

*Town of Gilford*

# ZONING ORDINANCE



**INCLUDES THE FOLLOWING 2020 TOWN MEETING ZONING ORDINANCE AMENDMENTS:**

- Article 2** – Amends the Table of Contents; the heading of Article 6; §6.14, Family Apartment; §6.18, Density of Dwelling Units to Land Area; and §7.5.6.10, by deleting all references to the Family Apartment land use which land use and most references to it were deleted from the Gilford Zoning Ordinance in 2017.
- Article 3** – Amends Table 2, Dimensional Regulations, in Article 5 by changing the minimum Front Setback requirement in the Island Residential (IR) Zone from 40 feet to 50 feet to match the required minimum setback from Lake Winnepesaukee already set forth in Section 5.2.1(a), and in NH RSA 483-B:9,II(b).

**PART A**  
**ZONING ORDINANCE**  
**TOWN OF GILFORD, NEW HAMPSHIRE**

**SOURCE:** Ordinance of September 4, 1962  
**AMENDED:** 5/12/64, 3/12/68, 3/11/69, 3/10/70, 3/7/72, 3/6/73, 3/5/74, 3/4/75, 3/2/76, 3/8/77, 3/14/78, 3/13/79, 3/11/80

**REVISED IN ITS ENTIRETY:** March 13, 1984  
**AMENDED:** 3/12/85, 3/11/86, 3/8/88, 3/14/89, 3/15/90, 3/12/91, 3/10/93, 3/9/94, 3/14/95, 3/13/96, 3/11/97, 3/10/98, 3/9/99, 3/14/00, 3/13/01, 3/12/02, 3/10/03, 3/9/04, 3/08/05, 3/14/06, 3/13/07, 3/11/08, 3/10/09, 3/9/10, 3/8/11, 3/13/12, 3/12/13, 3/11/14, 3/10/15, 3/08/16, 3/14/17, 3/13/18, 3/10/20

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## ARTICLE 1. PURPOSE AND AUTHORITY

By the authority conferred by Chapters 672-677 New Hampshire Revised Statutes Annotated 1986, the zoning regulations and districts as herein set forth and as enacted by the Town of Gilford, New Hampshire in official Town Meeting are in accordance with a master comprehensive plan, designed to lessen street congestion; to secure safety from fires, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to provide and preserve adequate areas between buildings and various rights-of-way; to preserve the rural charm of Gilford; to promote good civic design; to prevent overcrowding of land; avoid over concentration of population; to facilitate adequate provision of transportation, solid waste facilities, water, sewage removal, schools, parks, and other public requirements. They are made with reasonable consideration of the character of the district and its suitability of the particular uses, and with a view of conserving the value of buildings and encouraging appropriate use of land. The regulations do not apply to existing structures or the existing use of any building, but they shall apply to any alteration of a building for uses for a purpose or in a manner substantially different from the uses before alteration.

This use and zoning ordinance will meet these objectives and thus maintain an attractive, healthy area, allow for efficient use of land and buildings, and enhance the use of citizens' time for business, recreation, and relaxation. Gilford has a distinct advantage, relative to some other communities, of natural and man-made recreational facilities, natural scenic beauty of forests, mountains, lakes, ponds, streams, and wildlife, and a seeming problem of difficult terrain and inadequate roads. Good planning and design can turn difficult terrain into an advantage, and effective development of some major unused areas can improve the road system for better traffic flow and safety.

The rural charm of Gilford can be maintained only if overly dense concentration of housing, businesses, and industry is avoided. With good planning, small clusters of homes and businesses can be scattered throughout the area, maintaining or improving Gilford's park-like rural atmosphere, and diffusing traffic for minimum impact on the existing residents.

## ARTICLE 2. ZONING DISTRICTS

- §2.1 Establishment of Districts and Official Zoning Map
- §2.2 Special Districts
- §2.3 Zoning Amendment Procedure
- §2.4 Interpretation of Zoning District Boundaries
- §2.5 Rezoning

### **2.1 Establishment of Districts and Official Zoning Map**

For the purpose of this ordinance, the town is hereby divided into the following districts or zones (See Appendix I for description) and as shown on the official zoning map (See Appendix II) which, with all explanatory information thereon, is made part of this ordinance and incorporated herein by reference. Changes to this ordinance or zoning map shall only be made in accordance with Section 2.3.

**2.1.1 Natural Resource Residential** - This zone has a diversity of both suitable and unsuitable lands for varied development. More freedom of design is allowed, while protecting land values and sensitive environmental features, and while permitting most useful activities.

**2.1.2 Limited Residential** - This zone allows varying density of dwellings according to land quality, space for development, and public sewer and roads. It allows for construction of residences for all income levels, and supporting or compatible uses. This is considered a transition zone between more highly developed areas and areas requiring or having less intensive development.

**2.1.3 Single Family Residential** - This zone has suitable land and existing development. Uses are restricted to those that are compatible with the existing development, and will not diminish property values and the quality of life.

**2.1.4 Resort Commercial** - This zone provides land for tourism, supporting services, and residential use.

**2.1.5 Professional Commercial** - This zone is for professional offices, blending with low intensity commercial and limited residential use.

**2.1.6 Commercial** - This area is for major commercial activities which are clustered to permit better land use and traffic control in areas with existing development.

**2.1.7 Industrial** - This zone allows light and medium industries, with least impact on residential uses and the Town's rural atmosphere. Those areas can be served by public utilities, are near major roads, and have some land with few physical restrictions.

**2.1.8 Island Residential** - This zone includes property not connected to the mainland by a bridge, and has a diversity of both suitable and unsuitable lands for development. The uses are restricted to those that are compatible with the type of land, while protecting land values

and are sensitive to environmental features subject to specific limitations as defined in Article 5, Section 5.2.1.

## **2.2 Special Districts**

**2.2.1 Historic District** - This overlay zone controls the development characteristics of all zones over which it is imposed. The development of this area is subject to both the Planning Board and the Historic District Commission as defined in Article 14 and Section 5.2.2.

**2.2.2 Wetlands District** - Lands that have significant wetlands, or are in an officially designated flood plain, may be subject to special limitations as defined in Article 15 and Section 5.2.3.

**2.2.3 Airport District** - The area identified in the Airport Master Plan as being within the LDN 65 noise contour line may have special restrictions to ensure that development is compatible with airport expansion and use plans. Businesses and industries associated with aviation, or having need for airport use, will be encouraged as described in Section 5.2.4.

**2.2.4 Island and Shore Frontage District** – The Island and Shore Frontage District is an overlay district that imposes additional requirements and restrictions on all shorefront land on major waterbodies and streams.

- (a) **Purpose and Intent:** The purpose and intent of this district is to protect water quality, to reduce sedimentation and erosion, to protect aquatic habitat, and to protect natural beauty along major water bodies within the town. To achieve these purposes, properties and uses may be subject to special setback and development restrictions as defined in Section 5.2.1.
- (b) The provisions of the Shoreland Water Quality Protection Act, New Hampshire RSA 483-B, shall be adhered to, in addition to the provisions of Section 5.2.1 of this ordinance, to achieve the purpose and intent of this district.  
(Amended 03/13/12, War. Art. 5)

**2.2.5 Community Character Protection District** - This is an overlay district with a purpose to provide for harmonious and compatible development of buildings with the rural character of Gilford, by regulating the design and aesthetic quality of structures built to contain land uses allowed by this ordinance and the land on which such uses are sited. The following zoning districts shall be included in and shall comprise the Community Character Protection District: Resort Commercial District; Commercial District, and Professional Commercial District. All site development and buildings in this district shall be in compliance with Article 17, Architectural Design Standards.

**2.2.6 Business Park District** - This special district applies to the area included within the boundaries of the Lakes Business Park, Phase II. The development of this area is subject to Planning Board review according to the standard regulations of the underlying zone and the special regulations set forth in Section 5.2.5, Business Park District.

## **2.3 Zoning Amendment Procedure**

**2.3.1 Recommendations** - The Planning Board, or individuals by petition in accordance with RSA 675:4, may recommend amendments to this zoning ordinance. Such petition-

initiated amendments shall be reviewed by the Planning Board, which shall make a recommendation to the Town on the advisability of the amendment.

**2.3.2 Public Hearings** - Proposed amendments shall receive public hearings according to RSA 675:3. Each hearing may consider more than one amendment.

**2.3.3 Town Meeting Action** - This ordinance may be amended by a majority vote of any legal town meeting after public hearings and publication according to this ordinance and RSA 675:3. All such amendments become effective upon passage unless otherwise designated.

## **2.4 Interpretation of Zoning District Boundaries**

Unless otherwise indicated on the Zoning Map, the zoning district boundary lines are the center lines of roads and other public ways. Where zoning district boundaries are so indicated that they parallel the center lines of roads and other public ways, such boundaries shall be interpreted as parallel thereto and at the distance from the road as shown on the zoning map. If no distance is given, such distance shall be three hundred (300) feet from the right-of-way line.

**2.4.1 Lots In Two Zoning Districts** - Where the boundary line of a zoning district divides a lot at the time of passage of this ordinance, the regulations of either district may at the option of the owner extend not more than two hundred (200) feet on one lot into the other zoning district, except that a PUD or multi-family development may not be extended into any other zone.

## **2.5 Rezoning**

**2.5.1 Town Meeting, March 12, 1996** – Map 223, Lot 586; part of Map 223, Lots 590 and 592; Map 224, Lots 008 and 009, which area is located between Route 11B and Laconia Airport, have been rezoned from Industrial District to Resort Commercial District by act of Town Meeting on March 12, 1996, in response to a citizen petition duly submitted.

**2.5.2 Town Meeting, March 11, 1997** – Map 254, Lots 92, 93, 94, 95, 132, 133, 135, and 136, which area is located between Cherry Valley Road (Route 11A) and Area Road and the Belknap County Recreation Area (Gunstock Ski Area), have been rezoned from Limited Residential District to Resort Commercial District by act of Town Meeting on March 11, 1997, in response to a citizen petition duly submitted.

**2.5.3 Town Meeting, March 10, 1998** – Amend the Official Zoning Map in the area of Blaisdell Avenue by adjusting zoning boundaries in the Blaisdell Avenue Area to extend the existing Commercial District to include Lot #201-026 in its entirety, change Lots #201-028, #201-029 from the Commercial District to the Industrial District, change Lot #201-030 from a combination of Commercial and Limited Residential Districts to entirely Industrial District, change Lot #201-031 from the Commercial District to Limited Residential District and change Lot #202-003 in part from the Commercial District to Limited Residential District.

**2.5.4 Town Meeting, March 9, 2004** – Amend the Official Zoning Map of the Town of Gilford as requested by John and Sandra Rock, owners of the Arlberg Ski and Sports Shop at 720 Cherry Valley Road, Gilford, NH, to change the zoning for said location from the current LR (Limited Residential) and NRR (Natural Resources Residential) zones to the RC (Resort Commercial) zone. The property is tax map and lot number 254-073.000.

**2.5.5 Town Meeting, March 10, 2009** – Amend the Official Zoning Map of the Town of Gilford by changing the zoning of approximately 90 acres located at the southerly end of Blaisdell Avenue, from the Industrial (I) and Limited Residential (LR) Zones to the Commercial (C) Zone.

**2.5.6 Town Meeting, March 11, 2014** – Amend the Official Zoning Map of the Town of Gilford by changing the zoning of approximately 35 acres of land along the north side of Lake Shore Road, from 1458 Lake Shore Road to Lily Pond Road, from Industrial (I) to Commercial (C).

**2.5.7 Town Meeting, March 8, 2016** – Amend the Official Zoning Map of the Town of Gilford as requested by Leslie R. and Linda A. Schuster, owners of the Gunstock Inn & Resort, located at 580 Cherry Valley Road, to change the existing zoning for said location from LR (Limited Residential) zone to RC (Resort Commercial) zone. The property is Tax Map and Lot Number 253-016.000. The property is 11.55 acres.

**2.5.8 Town Meeting, March 14, 2017** – Amend the Zoning Map of the Town of Gilford by changing the zoning from Single Family Residential (SFR) to Resort Commercial (RC) of approximately 9.44 acres of land located at 60 Kimball Road on the easterly portion of Tax Map & Lot #215-020.000, as shown on a plan prepared by Steven J. Smith & Associates, Inc., entitled “Proposed Boundary Line Adjustment between Meadowbrook Farm, LLC, 52 Meadowbrook Lane, and Barry Dame, Jr., 60 Kimball Road, Gilford, Belknap County, New Hampshire”, dated October 27, 2016.

### ARTICLE 3. DEFINITIONS

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

Words used in the present tense include the future tense. The singular includes the plural. The word “person” includes a corporation, as well as an individual. Reference to the male gender includes the female gender. The word “lot” includes the word “plot” or “parcel”. The term “shall” is mandatory, “may” is permissive. The words “used” or “occupied” as applied to any land or buildings, shall be construed to include the words “intended or designed to be used or occupied”.

**Abutter** – Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration 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 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 RSA356-B:3, XXIII.

**Accessory Apartment** – An apartment meeting the criteria for Accessory Apartments set forth in Section 4.7.6(p).

(Amended 03/08/11, War. Art. 2)

**Accessory Building** – A subordinate building on the same lot, whether attached or unattached to the principal building.

**Accessory Use** – A use that is subordinate, incidental, and ancillary to a principal use located in the same zone on the same lot.

**Adult Arcade** – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “Specified Sexual Activities” or “Specified Anatomical Areas”.

**Adult Bookstore or Adult Video Store** – An establishment which, as one of its principal business purposes, offers for sale or rental, or for any other form of consideration, any one of the following:

- a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, or other video reproductions, slides, computer software, or other visual representations which depict or describe “Specified Sexual Activities” or “Specified Anatomical Areas”.

- b. Instruments, devices, or paraphernalia which are designed for use in connection with “Specified Sexual Activities”.

**Adult Cabaret** – A nightclub, bar, or restaurant, or similar commercial establishment, or a private membership, fraternal membership, or social club which regularly features:

- a. Live performances which are characterized by the exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities”.
- b. Films, motion pictures, video cassettes, or other video reproductions, slides, computer software, or other visual representations which depict or describe “Specified Sexual Activities” or “Specified Anatomical Areas”.

**Adult Motion Picture Theater** – An establishment where, for any form of consideration, films, motion pictures, video cassettes, or other video reproductions, slides, or other photographic representations are regularly shown which depict or describe “Specified Sexual Activities” or “Specified Anatomical Areas”.

**Adult Theater** – A theater, concert hall, auditorium, or similar place of public assembly which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “Specified Sexual Activities” or “Specified Anatomical Areas”.

**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.

(Amended 03/08/16, War. Art. 8)

**Apartment** – Independent dwelling unit in a structure or apartment building with other dwelling units, or within a detached accessory building that is on the same lot with another dwelling unit pursuant to the provisions of Section 4.7.6(p).

(Amended 03/08/11, War. Art. 2)

**Apartment Building** – A building in single ownership that is used or designed to be used as the residence of three (3) or more families living independently.

**Aquifer** – (Definition deleted.)

(Amended 03/14/06, War. Art. 12; 03/13/07, War. Art. 2)

**Authorized Games of Chance** – Properly licensed gambling or lottery conducted by a charitable organization.

**Banner** – Any sign of lightweight fabric or similar material that is mounted to a frame or a building, supported by one or more corners or edges.

**Bed & Breakfast** – A dwelling where meals and lodging are provided for transient customers.

**Boathouse** – A structure all or partly over water, for wet or dry storage of boats, and related equipment.

**Buffer** – An area of land located along a property line or zone boundary line which is intended to separate and in some situations partially obstruct the view of a more intense use from an abutting less intense use. Unless specifically prohibited elsewhere in this ordinance, a buffer may include, but is not limited to including, landscaping, berms, walls, fences, parking lots, driveways, underground fuel storage tanks, and drainage systems. No above-grade building may be placed within a buffer unless specifically permitted elsewhere in this ordinance.

(Amended 03/12/13, War. Art. 3)

**Building** – Any structure used or intended to be used for supporting or sheltering any use or occupancy.

**Building Envelope** – A volume of building, capable of occupancy as defined in the Building Code and/or this ordinance, bounded by all exterior coverings, including but not limited to walls, floors, ceilings, and roofs.

***Exception:*** Cantilevers, such as balconies and roofs, at least eight (8) feet above finished grade, projecting not more than six (6) feet horizontally over unenclosed exterior ground, but not projecting into any structural setback.

**Building Footprint** – A ground area, directly occupied by the structural bearing elements of a building. For purposes of this section, structural bearing elements shall mean and include all foundation walls, columns, piers, and tension anchorage which impose structural load(s) to the soil.

**Building Front** – The one side, at least one (1) story in height, of any building(s) that includes the primary entrance(s). For purposes of determining the allowable sign face area, the property

owner may, with the approval of the Director, designate an alternate side of the building(s) as the building front. The Director shall give consideration to unique features of the building/lot configuration in permitting these applications.

**Building Height** – The vertical dimension of a building measured from the elevation of the foundation sill (where the first floor meets the foundation) to the highest elevation of the roof.

