hay bale filters, or perforated risers.
 2. Rate of Runoff – Accelerated runoff shall be minimized and shall not cause off-site damage or exceed the capacity of diversion drainage ways, grassed waterways, ditches, or streams.
 3. Vegetative Cover – Areas disturbed during filling and/or excavation shall be protected where possible with temporary vegetation and/or mulching or other cover. Vegetative cover shall be established with good root systems prior to the next freeze/thaw cycle. Natural vegetation shall be retained where possible especially near waterbodies, wetlands, and on steep slopes.

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NUISANCE REQUIREMENTS FOR AGRITOURISM

6.2 Nuisances – No owner or occupant of land in any district shall be permitted to create any dangerous, injurious, noxious, hazardous, unhealthy, or otherwise objectionable disturbance, including, but not limited to, prolonged, recurring or frequent exposures to: fire, smoke, explosions, radioactivity, noise, garbage, dust, odor, vibrations, hazardous waste, pollution, heat, glare, lighting, water runoff, erosion, or conditions conducive to the breeding of rodents or insects. These prohibitions shall apply to such uses as may have been grandfathered, permitted, or otherwise allowed under this ordinance. This section shall not apply to normal operations of farming, and agricultural, ~~or agritourism~~ uses as defined in RSA 21:34-a. Agritourism uses, however, shall not be exempt from this section.

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AGRITOURISM DEFINITION; HOW/WHERE ALLOWED

Article 3, Definitions

Agritourism – The term “agritourism” means attracting visitors to a working farm for the purpose of eating a meal, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation. Agritourism shall not include any of the following activities, whether or not ancillary to the farm operations, in any residential district:

- Use of artificial lights that produce lighting that extends beyond any tent or structure on the portion of the farm being utilized for the event.
- Allowance of the number of any persons attending at any event in a discrete area of the farm exceeding 250, including all guests and service personnel.
- Any single event on the property that occurs outside the hours of 8:00 a.m. to 10:00 p.m.
- More than two (2) events of the same or similar type per calendar week or more than 20 events of the same or similar type in any continuous twelve (12) month period. By special exception the Zoning Board of Adjustment may allow the maximum limits set forth herein to be exceeded.

Additionally, agritourism shall not include any of the following activities, whether or not ancillary to the farm operations, in any residential district, and for which compensation is paid by a third party to the owner or operator of the farm for the use of the property:

- Serving, dispensing, or allowing the consumption of alcoholic beverages.
- Playing amplified music, whether live or recorded.

In the event of any conflict between these provisions and the provisions of any other ordinances, laws, or regulations, these provisions shall control, govern, and prevail.

Article 4, Permitted Uses and Regulations

Table 1 – Chart of Uses

4.1 Open Space Uses

		NRR	SFR	LR	IR	PC	RC	C	I
4.1.1	Agriculture	Y	Y	Y	Y	Y	Y	Y	Y
4.1.2	Conservation	Y	Y	Y	Y	Y	Y	Y	Y
4.1.3	Forestry	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4	Parking Facility	N	N	N	N	Y	Y	Y	Y
4.1.5	Sand, Gravel Removal	E	N	E	N	N	N	N	E
4.1.6	Agritourism	Y	Y	Y	N	Y	Y	Y	Y

4.7.1 Open Space Uses

(f) **Agritourism** – See definition of Agritourism in Article 3. The following standards shall be met for all agritourism uses with 100 or more attendees at any one time:

- (1) Buildings, tents and other temporary buildings used for agritourism shall be set back from any off-site dwelling or any structure attached to an off-site dwelling, no less than five hundred (500) feet.
- (2) The owner and operator of the farm shall be responsible for implementation and compliance with all federal, state, and local laws and ordinances and regulations regarding life safety, fire protection and security.
- (3) The property owner is responsible for controlling the presence and use of alcohol at the event so as to prevent disturbances and activities which are a nuisance to other guests, abutters, or the community.
- (4) The property owner is responsible for controlling any amplified music or amplified speech associated with the event so as to prevent such music or speech from becoming a nuisance to guests, abutters, or the community. No amplified music or speech shall originate outside of the venue in which the event is held.

In the event of any conflict between these provisions and the provisions of any other ordinances, laws, or regulations, these provisions shall control, govern, and prevail.

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