**Bunkhouse** – An accessory building to a single-family dwelling providing extra sleeping quarters for guests staying in the principal building, providing no bathroom facilities or cooking facilities (no plumbing or related fixtures, and no kitchen appliances), and not exceeding one hundred eighty (180) square feet floor area per bunkhouse or one (1) bunkhouse per lot. A bunkhouse may not be converted into a cottage colony unit.

(Amended 03/10/09, War. Art. 4)

**Campgrounds** – Land used for temporary occupancy by tent trailers, tents, travel trailers, recreation vehicles, or sleeping quarters of any kind according to the standards of Section 11.4.5.

**Charitable Organization** – Any nonprofit organization, association, corporation, including any police, firemen's, veterans', civic, fraternal, or church organization holding or eligible to receive an IRS nonprofit organization number.

**Club** – An organization for members and their guests, for recreation or other non-residential purposes, according to the standards of Section 4.7.5(c).

**Cluster Development** – A grouping of homes according to the requirements in Section 11.4.3. A Senior Housing Project developed according to the provisions of Section 11.4.7 is not subject to the Cluster Development regulations of Sections 4.2.2, 4.7.2(b), or 11.4.3.

(Amended 03/14/06, War. Art. 8)

**Commercial Cluster Development** – A commercial development that incorporates clustering of buildings and/or building pads according to the provisions of Sections 5.4.1, Commercial Cluster Development.

(Amended 03/14/06, War. Art. 9)

**Common Lands/Open Space** – Includes all land set aside for common use of two (2) or more owners of land in such development whether or not the title thereof is vested in the developer, the Town, the owner of lots, or in an association of owners, whether incorporated or not, or in a trust.

**Condominium** – Any development that comes under the requirements of RSA 356-B, Condominium Act.

**Construction Yard** – A business activity that includes the storage, distribution, rental, and/or sales (wholesale or retail) of materials, merchandise, or equipment, including large commercial vehicles such as road graders, oil delivery trucks, backhoes, bulldozers, tractors, tractor-trailer cabs, dump trucks, etc.

**Convalescent Home** – A licensed commercial home where three (3) or more infirm persons are housed.

**Corner Lot** – A lot at the intersection of two (2) streets.

**Density** – The ratio of person, dwellings, or bedrooms to land area.

**Director** – The Director of the Department of Planning and Land Use.

**Director, Department of Public Works** – Director of Department of Public Works or his designee.

**Discontinued** – The cessation of operation.

**Dog Kennel** – A structure, other than a residence, for housing more than three (3) dogs more than six (6) months old.

**Drive-In Establishment** – A retail or service business catering to customers through window or counter service and designed for easy automobile access.

**Dwelling** – A building or portion thereof designed for residential occupancy, including one-family, two-family, and multiple-family, but not including hotels, motels, or rented rooms in boarding houses or similar uses.

**Dwelling Unit** – A dwelling or portion within a dwelling designed for use of one (1) family for living and sleeping purposes and having independent kitchen and bath facilities.

**Employee** – A person employed by another person or by a business, including a person who is a business owner, partner, managing member, or other officer working in connection with a business.

**Error of Closure** – A measure of the precision of the traverse (survey) on which the subdivision is based.

**Family** – One (1) or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants. Unrelated groups consisting of up to four (4) adults, or up to two (2) adults and their children, living together as one (1) housekeeping unit, shall be considered a family for residency and density controls of this ordinance.

**Fence** – A solid or open wall intended to prevent access from one area to another area and not intended to retain earth. A fence may extend above, and be part of a retaining wall.

**Frontage** – The length of the lot bordering on the right-of-way that provides access to the lot. If the front line is curved or irregular, frontage may be measured along the mean of the front lot line.

**Fuel Station** – A lot, for which site plan approval has been granted, for the direct sale of liquid combustion fuels such as gasoline, kerosene, heating oils, liquid propane, etc. to the public.

**Gambling** – Means to risk something of value upon a future contingent event not under one’s control or influence, upon an agreement or understanding that something of value will be received in the event of a certain outcome. This definition shall not include games of chance conducted by the State of New Hampshire.

**Gambling Establishment** – Any place, indoors or outdoors, where gambling is conducted.

**Green Space** – Land not covered by gravel or impervious cover which has or can have grass, flowers, shrubs, plants, trees, or similar ground cover.

**Gross Floor Area** – The total horizontal area of all floors of a building between the surrounding walls. Public Access Floor Area shall mean the gross floor area of space(s) where the public is admitted.

**Health Officer** – The Health Officer of the Town of Gilford.

**Home Occupation** – An income-producing use conducted in a dwelling and/or accessory building or lot area by the residents of the dwelling and their employees which is secondary to the dwelling’s residential use, may be discerned outside the dwelling, and does not change the character of the building or the character of the neighborhood.

**Home Office** – An income-producing use conducted entirely within a dwelling as an accessory use to a residential principal use generally in an office setting, where the activities related to the home office cannot be discerned outside the dwelling, and only residents of the dwelling are on site for purposes related to the home office.

**Home Produce** – Everything of an agricultural nature grown, produced, or conditioned on the property and articles manufactured or altered by members of the household and their employees.

**Hotel** – See definition at “Motel”.

**Impact Fee** – A fee or assessment imposed upon development, including subdivision, building construction, or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the Town, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage, and flood control facilities; public road systems and rights-of-way; town office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing, and disposal facilities; public library facilities; and public recreational facilities not including public open space.

**Junk** – Cast-off materials.

**Junkyards** – A use of land which meets the definition of ‘Junkyard’ in accordance with RSA 236:112. Junkyards, as defined by state law, are not allowed within the Town of Gilford.

**Lake-Shore Frontage** – The length of a lot bordering on the shore as measured in a straight line between two (2) points situated at the high water mark at the boundaries of the two (2) abutting properties, or as measured along straight lines of not less than one-hundred (100) foot increments along the high water line.

**Large Commercial Vehicle** – Any vehicle having a gross vehicle weight rating (GVWR) over 19,500 pounds, or, where a vehicle has no GVWR, any vehicle whose actual weight (also known as Curb Weight) exceeds 15,000 pounds.

(Amended 03/13/12, War. Art. 4)

**Loading Space** – Space for loading and unloading goods.

**Lot** – A parcel of land with ascertainable boundaries, undivided by a street or open public waters.

**Lot Line** – A line dividing one lot from another lot, street, public way, or water.

**Lot of Record** – Land designated as a separate and distinct parcel in a legally recorded deed filed in the records of Belknap County, New Hampshire.

**Manufactured Housing** – Manufactured Housing means any structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) square feet or more, and which 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 systems contained therein as defined in RSA 674:31.

**Manufacturing** – A process whereby the nature, size, shape, finish, or appearance of articles is changed, or where articles are assembled or packaged in quantity.

**Mobile Home** – See “Manufactured Housing”.

**Mobile Home Park** – A lot on which there are more than two (2) spaces for mobile homes or manufactured homes occupied for dwelling purposes that can be owned, rented, or leased for use as year-round residences.

**Motel** – A building or group of buildings designed and used solely for the accommodation of transient occupants.

**Multi-Family Building** – An apartment, condominium, or similar building where more than two (2) families share a building with separate dwelling units.

**New Lot** – A lot shown on a subdivision plan proposed to be created upon approval and recordation of the subdivision plan, which approval shall be subject to all plans, designs, details,

documents, requirements, and conditions approved, required, and/or imposed by the Planning Board and any related ordinance or regulation.

(Amended 03/10/15, War. Art. 2)

**Nonconforming Building or Structures** – A building or structure that, in whole or in part, does not conform to the regulations of the district in which it is located.

**Nonconforming Use** – A use that does not conform to the regulations of the district in which it is situated.

**Nonconforming Use, Lot or Structure, Protected** – Any use, lot or structure, which lawfully existed on the date of adoption by the legislative body of an ordinance, rule, or regulation affecting said use, lot or structure, is protected from retroactive application of such ordinance, rule, or regulation. Such protection is limited to the actual use, lot or structure, existing on the date of adoption of this ordinance and does not extend to any use, lot of structure established, constructed, or altered after said date.

**Open Space** – Uncovered space open to the sky on the same lot as the building. A paved or similar surface is not interpreted to be open space.

**Parking Space** – A space to park motor vehicles, as defined in Article 7.

**Permit** – An administrative process consisting of a written application by a lot owner for permission to establish, construct, or alter any use or structure regulated by this Ordinance, and action on said application by an authority having jurisdiction.

**Person** – Means an individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than agency.

**Pet** – An animal from which profit will not be generated from the sale of its fur, eggs, milk, flesh, feathers, edible portions, or services with the exception of mating.

**Planned Unit Development** – A residential development according to the specifications in Section 11.4.4.

**Planning Board** – The appointed Gilford Planning Board.

**Plat** – A map, plan, drawing, or chart on which a subdivision of land is shown and a “Final Plan” means the final map, plan, drawing, or chart in which a subdivider’s plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the Registry of Deeds of Belknap County for recording.

**Principal Business Purpose** – A principal business purpose shall be deemed to exist, for the purposes of Article 18, Adult Entertainment and Business Uses, if ten percent (10%) or more of the gross floor area of a business is devoted to the sale, display, depiction, or expression of “Specified Sexual Activities” or “Specified Anatomical Areas”, or instruments, devices, or paraphernalia which are designed for use in connection with “Specified Sexual Activities”.

**Principal Use** – The sole, primary, or main use of a lot or building.

**Private Way** – A right-of-way for traveling or serving as access to not more than two (2) single-family dwellings, and which is clearly marked on the final plat to be recorded, and which shall remain private.

**Retaining Wall** – A barrier intended to hold back material from a slope and not extending more than two (2) feet above the highest finished grade. Any extension beyond two (2) feet above grade is considered a fence.

**Right-of-Way** – A strip of land for public access. Includes all Town, State, and Federal highways, rights-of-way dedicated to the public use, and rights-of-way shown on recorded subdivision plats except such rights-of-way which may be designated as private, and the land on either side of same as covered by statutes to determine the widths of rights-of-way.

**Roadway** – The finished road surface between the shoulder breaks.

**Screen or Screening** – A strip of land planted (or of natural growth) with shrubs or trees, at least six (6) feet high at the time of planting and of a type that will form a year-round dense screen within three (3) years. If required by the Gilford Planning Board, an opaque fence at least six (6) feet high shall be added, provided it is located at least one (1) foot inside the lot line, and it must be maintained in good repair.

(Amended 03/12/13, War. Art. 3)

**Sell** – Includes any agreement of sale, or agreement of lease for more than seven (7) years.

**Senior Housing** – A residential development specifically designed for occupancy by at least one person 55 years of age or older, per unit, and developed according to the standards set forth in Section 11.4.7, Senior Housing.

**Setback Line** – A line running a setback distance from and parallel to the property line. Where the front line is curved, or the lot sidelines converge towards the front, the lot width shall be measured along the setback line.

**Sexually Oriented Business** – Any business whose “Principal Business Purpose” is to contain and/or operate any one (1) or a combination of the following:

- a. Adult Arcade
- b. Adult Bookstore or Adult Video Store
- c. Adult Cabaret
- d. Adult Motion Picture Theater
- e. Adult Theater

**Sign** – Any device, fixture, or structure that uses any color, form, graphics, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity or to communicate information of any kind to the public.

**Sign, Building** – A sign attached or otherwise applied to a building.

**Sign, Directory** – A freestanding sign giving direction to specific destination(s), containing no commercial message.

**Sign, Freestanding** – A sign face, having structural support(s) permanently attached to the ground.

**Sign, Garland/Pennant** – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended in repetitive series, designed to move in the wind.

**Sign, Window** – A sign displayed through the glazed surface(s) of windows in buildings.

**Specified Anatomical Areas** – Human genitals, anus, or female breasts.

**Specified Sexual Activities** – Means and includes any of the following:

- a. Human masturbation, sexual intercourse, oral copulation or sodomy, actual or simulated, whether alone or between members of the same or opposite sex or between humans and animals.
- b. Fondling or erotic touching of human genitals, anus, pubic region, buttocks, or female breasts.
- c. Excretory functions, flagellation, or torture as part of or in conjunction with any other activities set forth in a. and b. above.

**Steep Slopes** – Land surface, whose horizontal projection measured perpendicularly to elevation contours over a contiguous area does exceed fifty (50) linear feet when the surface slope is greater than fifteen percent (15%) but less than twenty percent (20%), thirty (30) linear feet when the slope is greater than twenty percent (20%) but less than thirty percent (30%). Slope in excess of thirty percent (30%) shall be classified as steep slope regardless of horizontal projection.

**Street** – Public way established by or maintained under public authority, or private way open for public use, a street on a subdivision plan approved by the Planning Board, or private way plotted for acceptance as a public street whether or not constructed.

(Amended 03/11/14, War. Art. 5)

**Street Center Line** – A line equidistant from each street line; or if no street line is established, the centerline of the existing pavement or the centerline of the existing traveled way.

**Structure** – Something constructed or erected with a fixed location on the ground or permanently attached to the ground.

**Subdivider** – The registered owner or the authorized agent of the registered owner of a subdivision.

**Subdivision** – The division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into part among the several owners shall be deemed a subdivision. The granting of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters, and supporting apparatus, including any unmanned structure which is less than two-hundred (200) square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

**Subdivision Regulations** – Subdivision Regulations of Gilford.

**Surveyor** – A surveyor licensed by the State of New Hampshire.

**Temporary Building** – A building constructed or located on a site, intended for up to one (1) year of use.

**Town Clerk** – The Town Clerk of the Town of Gilford, New Hampshire.

**Transient Occupant** – A person or persons occupying premises for a duration of time not to exceed thirty (30) consecutive days nor more than thirty (30) days in any sixty (60) day period.

**Travel Trailer or Camper** – Vehicle with or without motive power, designed as a temporary dwelling for travel, recreation, vacation, or business use which is or can be mounted on wheels for travel on public roads.

**Use** – The purpose for which a lot or a building is designed, arranged, occupied, maintained, or intended, or the activity or function carried out on a lot or in a building.

**Wetland Buffer** – An area that surrounds and protects a wetland from adverse impacts to its functions and values.

(Amended 03/11/14, War. Art. 2)

**Year-Round Brook** – A body of flowing surface water in a channel, such as a river or stream, which is depicted by a solid blue line on the most recent edition of a United States Geological Survey 7.5-minute series topographic map.

(Amended 03/14/06, War. Art. 2)

## ARTICLE 4. PERMITTED USES AND REGULATIONS

- §4.1 Open Space Uses
- §4.2 Residential Uses
- §4.3 Commercial Uses
- §4.4 Industrial Uses
- §4.5 Institutional Uses
- §4.6 Accessory Uses
- §4.7 Description of Permitted Uses

Land, buildings and other structures may be used as set forth in this Article. Only the uses listed below are intended to be allowed in the Town.

More than one (1) use shall be permitted on a single lot if:

- (1) Each use individually is permitted in the zone (special exceptions must be obtained where required);
- (2) The required parking for each use is provided;
- (3) All other requirements for each use are met. In the event that such requirements differ for different uses, the more restrictive requirements shall apply; and
- (4) In the RC zone, combining a two-family residence or multi-family development with any other use on one (1) lot shall require a special exception.

A “Y” indicates the use is a permitted use. An “E” indicates the use is permitted upon approval of a special exception granted by the Board of Adjustment in accordance with the provisions of Article 11, “Special Exceptions”. An “N” indicates the use is not permitted; however, a non-permitted use may be permitted by variance (see Article 12, “Variances”). A “C” indicates that the use is permitted with the issuance of a conditional use permit granted by the Planning Board in accordance with the provisions of Article 21, “Conditional Use Permits”.

(Amended 03/09/10, War. Art. 7)

### **Table 1 – Chart of Uses**

<u>Commercial Zones</u>		<u>Industrial Zones</u>		<u>Residential Zones</u>	
PC	Professional Commercial	I	Industrial	NRR	Natural Resource Residential
RC	Resort Commercial			SFR	Single Family Residential
C	Commercial			LR	Limited Residential
				IR	Island Residential

### **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

(Amended 03/08/16, War. Art. 8)

## **4.2 Residential Uses**

		NRR	SFR	LR	IR	PC	RC	C	I
4.2.1	Boarding House	E	E	E	N	N	Y	N	N
4.2.2	Cluster Development	E	E	E	N	N	E	N	N
4.2.3	Manufactured Housing Park	Y	N	Y	N	N	N	N	N
4.2.4	Manufactured Housing Subdivision	Y	N	Y	N	N	N	N	N
4.2.5	Planned Unit Development	N	N	E	N	N	E	N	N
4.2.6	Single-Family Residence	Y	Y	Y	Y	E	Y	N	N
4.2.7	Two-Family Residence	Y	E	Y	E	E	Y	N	N
4.2.8	Multi-Family Development	N	N	E	N	N	E	N	N
4.2.9	Dormitory	N	N	N	N	E	E	E	N
4.2.10	Senior Housing	N	E	E	N	E	E	N	N

## **4.3 Commercial Uses**

		NRR	SFR	LR	IR	PC	RC	C	I
4.3.1	Amusements, Indoor	N	N	N	N	N	Y	Y	E
4.3.2	Amusements, Outdoor	N	N	N	N	N	E	E	N
4.3.3	Auto & Marine Light Repair Shop	N	N	N	N	N	Y	Y	Y
4.3.4	Bed & Breakfast	E	E	E	N	E	Y	Y	N
4.3.5	Business Office	N	N	N	N	Y	Y	Y	Y
4.3.6	Campground	N	N	N	N	N	Y	E	N
4.3.7	Commercial Storage Facility	N	N	N	N	Y	Y	Y	Y
4.3.8	Fuel Dispensing Station	N	N	N	N	E	E	Y	E
4.3.9	Funeral Home	N	N	N	N	Y	Y	Y	N
4.3.10	Greenhouse	E	N	E	N	E	Y	Y	Y
4.3.11	Lumber Yard	E	N	N	N	N	N	Y	Y
4.3.12	Marina	N	N	N	N	N	Y	N	N
4.3.13	Medical Center	N	N	N	N	Y	Y	Y	Y
4.3.14.a.	Motel/Hotel	N	N	N	N	Y	Y	Y	E
4.3.14.b.	Cottage Colony/Seasonal Occupancy	Y	E	Y	N	N	Y	Y	N
4.3.15	Outdoor Recreation	E	E	E	N	N	Y	E	E
4.3.16	Personal Service Shop	N	N	N	N	Y	Y	Y	E
4.3.17	Theater	N	N	N	N	Y	Y	Y	N
4.3.18	Radio & TV Tower	E	N	E	N	Y	E	Y	Y
4.3.19	Repair Shop	N	N	N	N	E	E	Y	Y
4.3.20	Restaurant, Public Assembly	N	N	N	N	Y	Y	Y	Y
4.3.21	Restaurant, Drive-in	N	N	N	N	N	E	Y	N
4.3.22	Retail Store	N	N	N	N	Y	Y	Y	E
4.3.23	Salesroom	N	N	N	N	N	E	Y	E
4.3.24	Vending	N	N	N	N	N	Y	Y	Y
4.3.25	Veterinary Hospital	E	N	N	N	E	E	Y	Y

(Amended 03/10/09, War. Art. 5; 03/11/14, War. Art. 7)

#### **4.4 Industrial Uses**

		NRR	SFR	LR	IR	PC	RC	C	I
4.4.1	Warehouse or Wholesale Marketing	N	N	N	N	N	N	Y	Y
4.4.2.a.	Industrial Uses, Medium	N	N	N	N	N	N	E	E
4.4.2.b.	Industrial Uses, Light	N	N	N	N	N	N	E	Y
4.4.3	Construction Yard	N	N	N	N	N	N	E	Y
4.4.4	Auto, Marine & Truck Repair Garage	N	N	N	N	N	N	Y	Y
4.4.5	[Reserved]								
4.4.6	Airport – Public	N	N	N	N	N	N	N	E
4.4.7	Boat Storage, Inside	N	N	N	N	N	Y	Y	Y
4.4.8	Boat Storage, Outside	N	N	N	N	N	E	Y	Y

(Amended 03/14/06, War. Art. 10; 03/11/14, War. Art. 7; 03/13/18, War. Art. 3)

#### **4.5 Institutional Uses**

		NRR	SFR	LR	IR	PC	RC	C	I
4.5.1.a.	Cemetery	E	N	E	N	N	E	N	N
4.5.1.b.	Burial Ground	E	E	E	E	N	N	N	N
4.5.2	Church	N	N	N	N	Y	E	E	N
4.5.3	Club	E	N	N	N	Y	Y	E	N
4.5.4	Hospital	N	N	N	N	E	E	E	N
4.5.5	Nursery/Daycare	E	E	E	N	E	E	E	E
4.5.6	School	N	N	E	N	E	E	E	E
4.5.7	Library	N	N	E	N	E	E	N	N
4.5.8	Museum	N	N	E	N	E	E	E	N

(Amended 03/08/16, War. Art. 3)

#### **4.6 Accessory Uses**

		NRR	SFR	LR	IR	PC	RC	C	I
4.6.1	Airport – Private	N	N	N	N	N	N	N	E
4.6.2	Accessory Services	N	N	N	N	N	N	Y	Y
4.6.3	Accessory Building	Y	Y	Y	Y	Y	Y	Y	Y
4.6.4	Boat Slip Rental	N	Y	N	Y	N	Y	N	N
4.6.5	Home Occupation	Y	Y	Y	N	Y	Y	Y	Y
4.6.6	Outdoor Storage	Y	Y	Y	Y	E	E	Y	Y
4.6.7	[Reserved]								
4.6.8	Stables & Kennels	E	N	E	N	N	E	Y	N
4.6.9	Swimming Pool	Y	Y	Y	N	Y	Y	Y	Y
4.6.10	Yard Sale	Y	Y	Y	N	Y	Y	Y	Y
4.6.11	Outdoor Display	N	N	N	N	E	E	Y	Y
4.6.12	[Reserved]								
4.6.13	Special Events, Outdoor	Y	Y	Y	N	Y	Y	Y	Y
4.6.14	Drive-Through Window	N	N	N	N	E	E	E	E
4.6.15	Home Office	Y	Y	Y	Y	Y	Y	Y	Y
4.6.16	Airplane Hangar	N	N	N	N	N	N	N	Y
4.6.17	Accessory Apartment	Y	Y	Y	Y	Y	Y	N	N
4.6.18	Large Commercial Vehicle Parking	E	E	E	N	Y	Y	Y	Y

(Amended 03/08/11, War. Art. 2; 03/13/12, War. Arts. 2,4,6; 03/11/14, War. Art. 7; 03/14/17, War. Arts. 3,4)

**4.7 Description of Permitted Uses** – These descriptions should not be interpreted as full definitions but rather as extensions or examples of the permitted uses in Sections 4.1 through 4.6.

#### 4.7.1 Open Space Uses

- (a) Agriculture – Orchard, vegetable garden, nursery, dairy farm, commercial animals, poultry, livestock, or other commercial agricultural activity. Home farming is allowed in all zones.
- (b) Conservation – Uses with the primary purpose of conservation of natural resources.
- (c) Forestry – Commercial growing and harvesting of forest products.
- (d) Parking Facility – Parking area, parking garage, or similar use.
- (e) Sand and Gravel Removal – Excavation of earth material where not incidental to construction. See additional standards in Section 11.4.2, Sand and Gravel.
- (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.

(Amended 03/08/16, War. Art. 8)

#### 4.7.2 Residential Uses

- (a) Boarding House – A home with an area within it in which meals are regularly supplied, for compensation, to the same group of persons, and which may have rooms which are leased or rented.
- (b) Cluster Development – A development of single family homes according to standards in Section 11.4.3, Cluster Development.
- (c) Manufactured Housing Park – A lot or group of lots under single ownership developed for the siting of manufactured housing units, subject to the standards established in Section 6.21.1, Manufactured Housing Parks.
- (d) Manufactured Housing Subdivision – A subdivision specifically developed for manufactured housing, subject to the standards established in Section 6.21.2, Manufactured Housing Subdivision.
- (e) Multi-Family Development – Apartment, condominium, time-sharing structure or similar building designed for residential occupancy including one-family,

two-family, and multi-family units, for which the development is proposed, and which is constructed according to Section 11.4.6, Multi-Family Development.

- (f) Planned Unit Development – An area of land to be developed as a single entity for multiple dwelling units and accessory uses, the plan for which does not correspond in lot size or setback regulations in the zone for which the development is proposed and which is constructed according to Section 11.4.4, Planned Unit Development.
- (g) Single-Family Residence – Structure for the residence of one (1) family.
- (h) Two-Family Residence – Structure for the residence of two (2) families.
- (i) Dormitory – Sleeping and living quarters associated with an accredited educational program for students who are currently enrolled in such program. A dormitory is also temporary, seasonal sleeping and living quarters associated with a sponsoring business for employees who are currently employed and sponsored by such business. Educational programs that house students in a dormitory and businesses that sponsor their employee’s tenancy in a dormitory shall ensure for their sponsored tenants that such facilities meet all health and safety codes. Any tenant of a dormitory who does not qualify as a currently enrolled student or a current and sponsored employee as described above, or any such employee whose tenancy in a dormitory is not temporary or seasonal (not to exceed six (6) months), shall be in violation of this regulation.
- (j) Senior Housing – Refer to Article 3, Definitions, for a definition of Senior Housing, and Section 11.4.7, Senior Housing, for development regulations.

#### 4.7.3 Commercial Uses

- (a) Amusement Indoor – Public assembly amusement uses conducted entirely or partly indoors such as sports centers, dance halls, authorized games of chance but not including gambling or gambling establishments.
- (b) Amusement Outdoor – Public assembly amusement uses conducted entirely outdoors such as sports centers, commercial amusement rides, authorized games of chance but not including gambling or gambling establishments. Any use permitted under this section shall comply with Section 6.2, Obnoxious Uses, of this ordinance and shall not disturb neighboring properties.
- (c) Automotive & Marine Light Repair Shop – Business primarily concerned with repair of automobiles and trucks and watercraft, and not involving noise, glare, fumes, smoke, or the dispensing of fuel, oil, grease or related products, other than as incident of said mechanical work. All activities, including incidental storage, shall be conducted within a building.
- (d) Bed & Breakfast – Homes providing overnight lodging and meals to tourists in a homelike atmosphere.
- (e) Business Office – Bank, insurance, real estate, or other business or professional office.
- (f) Campground – Location for tent, travel trailers, recreation vehicles, and tent trailer campers.
- (g) Commercial Storage Facility – A building or series of buildings or units which are leased or rented to the public for use as storage space. In the PC district, type of storage shall be limited to storage of business and medical office files, x-ray, office furnishings, and office equipment.

- (h) Fuel Dispensing Station – Any facility engaged in the retail dispensing of fuel for the operation of motor vehicles or boats.
- (i) Funeral Home – Mortuary, funeral home, or similar use.
- (j) Greenhouse – Commercial building for growing plants indoors, and including sale of products grown and associated products. A small greenhouse used primarily by the resident or owner, or for heat conservation, is allowed in all zones.
- (k) Lumber Yard – Commercial sale of lumber. All operations that might be objectionable must be confined to the property, and all storage adjacent to the lot line shall be screened with fifteen (15) feet of space maintained in good condition as green space.
- (l) Marina – Marina means a waterfront facility whose principal use is the provision of publicly available services for the securing, launching, storing, servicing or repairing of watercraft. A facility for short-term docking that is ancillary to the other land uses is considered a commercial use and not a marina.
- (m) Medical Center – Medical doctor, dentist, medical laboratory, chiropractor, or similar medical office or use where there are no overnight facilities for patients.
- (n) Motel/Hotel – A commercial use solely for transient occupancy as defined in Article 3, Definitions.
- (o) Outdoor Recreation – Passive, low intensity outdoor recreational uses which are not primarily structure oriented. Typical uses are golf courses, horseback riding stables, and hiking and cross-country ski trails. Minimum lot size shall be twenty-five (25) acres.
- (p) Personal Service Shop – Barber or beauty shop, laundry or dry cleaning shop, shoe repair shop, photographer's studio, printer, rentals, or similar service commercial uses. In the PC zone, the Public Access Floor Area for this use shall not exceed 3,500 square feet.
- (q) Theater – A movie house or playhouse.
- (r) Radio and Television Tower – Tower or antenna that is higher than fifty (50) feet above the local ground, or higher than the highest tree within a two hundred (200) foot radius, whichever is highest. Lower towers and antennas are not regulated. Satellite dishes are considered structures for purposes of height and setback regulations. Antennas and antenna arrays may be added to previously approved towers or poles with no further review by the Zoning Board of Adjustment provided they do not extend higher than the approved tower or pole, and provided new equipment cabinets or structures at the base of the tower or pole are located within a previously approved enclosure or fenced area.
- (s) Repair Shop – Business for repair of small appliances, radios, televisions, office equipment, or similar use.
- (t) Restaurant, Public Assembly – A place which may:
  - \*Serve food and beverages primarily inside a building with seats and tables for patrons who consume food and beverages inside the building, or
  - \*Provide space in which persons assemble for amusement, exhibitions, entertainment, education and similar presentations, without theatrical stage other than a raised platform.
- (u) Restaurant, Drive-In – Refreshment stand, fast food, or other place which primarily serves food or beverages outside the building or which caters to clientele who

- consume the food or beverages primarily outside the building.
- (v) Retail Store – A store where merchandise is sold to customers who select and pick up the merchandise there. In the PC zone, the Public Access Floor Area for this use shall not exceed 5,000 sq. ft.
  - (w) Salesroom – Business with the primary purpose to sell automobiles, boats, motorcycles, trucks, snowmobiles, farm equipment or other larger objects and which has outdoor display and storage of the objects.
  - (x) Vending – A transient business of selling goods, wares, merchandise and personal service as defined in RSA 321:1. In addition to obtaining site plan approval issued to the owner of land for a location to conduct the use of vending, the vendor, meeting the provisions of Chapter 321 of the RSA, shall be required to secure a license from the Board of Selectmen or their designee prior to the commencement of any such use.
  - (y) Veterinary Hospital – A place for the boarding or treating of animals, provided that the principal user is a certified veterinarian. Such facility shall not be established within 100 feet of a lot line from an adjacent residential lot line. Any outdoor use area shall be enclosed by a solid wall or fence which effectively screens all noise from adjoining property.
  - (z) Cottage Colony/Seasonal Occupancy – A commercial building or group of buildings with guest rooms with or without cooking facilities, providing temporary seasonal lodging to guests for compensation. Such facilities shall not be considered a domicile, residence, or dwelling for any guest for the purposes of establishing residency in the Town of Gilford.

#### 4.7.4 Industrial Uses

- (a) Automotive, Marine & Truck Repair Garage – Mechanical work, bodywork, painting, and welding and other work involving noise, glare, fumes and smoke. These uses shall be conducted entirely within a building and shall be subject to all of the provisions and restrictions applicable to "Industrial Uses".
- (b) Construction Yard – At a construction yard all operations shall be such as to confine to the property all disturbing odors, dust, noise, fumes, vibrations, visual blight, and/or other objectionable effects provided there is no potential hazard of explosion, fire, radiation, soil contamination, or other damage to health and safety. No storage shall be allowed within fifteen (15) feet of any lot line and that shall be protected by a dense year round growth six (6) feet high of green space, trees and/or shrubbery. An opaque fence may be required by the Planning Board. If so it shall be located at least one (1) foot inside the lot line and its height designated by the Planning Board. It shall be maintained in good repair at all times.
- (c) Industrial Uses – Industrial uses are divided into two (2) categories: medium industrial uses and light industrial uses. Medium industrial uses may be conducted inside a building but are often conducted outdoors and generally include uses that generate noise, dust, smoke, vibration, odors, heat, etc. which may be discernible beyond the building or area where they are being conducted. Medium industrial uses often involve relatively large amounts of chemicals, abrasives, lubricants, etc. in their processes, and commonly have the potential of being a more significant negative impact on a community in terms of health and environment because of

their nature and intensity. This category includes uses such as metal fabrication, metal and concrete pipe manufacturing, and similar medium manufacturing. Light industrial uses are conducted inside a building and include uses that do not generate noise, dust, smoke, vibration, odors, heat, etc. discernible beyond the building where they are being conducted. Light industrial uses involve nominal amounts of chemicals, abrasives, lubricants, etc. and do not typically have the potential of being a significant negative impact on a community in terms of health and environment because they are not intensive. Examples of light industrial uses include assembly, packaging, bottling, publishing, etc. Uses not permitted include smelters, blast furnaces, slaughter houses, rendering plants, hide tanning or curing plants, manufacturing or processing of fertilizer, bone, rubber, asphalt, ammonia, chlorine, petroleum, explosives or the bulk storage of explosives or hazardous wastes.

- (d) Warehouse or Wholesale Marketing – The storage, distribution, or wholesale marketing of materials, merchandise, products or equipment, provided that such use is not hazardous by reason of potential fire, explosion, or radiation.
- (e) [Reserved]
- (f) Public Airport – An airport owned and operated by federal, state, or municipal government, or by a governmental subdivision thereof.
- (g) Boat Storage – A place for the storage of boats, boat trailers, and related equipment. Boat storage facilities may perform minor work incidental to the process of boat storage such as winterization, oil changes, and boat covering. Nothing in this Section 4.7.4(g) shall be construed as permitting valet boat storage, which is typically characterized by in and out boat storage and launching with a fork lift, which shall only be permitted as part of an approved and accessory to a marina use (see Section 4.7.3(1)).
  - (1) Inside – Inside boat storage may occur in approved structures with a roof covering all portions of a stored boat. For the purposes of this Section an approved structure shall mean any structure which has received approval from the Planning Board and that complies with all applicable conditions of the New Hampshire State Building Code and Fire Code, and this Zoning Ordinance.
  - (2) Outside – Outside boat storage may occur for boats stored on the ground only – no outside boat stacking is allowed. Outside boat storage shall meet the Screen requirements of Section 4.7.6(g), Outdoor Storage, for all boat storage facilities located in the RC zone when the lots where such facilities abut lots with single-family or two-family residence uses.

(Amended 03/14/06, War. Art. 10; 03/13/18, War. Art. 3)

#### **4.7.5 Institutional Uses**

- (a) Cemetery – A cemetery owned, managed, or controlled by the Town of Gilford and managed by a cemetery corporation chartered by the State of New Hampshire.
- (b) Church – A place of worship either indoors or outside, including a parish house and rectory. Any other use such as a school, day care facility, medical office, multi-family dwelling, dormitory, etc., shall comply with the provisions of this ordinance.
- (c) Club – Private club or lodge including a YMCA or similar facility operated for

members or employees only. Residential uses are excluded from clubs unless otherwise permitted by this ordinance.

- (d) Hospital – A place for nursing the sick or infirm, including sanatorium, nursing, rest, or convalescent home.
- (e) Library – A room or building containing a collection of books for reading or reference.
- (f) Museum – A room or building containing a collection of objects, scientific, artistic or otherwise, on display.
- (g) Nursery and Day Care – A place for the care of more than five (5) elementary school ages or younger children for payment. Play areas shall be separated from a major or collector street by a fence or barrier which the children cannot cross unaided.
- (h) School – Private School, college, or other educational facility either licensed by the State of New Hampshire as an educational institution or one which leads to a higher education degree as accredited by a nationally recognized accreditation association not conducted as a gainful business.
- (i) Burial Ground – A private cemetery on private property and not available for use by the public. Burial grounds shall comply with state regulations governing burial grounds and are subject to special exception review.

#### 4.7.6 Accessory Uses

- (a) Accessory Services – Service facilities, newsstands, clinic, barber shop, cafeteria, recreation facility, or similar use, for the sole use and convenience of employees of principal use, and retail sales of the business's products or services manufactured on the premises to others.
- (b) Accessory Building – Garage, child's playhouse, greenhouse, tool shed, or shelter, used primarily by occupants in the main building.
- (c) Boat Slip Rental – Rental of one (1) in-the-water boat space for the summer boating season. Parking shall be provided as required in Article 7. Rental of more than one (1) boat space in the water shall require approval under the Marina section of this ordinance.
- (d) [Reserved]  
(Amended 03/14/17, War. Art. 3)
- (e) Home Occupation – Dwellings may be used by residents for professional office, or for occupations such as hairdresser, sewing, manufacture of craft, food or other products for sale, repair services, home daycare, or any other occupation that can be done at home, without degrading the residential nature of the building, the property, or of the surrounding properties. Home daycare may be permitted for up to eight (8) children, subject to applicable state licensing. There shall be no externally visible indication that the structure or property is used for other than residential use or home daycare use. Signs for home occupations shall not exceed six (6) square feet in any zone, be illuminated, or have changeable copy. The home occupation shall create no nuisance as described in Section 6.2, Nuisances. Nonresident employees are limited to not more than two (2) persons in addition to the residents. All parking required for the dwelling and the home occupation shall be provided on site. No business materials, equipment, or vehicles may be stored, or business activities conducted in view of abutting properties or the public road. Materials or

equipment shall be stored inside an enclosed structure or screened in conformance with Screen or Screening defined in Article 3. The use shall not exceed thirty-five percent (35%) of the gross floor area of the dwelling unit, unless the Planning Board finds that an increase of area to be used for the home occupation is consistent with the standards of this section. Accessory structures may be used for a home occupation if approved by the Planning Board. See also Home Office.

(Amended 03/08/11, War. Art. 3; 03/13/12, War. Art. 4)

- (f) Outdoor Display – Items displayed for sale must adhere to the front setback area as specified in Table 2, and each unit shall be displayed on the ground and not stacked or racked.
- (g) Outdoor Storage – Outdoor storage that is clearly necessary to the operation and conduct of a permitted principal use provided that it shall be completely hidden by a year round dense growth as required in “screen” in Article 3, Definitions.
- (h) [Reserved]  
(Amended 03/13/12, War. Art. 2)
- (i) Special Events, Outdoor – An outdoor special event shall be defined as any temporary public assembly activity that takes place beyond the interior confines of a structure and where the amount of people in attendance is expected to exceed one hundred (100), not including gatherings where the general public is not invited. Outdoor special events that take place on Town-owned property shall require approval by the Board of Selectmen in accordance with written regulations adopted pursuant to RSA 41:11 and 41:11-a. Outdoor special events that take place on private property shall be subject to the Town of Gilford Site Plan Regulations.  
(Amended 03/10/15, War. Art. 3)
- (j) Stables and Kennels – The keeping of all non-pet horses, dogs, cats or other animals. The facilities shall conform to the following:
  - (1) Minimum site area – two (2) acres plus, in the case of horses, one (1) additional acre per horse, i.e., one (1) horse would require three (3) acres of land.
  - (2) No barn, shelter, or building used for boarding of said animals or the storage of feed and supplies shall be located closer than sixty (60) feet from any property line.
  - (3) Animal wastes shall not be stored any closer than one hundred (100) feet from any property line or surface waters.
  - (4) The area used for grazing, exercising, or training of said animals shall be securely fenced to prevent the animals from straying or a suitable restraint shall be provided to prevent straying.
- (k) Swimming Pool – Any swimming pool must have an adequate enclosure, either surrounding the property or pool area, so it is not accessible to small children. The enclosure, including gates, must extend at least four (4) feet above the ground, and must not be operable from the outside by small children.
- (l) Yard Sale – The use of a lot for the sale of private goods on the premises, provided that such sales cannot exceed four (4) times a year, each time not to exceed eight (8) hours in length. A permit shall be obtained from the Police Department prior to any yard sale. Adequate parking shall be provided so as not to interfere with traffic flow, and all related signs shall be used not more than twenty-four (24) hours

before and after each sale. Yard Sales within the Historic District will not be permitted on Old Home Day unless sanctioned by the Old Home Day Committee.

(Amended 03/13/12, War. Art. 7)

- (m) Drive-through Window – A window through which a business, such as a bank or restaurant, serves its clients while the clients remain in a vehicle. Provisions shall be required to ensure vehicular and pedestrian safety, including adequate queuing lanes, crosswalks, sidewalks, and points of ingress/egress.
- (n) Home Office – A home office may be conducted in any dwelling in any zone with no Town review or approval required. Hours of operation for a home office are not limited. A home office shall be located entirely within a dwelling and shall have no impact on adjoining properties and no evidence of the home office from other properties. The home office shall not occupy more than twenty-five percent (25%) of the dwelling's finished floor area. Only residents of the dwelling (no customers or non-resident employees) shall be permitted at the site for purposes related to the home office. No deliveries or pickups related to the home office are permitted on site except those that are typical of a residence such as deliveries or pickups by U.S. mail or by a resident of the dwelling. On-site sales and service transactions shall be made only by mail, over the telephone, or by other electronic means. Delivery of services and products shall be made off site, by mail, or by electronic means. A home office may include areas for storage, files, and equipment such as a computer, telephone, fax, copier, scanner, desk, drafting table, etc. Other equipment, such as sewing machines, plotters, photographic equipment, safes, etc., may be kept and utilized within the home office provided such equipment does not change the residential nature of the dwelling. No signs or on-site outdoor storage is permitted. No additional parking spaces shall be required beyond those required for the residence. A home-based business exceeding these standards will be considered a Home Occupation use and shall meet the standards for such use.  
(Amended 03/13/12, War. Art. 4)
- (o) Airplane Hangar – A building for the storage of airplanes as an accessory use to an approved airport. A hangar may be built to include facilities for related incidental office space and airplane repair.
- (p) Accessory Apartment – To provide affordable housing alternatives while maintaining neighborhood aesthetics and quality, one (1) Accessory Apartment may be permitted provided the following conditions are met:
1. A maximum of one (1) Accessory Apartment shall be permitted per lot.
  2. The property owner shall occupy either the principal dwelling or the Accessory Apartment.
  3. Exterior appearance, aesthetics, and entrances of the dwelling shall be consistent with the single-family residence with which the Accessory Apartment is associated.
  4. No more than two (2) bedrooms shall be permitted in an Accessory Apartment.
  5. To qualify as an Accessory Apartment under this section, the apartment shall have a minimum of three hundred (300) square feet floor area and a maximum of one thousand (1,000) square feet floor area.
  6. Where municipal sewer is not provided, the septic system servicing the principal dwelling and Accessory Apartment shall meet all state requirements. Nothing in this provision shall be construed as requiring the owner to install a

separate septic system for the Accessory Apartment from the principal dwelling.

7. Where municipal water is not provided, the water system servicing the principal dwelling and Accessory Apartment shall meet all state requirements and shall be sufficient to provide water to all occupants. Nothing in this provision shall be construed as requiring the owner to install a separate water system for the Accessory Apartment from the principal dwelling.
  8. Off-street parking shall be provided for at least four (4) vehicles on a paved or gravel surface. Garage and stacked or “piggy-back” parking is permitted.
  9. If the use of the property is converted to condominium form of ownership the apartment shall remain as an accessory use. Under no circumstances shall an Accessory Apartment be considered an individual condominium unit. Ownership between the principal dwelling and Accessory Apartment shall not be severed unless said Accessory Apartment complies with all provisions of this Ordinance applicable to single-family dwelling and the owner obtains approval from the Planning Board for said subdivision.
  10. The Accessory Apartment shall be attached to the principal dwelling, except that detached Accessory Apartments are permitted provided that the lot and detached Accessory Apartment meet the provisions of subsection 14 below.
  11. No Accessory Apartment shall be permitted on a lot or in a dwelling within a Manufactured Housing Park, Manufactured Housing Subdivision, Planned Unit Development, Two-Family Residence, Multi-Family Development, or Dormitory as described in Sections 4.2 and 4.7.2 of this ordinance.
  12. Means of egress for both the principal single-family residence and the Accessory Apartment shall meet all applicable codes.
  13. A building permit for an Accessory Apartment shall be required. An application for a building permit for an Accessory Apartment shall include adequate information to enable the Code Enforcement Officer/Building Inspector to determine that the application complies with all Accessory Apartment requirements and all applicable provisions of the State Building Code and State Fire Code.
  14. A detached accessory building may be used for an Accessory Apartment provided the following conditions are met:
    - a. The accessory building is set back a minimum of twenty-five (25) feet from side and rear property lines.
    - b. The height of an accessory building housing an Accessory Apartment shall not be greater than twenty-four (24) feet.
    - c. All life safety code requirements shall be met.
    - d. No bunk house shall be located on the property.
  15. If the Accessory Apartment is to be attached to a primary dwelling, and not within an accessory building, an interior door shall be provided between the principal dwelling unit and the Accessory Apartment.
  16. No Accessory Apartment shall be permitted in a zone where the use is not listed as a permitted use in Section 4.6.17.  
(Amended 03/08/11, War. Art. 2; 03/14/17, War Art. 4)
- (q) Large Commercial Vehicle Parking – Large Commercial Vehicles may be kept, parked, or stored on lots in the PC, RC, C, and I zones. Large Commercial

Vehicles may be kept, parked, or stored in the NRR, SFR, or LR zones only upon approval of a special exception pursuant to the provisions of Section 11.4.8, with the following exceptions:

1. Large Commercial Vehicles may be parked temporarily on a lot in the NRR, SFR, or LR zones if actively engaged in construction work on the same lot or a nearby lot in the same subdivision.
2. Parking Large Commercial Vehicles used in conjunction with an agricultural use on the same property shall be considered a permitted use and shall not require a special exception.

(Amended 03/13/12, War. Art. 4)

## ARTICLE 5. DIMENSIONAL REGULATIONS

- §5.1 Land Standards
- §5.2 Special District Standards
- §5.3 Building Standards
- §5.4 Exceptions

### **5.1 Land Standards**

#### **5.1.1 Lot Size and Buildable Area**

- (a) Purpose. The purpose of this section is to reduce the amount of filling and excavating that takes place on lots with steep slopes by regulating such activities to reduce the risk of erosion, flooding, and other hazards.
- (b) A dwelling, structure, or building may be constructed and used on a lot having the following minimum lot area provided topographic and soil conditions allow this lot to meet sanitary requirements for the use.
- (c) The minimum new lot size is two (2) acres in the NRR zone and IR zone, and one (1) acre in all other zones. Every buildable lot must have at least 15,000 square feet of contiguous buildable area which has a minimum width of twenty (20) feet. The minimum lot size within the Historic District shall be two (2) buildable acres, regardless of the zone in which the property is located. Buildable area shall not include land which is wetlands as defined by Section 15.2, prime farmland or farmland of statewide importance as classified by the U.S. Natural Resources Conservation Service, land having a slope greater than fifteen percent (15%), or land within a front, side, or rear setback. The Planning Board may also allow lands classified by the U.S. Natural Resources Conservation Service as prime farmland or farmland of statewide importance to be included in the calculation of buildable area, if the Planning Board determines that the land is improperly classified, or that the size, location or adjoining use make the parcel unsuitable for agricultural use. All site plans for commercial use and subdivision plans that contemplate construction shall indicate the buildable area on the plan. Areas excluded from comprising the buildable area cannot be built upon or included in calculating overall density of the parcel. Appeals from this administrative decision shall be made to the Zoning Board of Adjustment.
- (d) New lots that do not meet either the minimum lot size or buildable areas required may be approved by the Planning Board provided that said new lot be designated as non-buildable and restricted from use as a separate lot, or be joined to an adjacent lot which is, or will be after joining, a conforming buildable lot.
- (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. 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.
- (f) The Planning Board may grant a conditional use permit to allow excavation or filling of steep slopes to create more than 15,000 square feet of buildable area on lots in residential zones, provided all of the following conditions are met:
1. The additional area is necessary to allow reasonable use of the property which is generally allowed on other properties in the neighborhood.
  2. No slopes greater than twenty-five percent (25%) will be filled or excavated to create buildable area on the lot.
  3. Development of the lot shall meet best management practices for water quality protection, sediment and erosion control, and rate of stormwater runoff.
  4. Allowing creation of more than 15,000 square feet of buildable area by excavation or filling will not be detrimental to the neighborhood or create unsafe conditions.
  5. All general conditions for conditional use permits shall also be met.

(Amended 03/13/12, War. Art. 3; 03/10/15, War. Art. 2; 03/08/16, War. Art. 6)

### **5.1.2 Minimum Lot Dimension**

- (a) Minimum frontage, setbacks, maximum coverage, and lot widths shall be as prescribed in Table 2, Dimensional Regulations.
- (b) The frontage of a lot on a curve (cul-de-sac), where the side lines angle to increase width towards the rear, shall be measured along the front setback line, which may

be more than the minimum setback distance from the front lot line. The lot width between the setback line and street line may be less than the width shown in Table 2, Dimensional Regulations, but no less than fifty (50) feet at any point.

- (c) All lots shall have frontage on a street equal to the minimum lot width shown in Table 2, Dimensional Regulations, except as provided in the ordinance.
- (d) The Planning Board may grant a conditional use permit to allow a lot to have less than the minimum frontage required in paragraph (c) above (hereinafter also referred to as “minimum frontage”), provided all of the following conditions are met:
  - (1) The Planning Board finds that a minimum of fifty percent (50%) of the lot area of each lot proposed with less than minimum frontage is separated from the street providing access by another lot or lots that have minimum frontage, or by another lot that satisfies the provisions of this section.
  - (2) The lot or lots proposed with less than minimum frontage shall have at least fifty (50) feet of frontage along a street providing access. Exception: A lot may have no frontage if access to the lot is provided by a minimum fifty (50) foot wide right-of-way or easement, at least one end of which terminates on a street.
  - (3) No structures shall be permitted within the right-of-way or easement providing the required access.
  - (4) The driveway providing access to any lot with less than minimum frontage shall serve no more than three (3) lots and shall be constructed to and maintained at the following standards:
    - a. Minimum width of drivable surface shall be twelve (12) feet.
    - b. Minimum height of overhead clearance shall be fourteen (14) feet.
    - c. Driveway surface shall support weight of fire apparatus year round.
    - d. For driveways over two hundred (200) feet in length, a turn around area shall be provided at the development end of the driveway.
    - e. All driveway requirements in the Town of Gilford Minimum Road Standards shall be met.
  - (5) Each lot having less than minimum frontage shall have one half (½) acre more lot area than the minimum lot area required in the zone.
  - (6) Minimum setbacks from all property lines shall be equal to the minimum front setback required in the zone.
  - (7) These provisions shall not apply to lots having frontage on public waters. All such lots shall be created with not less than one hundred fifty (150) feet of shoreland frontage pursuant to the requirements of R.S.A. 483-B:9.

(Amended 03/10/09, War. Art. 6; 03/11/14, War. Art. 6)

### 5.1.3 Front Setback Area

- (a) No part of any building, except uncovered steps, and no other structure, other than a sign or landscaping articles, shall be placed in the front setback area, measured from lot line to setback lines.
- (b) In the case of corner lots, the front setback line applies to each bordering street, except as otherwise provided for in paragraph (g), (h), or (i) below.
- (c) On streets with less than fifty (50) feet right-of-way, the setback distance is measured from the street centerline, adding twenty-five (25) feet.

- (d) Parking in the front setback area is limited as defined in Article 7, Off Street Parking.
- (e) In the case of shorefront lots, the setback on the road side shall be the front setback.
- (f) On lots in the NRR, LR, and SFR zones where the property line or property corners are not identified by a surveyor, the front setback may be measured from the nearest edge of the driveable road surface. When so measured, the front setback shall be 80 feet in the NRR and LR zones and 65 feet in the SFR zone.
- (g) For any lot in the PC, RC, C, and I zones with frontage along a public road, street, or highway where access to or from the lot along said frontage is prohibited by governmental authority, side and rear setbacks shall apply along such frontages. For example, a lot at the corner of “State Route X” and “State Route Y”, located in the C zone, where access to the lot is permitted along State Route X but not along State Route Y, the front setback requirements shall apply along the State Route X frontage, but side setbacks shall apply along the State Route Y frontage.
- (h) For any lot in the NRR, LR, and SFR zones with frontage along a public road, street, or highway where access to or from the lot along said frontage is prohibited by governmental authority, side or rear setbacks shall apply along such frontages.
- (i) For any interior lot in the NRR, LR, and SFR zones where construction of a new subdivision road on an abutting property makes the interior lot a corner lot, side or rear setbacks shall apply to the side of the lot fronting along the new subdivision road.

(Amended 03/08/05, War. Arts. 4 & 5; 03/12/13, War. Art. 2)

#### **5.1.4 Side Setback Area**

- (a) No structure over four (4) feet high is allowed in the required setback area, the space from side lot line to side setback line, except as otherwise provided for herein. Structures four (4) feet high or less shall be no closer than five (5) feet from the property line.
- (b) Ornamental features, eaves, and cornices may project up to two (2) feet into the required side setback area. Detached accessory buildings, except those used for sleeping quarters, may be built within the required side setback areas with height up to fifteen (15) feet, no closer than ten (10) feet from side lot line or other buildings. Accessory buildings used for sleeping quarters shall not be located within the side setback area.
- (c) Parking in the side setback area is limited as defined in Article 7, Off Street Parking.

(Amended 03/09/10, War. Art. 4)

#### **5.1.5 Rear Setback Area**

- (a) Required rear yard shall be an area enclosed by the rear lot line, the side lines, and a line parallel to the rear lot line a distance from the rear lot line as specified in Table 2, Dimensional Regulations.
- (b) Ornamental features, eaves, and cornices, etc. may project up to two (2) feet into the required rear setback area. Detached accessory buildings may be built in the rear setback areas with height up to fifteen (15) feet, no closer than ten (10) feet from rear lot line or other buildings, and covering no more than thirty percent

(30%) of the setback area. Accessory buildings used for sleeping quarters shall not be located within the rear setback area.

(Amended 03/09/10, War. Art. 4)

**5.1.6 Lot Coverage** – Lot coverage is the percent of the total lot area which may be covered by all impervious surfaces, including, but not limited to, sidewalks, paved parking areas, paved drives, and structures. For the purpose of this subsection, a portion of a lot is covered by a structure if it has a roof, or if it has any part of any structure above it in a vertical line. Open recreation areas are not included in lot coverage. All remaining land except unpaved drives, parking areas, or open recreation areas, shall be considered green space and shall be developed and maintained as such. All efforts shall be made by the applicant to place green space as a buffer between the proposed use, the street, and abutting property. The Planning Board shall review all plans accordingly and recommend changes where warranted to comply with this subsection.

**Table 2 – Dimensional Regulations**

ZONE	MINIMUM LOT WIDTH	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	MAXIMUM LOT COVERAGE
NRR, LR	150 FT.	50 FT.	25 FT.	25 FT.	25 %
SFR	150 FT.	35 FT.	25 FT.	25 FT.	25 %
IR	150 FT.	50 FT.	25 FT.	25 FT.	25 %
PC	100 FT.	50 FT.	25 FT.	25 FT.	75 %
RC	150 FT.	50 FT.	25 FT.	25 FT.	75 %
C	100 FT.	35 FT.	25 FT.	25 FT.	75 %
I	100 FT.	50 FT.	25 FT.	25 FT.	75 %

(Amended 03/12/13, War. Art. 5; 03/10/20, War. Art. 3)

## **5.2 Special District Standards**

**5.2.1 Island and Shore Frontage District** – Land within one hundred (100) feet of Lake Winnepesaukee, Saltmarsh Pond, Lily Pond, Poor Farm Brook, Meadow Brook, Jewett Brook, Gunstock River, or any other year-round brook, shall be subject to the following special standards in addition to the other provisions of this ordinance:

- (a) No building or structure, except docks and boathouses, shall be built within fifty (50) feet of Lake Winnepesaukee, Saltmarsh Pond, Lily Pond, Poor Farm Brook, Meadow Brook, Jewett Brook, Gunstock River, or any other year-round brook. No multi-unit building or motel/hotel shall be built within one hundred (100) feet of Lake Winnepesaukee, Saltmarsh Pond, or Lily Pond. Except for dwelling units on an individual lot, the maximum building height within two hundred (200) feet of Lake Winnepesaukee shall be twenty-five (25) feet.
- (b) Any non-residential use that involves the use, sale, or outdoor storage of materials that pose a risk to the abutting surface waters as pollutants or poisons, or which could be injurious to human, animal, fish, or aquatic life if not properly contained, stored, or otherwise controlled, are prohibited, except those activities associated with a boating marina, boat salesroom, or yacht club when conducted according to Best Management Practices established by the NH DES, the US EPA, or the US Coast Guard as may be applicable.
- (c) Any land use activity, including but not limited to filling, grading, dredging, or earth-moving activities, shall be conducted in a way to prevent, to the maximum

extent possible, erosion of adjacent land or sedimentation and contamination of surface waters. To that end, the following standards shall apply in addition to other standards which appear in this ordinance:

- (1) Where natural vegetation is removed, it shall be replaced with other vegetation, or with other erosion and stormwater control measures that are equally effective in preventing sedimentation and contamination of surface waters, and in preserving habitat.
  - (2) No road shall be constructed within fifty (50) feet of the normal water line of subject waters, except access for fire equipment and boat launching, or for bridge approaches.
  - (3) Anyone conducting the land use activities referenced above shall control erosion and siltation of Lake Winnepesaukee, Saltmarsh Pond, Lily Pond, Poor Farm Brook, Meadow Brook, Jewett Brook, Gunstock River, or any other year-round brook using best management practices in accordance with requirements of the NH Department of Environmental Services.
- (d) In addition to Federal or State permits required for docks, piers, breakwaters, marinas, or other structures that project into these waters, these structures shall conform to the following:
- (1) Access from shore shall be on soils suitable for the use and shall be constructed to control erosion.
  - (2) No more than twenty-five percent (25%) of the total lot water frontage may be dedicated to docks or similar structures.
  - (3) The use shall not interfere with developed beach areas.
- (e) First floor elevation or openings of buildings shall be at least one (1) foot above the one hundred (100) year flood elevation as defined by the Department of Housing and Urban Development flood plain map.
- (f) Any development of dwelling units on the shorefront shall require a minimum of one hundred fifty (150) feet of shore frontage per unit and dwelling units that will utilize the shore of subject waters for recreation shall meet the following standards:
- (1) Swimming Beach – One hundred (100) square feet per dwelling unit, with minimum depth of twenty (20) feet and lake frontage of fifty (50) feet plus one (1) foot per dwelling unit over twenty-five (25).
  - (2) Boating Area – One hundred (100) square feet of waterfront per dwelling unit, with minimum lake frontage of fifty (50) feet plus one (1) foot per dwelling unit over twenty-five (25).
  - (3) Toilet Facilities – As determined by the Planning Board.
  - (4) Parking Area – One (1) space per unit if units are more than five hundred (500) feet from the waterfront area.
  - (5) One rubbish collection receptacle shall be provided within fifty (50) feet of the waterfront area for every one hundred (100) feet of waterfront.
  - (6) All non-marina boat slips shall not be sold or leased separately from its designated dwelling unit.

(Amended 03/08/05, War. Art. 6; 03/14/06, War. Art. 4; 03/08/11, War. Art. 4; 03/13/12, War. Art. 5)

**5.2.2 Historic District** – Buildings within the area defined by the Gilford Historic District, or which have been added as a remote site, shall be governed by the standards in Article 14, Historic District, in addition to the other standards within this ordinance. The minimum lot

size within the Historic District shall be two (2) buildable acres, regardless of the zone in which the property is located.

**5.2.3 Wetlands District** – All areas delineated as wetlands shall be governed by the standards in Article 15, Wetlands District, in addition to the other standards within this ordinance.

**5.2.4 Airport District** – All areas within the approach areas to the Laconia Airport planned runways and landing strips shall be subject to the restrictions in this section in addition to other standards of this ordinance. These runways and landing strips are Runway 8-26, landing strip area five thousand nine hundred (5,900) feet by one thousand (1,000) feet, and Runway 17-35, landing strip two thousand nine hundred fifty (2,950) feet by two hundred fifty (250) feet.

- (a) Height Restriction – The basis for determining the limit of height obstructions will be as outlined in FAR, Part 77, subparagraph B., paragraphs 77.11, 77.13, and subparagraph C., paragraphs 77.21, 77.23, and 77.25. The Laconia Airport Master Plan and approach zones, as on file with the New Hampshire Aeronautics Commission, will specifically detail the control and approach zone criteria and restrictions and limitations thereto. As prescribed by FAR, Part 77, notification of certain proposed construction or alterations will require prior notification to the Director of FAA before any local permits will be issued.
- (b) Use Restrictions – No uses shall be permitted within the airport approach areas which may:
  - (1) Create an electrical interference with radio aids or communications between the airport and aircraft;
  - (2) Make it difficult for flyers to distinguish between airport lights and other lights;
  - (3) Result in glare or impair visibility in the vicinity of the airport by the discharge of smoke, steam, dust, or other obstruction to visibility; or
  - (4) Otherwise endanger the landing, taking off, or maneuvering of aircraft.
- (c) Approach Areas – Runway 8-26 – The approach area for Runway 8 is one thousand feet (1,000) wide two hundred (200) feet beyond the threshold, and two thousand (2,000) feet wide at a point ten thousand two hundred (10,200) feet beyond the threshold. The approach area for Runway 26 is one thousand (1,000) feet wide two hundred (200) feet beyond the threshold, and one thousand five hundred (1,500) feet wide five thousand two hundred (5,200) feet beyond the threshold.
- (d) Approach Areas – Runway 17-35 – The approach areas for both runway ends are two hundred fifty (250) feet wide two hundred (200) feet beyond the threshold, and one thousand two hundred fifty (1,250) feet wide five thousand two hundred (5,200) feet beyond the threshold.
- (e) Additional Uses – Additional non-residential uses may be allowed as support services in the airport area by special exception, as long as these uses are clearly supportive of the use and convenience of the airport users and are not used primarily by non-airport users, and are in keeping with the Laconia Airport Master Plan then in effect.

- (f) Enforcement – The provisions of RSA 424 shall be used in addition to the provisions within this ordinance for the enforcement of Section 5.2.4, Airport District, and its subsections.

**5.2.5 Business Park District** – All areas within the Business Park District shall be subject to the requirements of the underlying zone and the following provisions:

- (a) Building Height – Buildings in this district may be permitted up to a maximum height of sixty (60) feet notwithstanding other height restrictions of the underlying zone, and provided all building code requirements are met.
- (b) Permitted Uses – In addition to other land uses permitted in the underlying zone, a Medical Center (Section 4.3.13 and Section 4.7.3(m)) may also be permitted by special exception in the Business Park District provided the medical center is located in a structure or structures on the same lot having an aggregate of not less than 10,000 square feet of gross floor area.

(Amended 03/08/05, War. Art. 8)

### **5.2.6 [Reserved]**

(Amended 03/14/06, War. Art. 12; 03/13/07, War. Art. 2)

## **5.3 Building Standards**

**5.3.1 Building Heights** – The maximum building height in the RC, SFR, LR, NRR, and IR zones shall be thirty-five (35) feet, and in the C, I, and PC zones the maximum building height shall be forty-eight (48) feet except as may be otherwise provided for in Section 5.2.4(a), “Height Restriction” in the Airport District, and in Section 5.2.5(a), “Building Height” in the Business Park District. Maximum building height within two hundred (200) feet of Lake Winnepesaukee shall be as set forth in Section 5.2.1(a). (See Article 3, Definitions, “Building Height” for method of measurement.) Except as provided for in the Laconia Airport Approach Plan, there shall be no limitations on the height of silos, churches, spires, copulas, or bell, clock, fire, observation towers, or chimneys, provided that such structures are approved by the Planning Board, not used for human occupancy, and are devoid of advertising. Public utility transmission lines, towers, and poles may be allowed in all districts to greater heights provided that all routes with a design rating of one hundred (100) kilovolts or more shall be submitted to the Planning Board for approval prior to installation.

(Amended 03/14/06, War. Art. 5 & Art. 6)

## **5.4 Exceptions**

**5.4.1 Commercial Cluster Development** – In lieu of developing with standard lots, commercial cluster development may be permitted in the Industrial, Commercial, and Professional Commercial zones. The purpose and intent of a commercial cluster development is to allow for innovative site design; to reduce the amount of area disturbed on a lot; and to conserve desirable natural features, which in some cases may include wetlands, trees, views, and slopes. A commercial cluster development consists of one (1) or more building pads in a single project where the individual pads are not required to meet typical minimum standards for lot frontage, lot area, buildable area, lot coverage, parking, etc., but only the lot on which the building pads are located is required to meet such minimum standards. The following regulations shall apply to commercial cluster developments:

- (a) Project Layout – Projects shall be designed so each lot intended for commercial cluster development has on it one (1) or more building pads and a reserved area. The building pad is a smaller area within a larger lot and is primarily for siting buildings. A pad may be owned independent of other pads or the reserved area on the same lot. The reserved area on a lot is intended primarily for landscaping and natural areas, parking, accessory buildings, and some signage. Commercial cluster developments generally will include building pads surrounded by reserved area.
- (b) Lot Regulations – Each lot to be developed with commercial cluster development shall meet the minimum lot requirements of the Industrial zone including frontage, area, setbacks, access, etc. Access to each lot shall include a standard driveway not less than twenty (20) feet wide having a year-round driveable surface. Driveways may be shared as long as affected parties are conveyed a legal means of establishing, using, and maintaining such driveways.
- (c) Pad Regulations – A building pad is an area of a lot which may be covered partially or completely by up to one (1) principle structure and one (1) accessory structure. Parking, landscaping, signage, utility structures, and other site features may also be located on building pads.
- (1) Area – Building pads shall have a minimum area of four hundred (400) square feet. There is no maximum pad area.
  - (2) Width/Depth – Building pads shall have a width and depth of not less than twenty (20) feet. Width and depth measurements shall be made along a perpendicular line from one pad boundary line or any of its tangents to the pad boundary line most nearly parallel to and distant from it.
  - (3) Frontage and Access – A pad shall not front on a public street but shall be located on a lot meeting all minimum requirements of the Industrial zone. Pads shall remain safely and reasonably accessible for pedestrians and vehicles. Access to each pad shall include a standard driveway not less than twenty (20) feet wide having a year-round driveable surface. Driveways may be shared as long as affected parties are conveyed a legal means of establishing, using, and maintaining such driveways.
  - (4) Setbacks – Building pads shall be set back from an exterior property line of a commercial cluster development lot a distance not less than the required minimum setback of the zone. Building pads may abut other building pads on the same lot.
- (d) Reserved Area Regulations – The reserved area is primarily where parking, landscaping, accessory buildings, and some signage may be located. On a commercial cluster development lot a principle structure shall be located only on a building pad and not within a reserved area. Accessory structures may be built in reserved areas if specifically approved by the Planning Board. Reserved areas may be under single or common ownership.
- (e) Approval – Upon finding that a proposed commercial cluster development meets with the purpose and intent of this section and that the plan satisfies all of the requirements of this section, the Planning Board may grant approval of a plan for a commercial cluster development. The applicant shall be responsible for permitting of special exception uses.

(Amended 03/14/06, War. Art. 11)

## ARTICLE 6. GENERAL PROVISIONS

§6.1 Unsafe Structures	§6.12 Access and Safety
§6.2 Nuisances	§6.13 Condominium Conversion
§6.3 Visibilities at Intersections	§6.14 [Reserved]
§6.4 Fences, Walls, and Hedges	§6.15 Marina Condominiums
§6.5 Screened Buffer	§6.16 Maintenance
§6.6 Unlicensed and Commercial Vehicles	§6.17 Condominium Documents
§6.7 Building on Unaccepted Streets	§6.18 Density of Dwelling Units to Land Area
§6.8 [Reserved]	§6.19 Fire Protection for Nonresidential Property
§6.9 Sanitary Regulations	§6.20 Fire Protection for Residential Property
§6.10 Temporary Structures	§6.21 Manufactured Housing
§6.11 Excavation Fences	§6.22 Excavation and Filling

**6.1 Unsafe Structures** – No owner or occupant of land in any district shall permit fire or other ruins to be left indefinitely, but will within one (1) year remove or refill the same to clear ground level or shall initiate repair of, or replacement of the structure.

**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 uses as defined in RSA 21:34-a. Agritourism uses, however, shall not be exempt from this section.

(Amended 03/09/10, War. Art. 5; 03/08/16, War. Art. 7)

**6.3 Visibilities at Intersections** – On a corner lot nothing shall be erected, placed, planted, or allowed to grow so it can obstruct vision between the heights of two (2) feet and ten (10) feet above the adjoining street grade in the area bounded by the street side lines and a line joining the points on the street side lines forty (40) feet from their point of intersection at the lot corner.

**6.4 Fences, Walls, and Hedges** – In a residential district, opaque fences, walls, and hedges, located within the front setback shall not exceed three (3) feet in height without Planning Board approval. Except for a common fence, all fences shall be located at least one (1) foot from the property line.

### **6.5 Screened Buffer**

**6.5.1 Purpose and Intent** – The purpose of this ordinance is to ensure proper distance, separation, and screening of commercial, industrial, and institutional uses from less intense single-family and two-family residential uses by the establishment of buffer and screening requirements.

**6.5.2 Buffer and Screen Required** – A principal use other than a single-family residence, two-family residence, or agricultural use shall be required to provide a fifty (50) foot buffer along the entirety of the property line that immediately abuts, in whole or in part, the property line of a lot occupied by a residential principal use that is located within a residential zone. Said buffer shall include a screen which shall be of sufficient quality to visually obstruct the non-residential use from the vantage of the residential lot. Notwithstanding the foregoing, no buffer or screen shall be required along road frontage unless specifically required elsewhere in this Zoning Ordinance.

**6.5.3 Waiver Provision** – The Planning Board may waive up to twenty (20) feet of the buffer upon issuance of a conditional use permit pursuant to Article 21. The Planning Board may waive up to 100% of the screen within the buffer upon issuance of a Conditional Use Permit pursuant to Article 21. For the purpose of waiving screen requirements, the Planning Board shall only have to make finding that the distance separating the uses and/or existing landscaping features create an effective screen and that the use will not substantially injure the value of adjoining or abutting property, and the Planning Board shall not have to make findings set forth in Section 21.5.3 or Section 21.5.5 through Section 21.5.8.

**6.5.4 Conflicting Regulations** – This section is not intended to supersede any conflicting provisions which may exist in Article 6 or Article 11 of the Gilford Zoning Ordinance. The buffer and screening provisions for specific uses set forth in those Articles shall prevail.  
(Amended 03/12/13, War. Art. 4; 03/13/18, War. Art. 2)

**6.6 Unlicensed and Commercial Vehicles** – In any zone, motor vehicles that are no longer intended or in condition for legal use according to their original purpose, shall be parked or stored only in an authorized or approved sales area or in an authorized or approved repair facility except as otherwise provided for herein. In residential zones, vans and trucks of more than one (1) ton carrying capacity or competition vehicles shall be stored out of sight from adjacent properties. This does not pertain to farm and utility vehicles or other vehicles that are in regular use and do not need a license plate for such use. In residential zones, motor vehicles that are no longer intended or in condition for legal use according to their original purpose, may be kept in quantities equal in bulk up to two (2) motor vehicles at a single-family or two-family dwelling provided such vehicles are kept within a building and are out of sight of adjacent properties.  
(Amended 03/09/10, War. Art. 6)

## **6.7 Building on Unaccepted Streets**

**6.7.1 Building Permits** – Shall not be issued unless the street giving access to the lot shall be accepted by the Town, or unless such street corresponds in its location and lines with a street shown on a subdivision plan approved by the Planning Board, or unless the lot has frontage on a public water body.

**6.7.2 Farm Buildings** – The provisions of this section shall not prevent the issuance of a building permit for construction of farm or accessory buildings, which are not in violation of any lawful regulation.

**6.7.3 Waivers** – When existing conditions warrant or when there has been sufficient proof of substantial previous construction on the street, the Selectmen may authorize the issuance of a building permit. Selectmen shall consider the desirability or feasibility of the development of a public road in view of public health, safety, convenience, or welfare.

**6.7.4 Acceptance of Streets** – Any person may petition the Board of Selectmen for acceptance of a street according to the regulation of the Town and State law.

## **6.8 [Reserved]**

**6.9 Sanitary Regulations** – No part of sewage disposal system shall be nearer to any water supply, stream, watercourse, dwelling, or property line, than allowed under the laws and regulations of the State of New Hampshire or the Town of Gilford, whichever is more restrictive in the particular instance. No waste waters or sewage shall be permitted to run free into a public body of water or be discharged in any way that may be offensive or detrimental to the health of others. All such waste shall be conveyed away underground through the use of an acceptable sanitary system or disposed of in such a way that it will not be offensive or detrimental to health.

**6.10 Temporary Structures** – Non-conforming structures that are incidental to a conforming use, such as construction offices, may be issued a temporary permit, for a period of one (1) year, upon approval of the Planning Board and agreement by the owner to remove said structure upon expiration of the permit or occupancy of the conforming structure or start of the conforming use unless the permit is renewed by the Planning Board.

**6.11 Excavation Fences** – Unattended excavations deeper than two (2) feet or that have slopes exceeding one (1) foot horizontal to two (2) feet vertical, shall be protected by a fence at least three (3) feet in height.

**6.12 Access and Safety** – The Planning Board may require changes in site plans relative to setbacks, driveways, driveway entrances and exits, landscaping, location and height of buildings and enclosures, to insure safety to traffic and adjacent properties.

**6.13 Condominium Conversion** – The Board of Adjustment may grant a special exception to permit a conversion of an existing use, other than mobile home parks, to condominium ownership under RSA Chapter 356B: 5 if it meets all the provisions of this ordinance:

- (a) There will be no increase in the number of units.
- (b) There will be no increase in the number of bedrooms per unit.
- (c) The use meets current standards for septic and water systems.
- (d) Final Condominium Documents shall be filed with the Planning Board for approval prior to the sale of a unit (review of documents is done by town counsel, at applicant's expense); and deed covenants provided for ownership and maintenance of common open space, roads, and provide utilities by a mandatory homeowner's association.
- (e) The final plan of the conversion meets the requirements of the Gilford Subdivision Regulations.
- (f) The final plan of the conversion meets all current Life Safety requirements.

**6.14 [Reserved]**

(Amended 03/10/20, War. Art. 2)

**6.15 Marina Condominiums** –

- (a) Minimum lot area of thirty thousand (30,000) square feet plus four thousand (4,000) square feet per wet slip or per dry storage space for boating season use.
- (b) No more boats than slips plus dry storage spaces, except for small accessory boats such as dinghies, canoes, Sunfish, and the like.
- (c) Plan shall show winter storage, play areas, and one and one half (1½) parking spaces per slip or dry storage space.
- (d) There shall be a minimum of one (1) men's shower, urinal, water closet, sink; and one (1) women's shower, water closet, and sink for each thirty (30) slips or dry storage spaces or fraction thereof.
- (e) There shall be adequate room for safe boat and vehicle traffic.
- (f) The condominium declarations shall designate a local person in charge, provided that future changes obtain Planning Board approval, and phase out commercial usage.
- (g) The plan shall show each parcel as a separate lot for subdivision approval.

**6.16 Maintenance** – Required setback areas shall be maintained in a neat, well-landscaped, or natural field or woodlot condition. All structural surfaces visible from adjacent lots or the street shall be maintained in good repair so the appearance will not detract from the value or enjoyment of neighboring properties.

**6.17 Condominium Documents** – All condominium conversions or construction shall submit all condominium documents as required by the State of New Hampshire to the Planning Board for approval. The Planning Board may refer said documents to town counsel for review and recommendations. Any such review by town counsel shall be at the applicant's expense.

**6.18 Density of Dwelling Units to Land Area** – Each dwelling unit shall be on a separate lot meeting the minimum lot size as provided in Section 5.1.1, Lot Size and Buildable Area; except, Accessory Apartments as per Section 4.7.6(p), Accessory Apartment, may share the minimum sized lot with the principal dwelling unit; a two-family home as per Section 4.2.7, Two-Family Residence, shall be on a lot twice the minimum size; and multi-family and planned unit developments shall permit a greater number of units per acre as provided in Sections 11.4.6 and 11.4.4 respectively.

(Amended 03/08/11, War. Art. 2; 03/10/20, War. Art. 2)

**6.19 Fire Protection for Non-Residential Property** – A water supply suitable for fire protection purposes must be provided by the developer. This water supply must meet the requirements set forth by the Fire Department.

**6.20 Fire Protection for Residential Property** – A water supply suitable for fire protection purposes must be provided by the developer for all new Multi-Family developments, Planned Unit developments, Cluster Housing projects, and Manufactured Housing Parks, and for all Single-Family subdivisions of six (6) lots or more. The water supply requirement can be met by using a municipal water supply, cisterns, or sprinkler systems. The method used to satisfy this requirement must be approved by the Fire Department following the standards of NFPA 1142,

“Standard on Water Supplies for Suburban and Rural Fire Fighting”, for design and volume/flow minimum amounts. Surface water supplies shall not satisfy this requirement unless they are natural water bodies meeting the minimum volume and access requirements and only if their use is approved by the Fire Department.

(Amended 03/09/10, War. Art. 3)

**6.21 Manufactured Housing** – Manufactured housing units as defined in Article 3, Definitions, shall meet the standards of the U.S. Department of Housing and Urban Development for design, manufacturing, quality control, and certifications in accordance with 24 C.F.R. Chapter 20, April 1, 1987, Part 3280 – Manufactured Constructed Home and Safety Standards. All units placed on new or existing sites shall meet these standards. Manufactured housing shall be allowed only within approved manufactured housing parks and manufactured housing subdivisions. Planned unit development techniques and references shall not apply to manufactured housing. The height of any accessory building to a manufactured housing unit shall not exceed the height of the manufactured housing dwelling unit.

**6.21.1 Manufactured Housing Parks** – This section provides the standards and guidelines for the development of manufactured housing parks. Dwelling units in manufactured housing parks may only be manufactured housing units. The design and development of a manufactured housing park shall provide for a safe, secure, pleasant, and attractive residential atmosphere for its occupants and for the neighborhood in which it is located. Development shall be subject to:

- (a) Minimum Park Area – Twenty-five (25) acres.
- (b) Maximum Density –
  - LR Zone – One (1) unit per buildable acre as defined in Sections 5.1.1(a) and (b).
  - NRR Zone – One half (½) unit per buildable acre as defined in Sections 5.1.1 (a) and (b).
- (c) Minimum Spacing – A minimum of fifty (50) feet shall separate each dwelling unit and any of its accessory buildings from every other dwelling unit and its respective accessory buildings.
- (d) Setbacks – A minimum setback of fifty (50) feet shall be required from all boundaries of the park. A twenty (20) foot setback shall be required from all internal roadway rights-of-way.
- (e) Lot coverage – Impervious lot coverage shall not exceed the limits specified in Table 2 Dimensional Regulations. Lot coverage shall mean the area sum of all unit sites calculated at the rate of not less than one thousand two hundred (1,200) square feet each and all other impervious surfaces such as, but not limited to, roads, services, and accessory buildings.
- (f) Drainage – Storm water drainage shall be calculated by an approved method and stormwater management shall be provided for a standard 100 year event as defined by the U.S. Soil Conservation Service.
- (g) Access – Access to individual units within the park shall be provided by means of interior private roads, which are constructed and maintained to Gilford Minimum Road Standards, except such roadways shall be at least twenty (20) feet wide in a right-of-way forty (40) feet wide. Such interior roads shall remain private. Outlets

to public rights-of-way shall be provided in number and layout determined to be appropriate by the Planning Board.

- (h) Green Space – All space not developed as roadway, parking, utilities, unit sites, or recreation facility, shall be designated and maintained as green space.
- (i) Screening – Screening, as defined in Article 3, Definitions, shall be placed in all setback areas. Where existing natural growth provides sufficient visual screening, it may be utilized to accomplish the desired buffering effect as long as it meets the criteria of Screening in Article 3, Definitions, and is maintained as an effective screen.
- (j) Utilities – Proper connections to each manufactured housing site shall be provided for electrical, sewer, and water facilities, and such installation shall be subject to inspection and approval of the Code Enforcement Official. All private and public utilities shall be placed underground.
- (k) Density Increases – Increases in allowed density may be granted by special exception subject to meeting the requirements of Section 11.4.1, Density Increases for Manufactured Housing Parks.

**6.21.2 Manufactured Housing Subdivision** – This section provides the standards and guidelines for the development of manufactured housing subdivisions. Development shall be subject to:

- (a) Minimum subdivision size – Ten (10) acres.
- (b) Town of Gilford Subdivision Regulations.
- (c) Allowed Structures – Subdivisions developed and approved for manufactured housing shall contain only manufactured housing dwelling units and any allowed accessory buildings. The plan shall contain a note designating the subdivision for manufactured housing only.

**6.22 Excavation and Filling** – In residential zones, excavation and filling of land on existing lots shall be subject to the following requirements.

**6.22.1** Land with a slope of fifteen percent (15%) or less may be filled and/or excavated without approval from the Planning Board, provided, however, that the adverse effects on-site and off-site of such filling or excavation shall be mitigated on-site using best management practices.

**6.22.2** Land with a slope greater than fifteen percent (15%) but not greater than twenty-five percent (25%) may be excavated or filled provided that not more than 15,000 square feet, excluding driveways, are excavated or filled, and provided that potential adverse effects on-site and off-site of the excavation or filling are mitigated on-site using best management practices. The Planning Board may allow excavation or filling of more than 15,000 square feet of such slopes with approval of a Conditional Use Permit. An application for a Conditional Use Permit shall meet the following requirements in addition to standard application requirements such as fees and abutters lists:

- (a) **Plan Required** – An applicant 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 the plan be reviewed by the town engineer. The

costs of such review 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”. At a minimum this shall include one or all of the following as needed:

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.
- (b) **Conditions of Approval** – Approval of a Conditional Use Permit to allow excavation or filling of more than 15,000 square feet of slopes greater than fifteen percent (15%) but not greater than twenty-five percent (25%), may be granted provided all of the following conditions are met:
1. Excavating or filling the slope is necessary to allow a reasonable use of the property which is generally allowed on other properties in the neighborhood.
  2. No slopes greater than twenty-five percent (25%) will be filled or excavated, excluding driveways, on the lot.
  3. Development of the lot shall meet best management practices for water quality protection, sediment and erosion control, and rate of stormwater runoff.
  4. Excavating or filling the slope will not be detrimental to the neighborhood or create unsafe conditions.
  5. All general conditions for Conditional Use Permits shall be met.
- (c) **Certification by Licensed Professional** – Upon completion of the work related to the approved Conditional Use Permit, the applicant shall submit a statement from an engineer, land surveyor, or other qualified licensed professional certifying that the work was completed according to the approved Conditional Use Permit. Said certification shall be submitted prior to issuance of a certificate of occupancy.

**6.22.3** No slopes greater than twenty-five percent (25%) shall be excavated or filled, excluding driveways.

(Amended 03/11/14, War. Art. 4)

## ARTICLE 7. OFF-STREET PARKING

- § 7.1 Location
- § 7.2 Shared Parking
- § 7.3 Loading and Delivering
- § 7.4 Handicap Vehicle Parking
- § 7.5 Off-Street Parking Standards

All land uses listed in Article 4, Permitted Uses and Regulations, shall provide for off-street parking of motor vehicles in accordance with this Article. The manner and extent of off-street parking shall be submitted to the Planning Board in the form of a site plan, for review and determination of compliance with this Article. The site plan shall provide a layout of all existing and proposed parking, access to and from parking areas, a statement of the type and area of all existing and proposed land uses, and a table comparing the number of parking spaces required by this section to the number provided. Such review shall be required for all new and amended site plans. Where public parking is available within three hundred (300) feet from the access point or driveway serving a new or existing land use, the Planning Board may, upon a finding that the public interest is not diminished, authorize a modification of these requirements. If a use is proposed for which no specific parking ratio is established, the Planning Board may determine the most appropriate ratio upon a finding that the proposed ratio appears to be consistent with other similar uses and that the proposed ratio is not contrary to the public interest.

**7.1 Location** – All off-street parking and related design elements shall be laid out in accordance with the following location requirements:

**7.1.1 Parking Area Limitations** – Parking shall not be permitted in the following locations:

- 7.1.1.1 Any Residential Zoning District – Front and side setback areas.  
*Exception* – Single-family and two-family development.
- 7.1.1.2 All Zoning Districts – Within fifteen (15) feet from any lot line.

**7.1.2 Driveway Locations** – The edge of the travel way of any driveway shall not be closer than thirty (30) feet from the right of way boundary of the nearest street corner.

**7.1.3 Remote Off-Street Parking** – Off-street parking required on one lot may be located on another lot, provided that the entrances to the parking on both lots are not more than four hundred (400) feet apart and adequate pedestrian access is provided between the lots. An easement, securing the continuous and uninterrupted availability of the lot used for remote off-street parking shall be provided, regardless of the ownership of said lot. The sufficiency of said easement shall be determined by the Planning Board. Any discontinuation of the easement required by this section shall render a permit for remote off-street parking null and void.

**7.2 Shared Parking** – Off-street parking required under this section may be shared between land uses on the same or adjoining lot(s), if the parking area(s) and/or land use(s) meet the following standards:

**7.2.1 Shared Parking Uses** – Whenever the Planning Board finds, upon sufficient statistical or other evidence, that proposed or existing land uses develop parking demands separated by time in a 24 hour period, so that the same parking spaces could be occupied by patrons of different land uses at different times, the Planning Board may temporarily permit the reduction, of off-street parking from the requirements stated in other sections of this Article, to a level found to be supported by the evidence but in no event more than fifty percent (50%).

7.2.1.1 Change In Qualifying Uses – In the event that the qualifying use(s), which formed the basis of a reduction in the number of off-street parking spaces are increased, discontinued, or otherwise modified, compliance with the minimum off-street parking required shall be maintained by amending the site plan approved by the Planning Board, with such adjustment(s) as are required by the land use changes.

7.2.1.2 Monitoring Program – To assess the validity of statistical or other evidence which formed the basis of a permit for shared parking uses, the Planning Board may, at their discretion, require that the parking load generated by the qualifying use(s) be monitored for a period of not more than one (1) year, to establish actual parking trends. If the monitored, actual parking loads, are consistent with the statistical or other evidence, which formed the basis for a temporary permit for parking reduction, the permit may be made permanent by the Planning Board. In the event that the Planning Board finds that monitored actual parking loads exceed the capacity provided under the temporary permit for reduced parking, additional off-street parking shall be provided in accordance with applicable sections of this Article. For purposes of this section, a change of a tenant, approved for a commercial or industrial use, in a development having a temporary or permanent permit for reduced parking and occupying two thousand five hundred (2,500) square feet or more of gross floor area, shall be subject to a new monitoring program in accordance with this section.

**7.2.2 Shared Parking Spaces** – Approved commercial land uses on adjoining lots may share off-street parking in accordance with the following:

- 7.2.2.1 Where parking spaces are laid out over lot line(s), the setback from lot line to parking area shall not apply.
- 7.2.2.2 The total number of parking spaces to be provided on all participating lots shall comply at all times with the requirements for each approved use on all participating lots.
- 7.2.2.3 The provisions of shared parking uses may be applied when adjacent lots share parking spaces in accordance with this section.
- 7.2.2.4 The owners of lots participating in shared parking spaces shall, prior to commencing such use, execute mutual easements of use, to secure the continuous availability of the required off-street parking for approved land uses on participating lots. The sufficiency of such easements shall be determined by the Planning Board.

**7.3 Loading and Delivering** – All loading and delivering operations required by any land use permitted by site plan shall be accomplished by using off-street facilities. Each loading facility shall have sufficient and safe ingress and exit provided for by the approved site and shall contain adequate area for maneuvering freight equipment and vehicles. Area(s) designated for fire lanes, off-street parking, and access aisles serving parking areas may not be utilized for loading and delivering.

**7.4 Handicap Vehicle Parking** – All parking areas designed to comply with this section shall also comply with the New Hampshire Barrier Free Code governing handicap access to public places and services.

**7.5 Off-Street Parking Standards** – All land use(s) subject to site plan review and approval by the Planning Board shall meet the requirements of this section. After computing the number of parking spaces required under this section, any fraction in the resulting number shall be rounded up.

#### **7.5.1 Open Space Uses**

- 7.5.1.1 Agriculture – one (1) parking space for each full- or part-time employee.
- 7.5.1.2 Conservation – No off-street parking required.
- 7.5.1.3 Forestry – No off-street parking required.
- 7.5.1.4 Sand, Gravel Removal – one (1) parking space for each full- or part-time employee.
- 7.5.1.5 Parking Facility – one (1) parking space for each full- or part-time employee.

#### **7.5.2 Residential Uses**

- 7.5.2.1 Boarding House – one (1) parking space for each full- or part-time employee, plus one (1) parking space for each rental unit permitted by site plan.
- 7.5.2.2 Cluster Development – one (1) parking space for each full- or part-time employee, plus 2.4 parking places for each dwelling unit.
- 7.5.2.3 Manufactured Housing Park – one (1) parking space for each full- or part-time employee, plus two parking spaces for each dwelling unit.
- 7.5.2.4 Manufactured Housing Subdivision – two (2) parking spaces for each dwelling unit.
- 7.5.2.5 Planned Unit Development – one (1) parking space for each full- or part-time employee, plus 2.4 parking spaces for each dwelling unit.
- 7.5.2.6 Single Family Residence – two (2) parking spaces for each dwelling unit.
- 7.5.2.7 Two Family Residence – two and four tenths (2.4) parking spaces for each dwelling unit.

#### **7.5.3 Commercial Uses**

- 7.5.3.1 Assembly, Indoor – one (1) parking space for each full- or part-time employee, plus one (1) parking space for each fifty (50) square feet of indoor public assembly space except where the Fire Department issues a Place of Assembly Permit pursuant to RSA 155:18, specifying the number of persons allowed, in which case one quarter (.25) parking space for each person so permitted shall be provided.

- 7.5.3.2 Assembly, Outdoor – one (1) parking space for each full- or part-time employee and/or performer, plus one quarter (.25) parking space for each public assembly patron permitted by site plan.
- 7.5.3.3 Communications Towers and Transmission Equipment – No off-street parking required.
- 7.5.3.4 Marine Light Repair Shop – one (1) parking space for each full- or part-time employee, plus one (1) parking space for each seven hundred fifty (750) square feet of shop/repair floor area.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.5 Automobile Service – one (1) parking space for each full- or part-time employee, plus one (1) parking space for each two hundred fifty (250) square feet of gross floor area.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.6 Bed & Breakfast – one (1) parking space for each full- or part-time employee, plus one (1) parking space for each rental unit permitted by site plan plus two (2) spaces for each owner/dwelling unit.
- 7.5.3.7 Business Office – one (1) parking space for each two hundred fifty (250) square feet of gross floor area.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.8 Campground – one (1) parking space for each full- or part-time employee, plus one and one half (1.5) parking spaces for each rental unit permitted by site plan.
- 7.5.3.9 Commercial Storage – one (1) parking space per fifty (50) storage units, plus two (2) spaces per resident or caretaker. Aisle widths between storage units shall not be less than twenty (20) feet.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.10 Fuel Dispensing Station – one (1) parking space for each fuel dispensing location, plus one (1) space for each two hundred (200) square feet of gross floor area of retail space. No portion of a fire lane or drive-through aisle may be designated for vehicle parking.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.11 Funeral Home – one (1) parking space for each one hundred fifty (150) square feet of gross floor area, plus one (1) parking space for each fifty (50) square feet of indoor public assembly space except where the Fire Department issues a Place of Assembly Permit pursuant to RSA 155:18, specifying the number of persons allowed, in which case one (1) parking space for each four (4) persons so permitted shall be provided.
- 7.5.3.12 Greenhouse – one (1) parking space for each full- or part-time employee, plus one (1) parking space for each one hundred fifty (150) square feet of public access floor area, plus one (1) parking space for each six hundred (600) square feet of storage area.
- 7.5.3.13 Lumberyard – one (1) parking space for each full- or part-time employee, plus one (1) parking space for each one hundred fifty (150) square feet of public access floor area, plus one (1) parking space for each six hundred (600) square feet of storage area.
- 7.5.3.14 Marina – one (1) parking space for each full- or part-time employee, one (1) parking space for each boat slip (wet or dry) permitted by site plan.

- 7.5.3.15 Medical Facility – one (1) parking space for each two hundred fifty (250) square feet of gross floor area.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.16 Motel/Hotel/Cottages – one and one quarter (1.25) parking spaces for each full- or part-time employee, plus one (1) parking space for each rental unit approved by site plan.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.17 Personal Service – one (1) parking space for each two hundred (200) square feet of gross floor area or two (2) per chair, whichever is greater.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.18 Recreation, Outdoor – one (1) parking space for each employee plus one (1) per four (4) persons of designed capacity; for golf courses, one (1) parking space per employee plus four (4) parking spaces per hole.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.19 Repair Shop – one (1) parking space for each employee plus one (1) parking space per three hundred (300) square feet of gross floor area.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.20 Restaurant – One (1) parking space per three (3) seats, plus one (1) parking space per five (5) linear feet of take-out counter or bar space, plus one (1) parking space per two hundred fifty (250) square feet of kitchen and service area. Restaurants with drive-through window service shall also provide in-line vehicle stacking space to accommodate five (5) vehicles per service window. Such stacking space shall be dedicated for use by vehicles waiting to reach the service window and shall not be shared by any other use.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.21 Restaurant Drive-In – one (1) parking space for each one hundred (100) square feet of gross floor area.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.22 Retail Store – one (1) parking space for each two hundred (200) square feet of gross floor area for the first fifty thousand (50,000) square feet of gross floor area, plus one (1) parking space per three hundred (300) square feet of gross floor area for over fifty thousand (50,000) square feet of gross floor area.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.23 Salesroom – one (1) parking space for each full- or part-time employee, plus one (1) parking space for each one hundred fifty (150) square feet of public access floor area, plus one (1) parking space for each one thousand (1,000) square feet of outdoor display area.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.24 Theater – one (1) parking space for each full- or part-time employee, plus one quarter (.25) parking space for each seat permitted by site plan.
- 7.5.3.25 Veterinary Hospital – one (1) parking space for each two hundred fifty (250) square feet of gross floor area.  
(Amended 03/08/11, War. Art. 5)
- 7.5.3.26 Vending – one (1) parking space for each five hundred (500) square feet of vending space permitted by site plan.
- 7.5.3.27 Boat Storage – one (1) parking space for each ten thousand (10,000) square feet of boat storage area with a minimum of five (5) parking spaces.  
(Amended 03/08/11, War. Art. 5)

#### 7.5.4 Industrial Uses

- 7.5.4.1 Warehouse and Wholesale Marketing – one (1) parking space for each full- or part-time employee.
- 7.5.4.2 Industrial Uses – one and one quarter (1.25) parking spaces for each person employed on the largest shift.
- 7.5.4.3 Construction Yard – one and one quarter (1.25) parking spaces for each person employed on the largest shift.
- 7.5.4.4 Truck, Automobile Repair Garage – one (1) parking space for each full- or part-time employee, plus one (1) parking space for each three hundred (300) square feet of gross floor area.  
(Amended 03/08/11, War. Art. 5)

#### 7.5.5 Institutional Uses

- 7.5.5.1 Cemetery – No off-street parking required.
- 7.5.5.2 Church – one quarter (.25) parking space for each seat permitted by site plan or where seats are not provided, or one (1) parking space for each fifty (50) square feet of indoor public assembly space except where the Fire Department issues a Place of Assembly Permit pursuant to RSA 155:18, specifying the number of persons allowed, in which case one quarter (.25) parking space for each person so permitted shall be provided.
- 7.5.5.3 Club – one (1) parking space for each full- or part-time employee, plus one quarter (.25) parking spaces for each seat permitted by site plan, or where seats are not provided, plus one (1) parking space for each fifty (50) square feet of indoor public assembly space except where the Fire Department issues a Place of Assembly Permit pursuant to RSA 155:18, specifying the number of persons allowed, in which case one quarter (.25) parking space for each person so permitted shall be provided.
- 7.5.5.4 Hospital – one and one half (1.5) parking spaces for each employee, where clients served are ambulatory, plus one parking space for each one hundred fifty (150) square feet of public access floor area for walk-in care.
- 7.5.5.5 Nursery/Daycare – one (1) parking space for each full- or part-time employee, plus one fifth (.2) parking space for each child permitted by site plan but not less than two (2) parking spaces for the use.
- 7.5.5.6 School – three (3) parking spaces for each classroom or one (1) parking space for each group of six (6) students, whichever is greater. Where this use also incorporates public assembly space, off-street parking shall be separately provided for it in accordance with other parts of this Ordinance.
- 7.5.5.7 Library – one (1) parking space for each four (4) seats permitted by site plan except where the Fire Department issues a Place of Assembly Permit pursuant to RSA 155:18, specifying the number of persons allowed, in which case one (1) parking space for each four (4) persons so permitted shall be provided.
- 7.5.5.8 Museum – one (1) parking space for each full- or part-time employee, plus one (1) parking space for each one hundred fifty (150) square feet of public access floor area.

#### 7.5.6 Accessory Uses

- 7.5.6.1 Airport, Private – No off-street parking required.
- 7.5.6.2 Accessory Building – No off-street parking required.
- 7.5.6.3 Accessory Services – one (1) parking space for each full- or part-time employee.
- 7.5.6.4 Boat Slip Rental – one (1) parking space for each rental boat slip permitted by this Ordinance.
- 7.5.6.5 Home Occupation – one (1) parking space for each non-resident employee, plus one (1) parking space per three hundred (300) square feet of public access floor area, plus one (1) parking space per five (5) children permitted by site plan, but not less than two (2) spaces for the home occupation.  
(Amended 03/08/11, War. Art. 5)
- 7.5.6.6 Outdoor Storage – No off-street parking required.
- 7.5.6.7 [Reserved]  
(Amended 03/13/12, War. Art. 2)
- 7.5.6.8 Stables, Kennels – one (1) parking space for each full- or part-time employee, plus one (1) parking space per two (2) stalls for stables; or one (1) parking space for each full- or part-time employee, plus one (1) parking space per five (5) animals kept for kennels.  
(Amended 03/08/11, War. Art. 5)
- 7.5.6.9 Outdoor Display – one (1) parking space for each five hundred (500) square feet of display area permitted by site plan.
- 7.5.6.10 [Reserved]  
(Amended 03/10/20, War. Art. 2)
- 7.5.6.11 Special Events, Outdoor – one (1) parking space for each full- or part-time employee, plus one half (.5) parking space for each public assembly patron permitted.

### **7.5.7 Special Uses**

- 7.5.7.1 Mooring Fields – Whenever any mooring field (two (2) or more moorings) is established or enlarged, one (1) parking space for each two (2) moorings shall be provided. The off-street parking required shall be directly adjacent to the mooring field and shall provide for trailer parking as required by the Planning Board.
- 7.5.7.2 Boat Slips – Whenever boat slip(s), other than in marinas, are established or increased, one (1) parking space for each boat slip shall be provided. The off-street parking required shall be directly adjacent to the boat slip(s) and shall provide for trailer parking as required by the Planning Board.

## ARTICLE 8. SIGNS

- |   |  |
|---|--|
| § 8.1 Purpose                           | § 8.8 Signs Not Requiring A Permit           |
| § 8.2 Applicability – Effect            | § 8.9 Signs Exempt from Regulation           |
| § 8.3 Measurements                      | § 8.10 Design, Construction, and Maintenance |
| § 8.4 Standard Signs Requiring a Permit | § 8.11 Non-Conforming Signs                  |
| § 8.5 Master Signage Plan               | § Table 8.12 Standard Sign Allowance         |
| § 8.6 Directory Signs                   | § Table 8.13 Master Signage Plan Standards   |
| § 8.7 Permits Required                  |  |

**8.1 Purpose** – This Article is adopted for the regulation of signs in the town and is based on the compelling government interests of protecting pedestrian and traffic safety, serving the requirements of emergency response, protecting the property rights or the rights of persons on property, protecting property values, preserving and protecting the established character and beauty of the town, supporting and enhancing the local business community, and enhancing the visual environment of the town.

(Amended 03/13/18, War. Art. 4)

**8.2 Applicability – Effect** – A sign may be erected, placed, established, created, modified or maintained in the town only in conformance with the requirements of this ordinance.

**8.2.1 Outline of Effect** – The intention of this ordinance is to provide the following specific effects:

- 8.2.1.1 **Permit System** – This administrative permitting procedure allows for a variety of sign types in commercial and industrial districts and a limited variety of sign types in other districts subject to compliance by the owner of each lot with the prescriptive standards and procedures of this ordinance.  
(Amended 03/13/18, War. Art. 4)
- 8.2.1.2 **Master Signage Plan** – This land use review and approval procedure allows for increased signage benefits to industrial or commercial property owner(s) that voluntarily submit to review by the Planning Board and the parameters associated with a Master Signage Plan.  
(Amended 03/13/18, War. Art. 4)
- 8.2.1.3 **Offsite Directory Signs** – This town-administered program allows for the installation and maintenance of signs to safely and efficiently direct traffic to industrial and commercial businesses having locations remote from main roads.  
(Amended 03/13/18, War. Art. 4)
- 8.2.1.4 **Incidental Signage** – Allows certain signs that are small, unobtrusive and incidental to approved land use(s) subject to substantive requirements of this ordinance and their enforcement, but without a requirement for permits.
- 8.2.1.5 **Signs Not Allowed** – The signs listed in this section are not allowed in any zoning district in the town.
- Any sign type or application not specifically allowed by this ordinance.
  - Any sign erected without a permit where a permit is required.
  - Any sign not in compliance with this Article, erected or displayed pursuant to a valid permit where a permit is required.

- (d) Offsite signs, except signs erected pursuant to Section 8.6, Directory Signs.

(Amended 03/10/09, War. Art. 7; 03/13/18, War. Art. 4)

### **8.2.2 General Provisions**

- 8.2.2.1 **Enforcement** – Enforcement of this ordinance shall be consistent with RSA 676:15, RSA 676:17, and other sections of the Gilford Zoning Ordinance.

(Amended 03/13/18, War. Art. 4)

- 8.2.2.2 **Severability** – If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.

(Amended 03/13/18, War. Art. 4)

**8.3 Measurements** – Sign measurements such as area and height shall be made in conformance with this section.

**8.3.1 Computation of Individual Sign Area** – The area of a sign face shall be computed by means of the smallest geometric shape (square, rectangle, triangle, trapezoid, circle, ellipse, etc.) or combination of such shapes that will encompass the extreme limits of the writing, representation, emblem, picture, or other image, together with any material or color forming a composite part of the design, but not including architectural building decorations, supporting framework, or bracing that is structurally incidental to the sign.

**8.3.2 Multifaced Sign Area** – The area of multifaced signs shall be computed in conformance with this section.

- 8.3.2.1 **Sign Area of More Than One Face** – The area of a sign with more than one (1) face shall be the sum of all sign faces visible from any one (1) point.

- 8.3.2.2 **Back to Back Signs** – Identical signs placed back to back so that both faces cannot be viewed at the same time and the sign faces are not more than eighteen (18) inches apart but attached to the same support structure, shall be computed by the measurement of one (1) sign face. In the event that back-to-back signs are not identical in area and visual image, they shall be computed separately.

- 8.3.2.3 **Corner Signs** – On a corner lot having two (2) or more front setbacks, the area of a corner sign having two (2) identical faces placed parallel with the intersecting rights-of-way shall be computed by the measurement of one (1) sign face. The two (2) sign faces so computed may not comprise one (1) continuous sign message.

**8.3.3 Height of Signs** – The height of all signs shall be computed as the distance between the highest point of the sign face and the average elevation of the ground below the sign within a radius of one hundred (100) feet of the sign. For purposes of establishing compliance with this section, the Town may require a ground elevation to be established by a licensed land surveyor at a cost to the property owner.

**8.4 Standard Signs Requiring A Permit** – The following listed signs may be displayed on lots only after the owner of the lot secures a permit from the Director or his designee, prior to installation of the sign.

**8.4.1 Building Signs** – Each lot is allowed building sign(s), as defined by Article 3, where allowed by and in accordance with Table 8.12.

(Amended 03/13/18, War. Art. 4)

**8.4.2 Freestanding Signs** – Each lot is allowed one (1) freestanding sign, as defined by Article 3, where allowed by and in accordance with Table 8.12.

(Amended 03/13/18, War. Art. 4)

**8.4.3 Garlands/Pennants** – In addition to signs permitted elsewhere in this ordinance, garlands/pennants, as defined by Article 3, shall be permitted where allowed by and in accordance with Table 8.12.

(Amended 03/13/18, War. Art. 4)

**8.4.4 Banner Signs** – Each lot is allowed a banner, as defined by Article 3, where allowed by and in accordance with Table 8.12.

(Amended 03/13/18, War. Art. 4)

**8.4.5 Window Signs** – Window signs, as defined by Article 3, may be displayed on lots where allowed by and in accordance with Table 8.12.

(Amended 03/13/18, War. Art. 4)

**8.4.6 Changeable Copy Signs** – Where allowed by Table 8.12, building or freestanding signs may utilize changeable copy sign(s), in which text can be changed to communicate to the public messages of short duration. Signs of this type are not allowed in addition to other sign types but are allowed as proportional parts thereof as specified in Table 8.12.

(Amended 03/10/15, War. Art. 4)

Changeable copy signs that display and change messages by electronic means (herein also referred to as “Electronic Changeable Copy” signs) are permitted provided they meet the following criteria:

8.4.6.1 **Frequency of Change** – Except for electronic changeable copy signs displaying time and temperature information only, messages shall change no more frequently than once every five (5) minutes.

(Amended 03/13/18, War. Art. 4)

8.4.6.2 **Hours of Operation** – Except for electronic changeable copy signs displaying time and temperature information only, illumination of signs shall be permitted only from 7:00 a.m. to 11:00 p.m.

(Amended 03/13/18, War. Art. 4)

8.4.6.3 **Prohibited Methods** – Electronic changeable copy signs shall not employ the following display methods:

- (a) Flashing, strobing, animation, electronic or mechanical image movement or the effect of image movement, laser beams, or beacons.
- (b) Overlapping alternating messages (where alternating, different messages appear in the same or nearby space).

(Amended 03/11/08, War. Art. 2; 03/13/18, War. Art. 4)

8.4.6.4 Brightness and Dimmer Control – Because unduly bright electronic changeable copy signs are hard to read, result in unwanted illumination of adjoining properties and roadways, and are a distraction and safety hazard for drivers, this section establishes brightness control standards to reduce the likelihood that such conditions will occur. All electronic changeable copy signs shall conform to the following illumination control standards:

- (a) **Brightness.** No sign shall exceed a maximum brightness of 5000 nits (candelas per square meter) during daylight hours and a maximum brightness of 500 nits (candelas per square meter) during the period from sunset to sunrise.
- (b) **Measuring Brightness.** The brightness of a sign shall be measured using a light meter that measures nits or candelas per square meter. All pixels, bulbs, and/or sign lighting elements shall be turned on at the time brightness is measured. Brightness shall be measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.
- (c) **Dimmer Control.** Each sign shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between sunset and sunrise.

(Amended 03/10/15, War. Art. 4; 03/13/18, War. Art. 4)

8.4.6.5 Malfunctions – When malfunctioning, all electronic changeable copy signs shall either be turned off or display a blank, unlit screen. All electronic changeable copy signs shall be equipped with a switch accessible to law enforcement and emergency services personnel to allow them to shut off the sign.

(Amended 03/10/15, War. Art. 4; 03/13/18, War. Art. 4)

**8.4.7 Development Sign** – For the purpose of aiding pedestrians, motor vehicle operators, and emergency personnel, and improving traffic and motor vehicle safety, Development Signs may be installed pursuant to the following provisions:

8.4.7.1 Residential Zones – Duly approved developments in the Natural Resource Residential, Limited Residential, and Single Family Residential Zones having five (5) or more approved lots or dwelling units, may display a Development Sign in addition to other signs allowed, giving the name of the development and related information.

(Amended 03/13/18, War. Art. 4)

8.4.7.2 Non-Residential Zones – Duly approved developments in the Commercial, Resort Commercial, Professional Commercial, and Industrial Zones which meet the minimum Applicability standards for a Master Signage Plan in Section 8.5.1, may display a Development Sign, in addition to other signs allowed, giving the name of the development and/or the names of businesses or institutions located within the development and related information. An approved Master Signage Plan is not a prerequisite for a Development Sign in these zones.

(Amended 03/13/18, War. Art. 4)

8.4.7.3 Easement Required – A Development Sign is considered an on-site sign; however, if the development is comprised of more than one (1) lot, the

Development Sign shall be placed entirely within a sign easement, duly executed and recorded.

(Amended 03/13/18, War. Art. 4)

**8.5 Master Signage Plan** – To promote a uniform and aesthetic message presentation to the general public utilizing comprehensive design and coordinated elements, owners of properties located within the Industrial, Commercial, Resort Commercial, and Professional Commercial Zones and having a permitted use may voluntarily submit and be subject to a Master Signage Plan and, in doing so, receive benefits of increased signage subject to review and approval by the Planning Board.

(Amended 03/13/18, War. Art. 4)

**8.5.1 Applicability** – The standards of a Master Signage Plan program shall be applicable to the following:

- (a) Not more than two (2) businesses or institutional uses (Article 4, Commercial, Institutional, and/or Industrial uses) located on one (1) lot or several abutting lots, provided that the aggregate gross floor area of all businesses and institutional uses shall be at least fifteen thousand (15,000) square feet.
- (b) Not less than three (3) businesses or institutional uses (Article 4, Commercial, Institutional, and/or Industrial uses) in a single development on a single lot.
- (c) Three (3) or more businesses or institutional uses (Article 4, Commercial, Institutional, and/or Industrial uses) located on abutting lots.

(Amended 03/13/18, War. Art. 4)

**8.5.2 Requirements** – Total sign area permitted for the master sign planned development shall be determined by Table 8.13. Other than allowed freestanding signs, signs shall be attached to buildings, walls, soffits, or other architectural projections, and shall be coordinated in material, shape, lettering, color, and/or decorative elements. Information and directional signage within the development, with the exception of uniform traffic control devices, shall be consistent with the general sign design of the development and is exempt from the sign area calculation provided that it does not contain advertising.

8.5.2.1 **Design** – Signs shall be designed to be compatible with the surroundings and appropriate to the architectural character of the building on which they are placed. Sign panels and graphics should relate with and not cover architectural features, and should be in proportion to them.

8.5.2.2 **Types** – Signs should be appropriate to the types of activities they represent.

8.5.2.3 **Layout** – Layout should be orderly and graphics should be of simple shape, such as rectangle, circle or oval.

8.5.2.4 **Colors** – The number of colors used should be the minimum consistent with the design and must provide a reference or relationship to the enterprises or activity being advertised.

8.5.2.5 **Illumination** – Illumination should be appropriate to the character of the sign and surroundings and shall bear a relationship to the operating hours of the enterprise or activity being advertised. Illumination of signs permitted only from one (1) hour before opening until one (1) hour after closing.

8.5.2.6 **Grouping** – Groups of related signs shall express uniformity, create a harmonious appearance, and provide a visual and aesthetic coordination of the information presented to the public.

8.5.2.7 **Height** – Height and physical placement shall be consistent throughout the master planned area.

**8.5.3 Application Review** – Upon receipt of an application for a Master Signage Plan accompanied by a plan meeting the requirements enumerated on the official site plan application form, showing all signage proposed, the Planning Board shall, at a public hearing(s), review the design for compatibility with the general design of the development, functionality of messages, color coordination, visibility, public safety and aesthetic details.

**8.6 Directory Signs** – In addition to other signs permitted by this ordinance, the town in its discretion operates a Directory Sign program for the benefit of permitted uses. The purpose of this Directory Sign program is to reduce traffic and enhance driver and pedestrian safety by guiding motorists and pedestrians to specific destinations. Participation in the directory sign program shall be limited to qualifying lots.

(Amended 03/13/18, War. Art. 4)

**8.6.1 Qualifications** – Permit for Directory Signs shall be limited to lots, meeting the following qualifications:

8.6.1.1 **Compliance** – All lots, together with structures and existing signs, must be in compliance with other provisions of this article. Lot(s) containing nonconforming signs are not eligible for participation on a Directory Sign.

8.6.1.2 **Participation Criteria** – All lots participating in a Directory Sign shall meet the applicability standards for a Master Signage Plan set forth in Section 8.5.1. Participation in a Master Signage Plan program is not required for a permit of a Directory Sign.

(Amended 03/13/18, War. Art. 4)

**8.6.2 Where Allowed** – Directory signs may be located within (a) a Town right-of-way or (b) on private land owned by one (1) or more applicants or a third party where a permanent easement for said private land has been granted in favor of the Town. Where a directory sign is to be located within the Town right-of-way, the applicant(s) must obtain location approval from the Board of Selectmen prior to making application to the Planning Board.

(Amended 03/13/18, War. Art. 4)

**8.6.3 Design** – Directory signs approved under this section shall be of uniform design throughout the town and shall be at the town's sole discretion. The design will follow the following general guidelines in this section. Minor variations as approved by the Planning Board to the Department of Public Works may be permitted.

(Amended 03/13/18, War. Art. 4)

8.6.3.1 **Header** – Each sign shall have an identifying header naming the street on which the businesses identified are located and shall be size proportioned to the business signs.

8.6.3.2 **Business Signs** – Each business or institutional use participating in a directory sign program shall be entitled to one (1) forty-eight (48) inch wide and fourteen (14) inch high sign module identifying the street number and name of the business. Additional information or commercial message(s) shall not be included on a Directory Sign.

(Amended 03/13/18, War. Art. 4)

8.6.3.3 Design Composition – Directory Signs may group Business Signs, as defined by Article 8.6.3.2, in not more than two (2) vertical columns, except where the Planning Board finds that the number of participants requires additional columns for readability and to avoid distraction.

(Amended 03/13/18, War. Art. 4)

8.6.3.4 Colors - Lettering – The Planning Board shall establish standard colors to be used by the Department of Public Works to manufacture and maintain all signs permitted under this section. Other colors shall not be used.

8.6.3.5 Illumination – The Planning Board shall establish standard, white, shielded lighting to be used by the Department of Public Works where illumination is permitted.

8.6.3.6 Reservation of Rights – The town reserves the right to limit the number of or exclude businesses or institutional uses from a Directory Sign if, in the judgment of the Planning Board, the number of identified businesses or institutional uses creates visual clutter or creates hazardous or distracting conditions.

(Amended 03/13/18, War. Art. 4)

**8.6.4 Installation and Maintenance** – All Directory Signs shall be installed and maintained in accordance with this section.

8.6.4.1 Ownership – Directory Signs displayed throughout the town shall be the property of the Town.

8.6.4.2 Fees – The Director of Public Works shall fix the cost of manufacturing, installing and maintaining each Directory Sign and shall publish a schedule thereof. All fees, including annual costs of maintenance, shall be borne by the qualifying businesses. Maintenance fees shall be a prorated share of maintaining all Directory Signs in town.

**8.6.5 Application** – Application for directory signs shall be made to the Planning Board in the same manner and form as required for Master Signage Plan except that a site plan will not be required for a Directory Sign.

**8.7 Permits Required** – If a sign requiring a permit under the provisions of this ordinance is to be placed, constructed, erected or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of this article. Signs approved under the master signage plan provisions require a permit. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance in every respect and with the Master Signage Plan in effect for the subject property.

**8.7.1 General Permit Procedures** – The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the submission and review of Master Signage Plans.

8.7.1.1 Applications – All applications for sign permits of any kind and for approval of a Master Signage Plan shall be submitted to the Director on an application form or in accordance with application specifications published by the Director.

- 8.7.1.2 **Fees** – Each application for a sign permit or for approval of a Master Signage Plan shall be accompanied by the applicable fees, which shall be established by the Selectmen.

**8.8 Signs Not Requiring A Permit** – The following listed signs shall not require a permit but must comply with Sections 8.3 and 8.9:

**8.8.1 Nameplates** – One (1) sign per dwelling unit, not exceeding one and one half (1.5) square feet in area, stating the name, address, and occupation of the resident.

**8.8.2 Temporary Signs** – Not more than two (2) temporary, non-illuminated on-site signs are permitted for the following purposes: (a) advertising the sale or lease of the premises thereon and open houses related thereto; (b) yard sales, garage sales, estate sales, and other similar non-recurring events occurring on the property; (c) farm produce and agricultural products grown or made on the lot; or (d) contractors, design professionals, and similar professionals presently performing construction on the lot. Such Temporary Signs shall not exceed six (6) square feet in the NRR, SFR, LR and IR zoning districts and shall not be more than thirty-two (32) square feet in all other districts. Temporary Signs may be displayed as early as seventy-two (72) hours prior to the products being available, services being provided, or events happening and shall be removed within twenty-four (24) hours after the products cease being available for sale or the services or events have ended. No Temporary Sign may be erected within the Town right-of-way or attached to a tree, utility pole, utility equipment or utility equipment cover, official street sign or traffic control sign, building or vehicle. Any sign posted within the Town right-of-way is subject to removal by the Town at any time.

(Amended 03/13/18, War. Art. 4)

**8.9 Signs Exempt From Regulation** – The following listed signs shall be exempt from regulation by this ordinance.

**8.9.1 Government Signs** – Any sign displayed by a local, county, state, or federal government in the official discharge of their duties within their territorial jurisdiction.

**8.9.2 Interior Signs** – Any sign displayed in the interior of a building or developed site, where the sign is not visible from a distance of more than three (3) feet beyond the lot line. If any interior sign becomes visible beyond the limit set by this section, then such sign shall be brought into conformance with this ordinance.

**8.9.3 [Reserved]**

(Amended 03/14/06, War. Art. 7)

**8.9.4 Traffic Control Signs** – Signs regulating motor vehicle and pedestrian traffic on private property, meeting state Department of Transportation standards.

**8.10 Design, Construction, and Maintenance** – All signs installed under this ordinance shall be considered structures and their design, construction and maintenance shall meet the standards of this ordinance and all other standards regulating structures.

**8.10.1 Design** – Signs under this ordinance shall be designed to be safe in all conditions likely to be encountered and shall avoid the use of prohibited methods of display.

8.10.1.1 **Code Compliance** – All signs installed in the town shall meet all applicable provisions of the Gilford Building Code and all other codes and standards referenced therein.

8.10.1.2 **Illumination** – Signs may be illuminated internally through diffuser panel(s), externally by a completely shielded light fixture, or by the use of translucent tubing containing electrostatically illuminated gases. Illumination of signs is limited to the hours between 7:00 a.m. and 11:00 p.m., or to hours that the signed premises are open to the public except that residential nameplate and directory signs may remain illuminated at any hour.

8.10.1.3 **Prohibited Methods** – Signs installed in the town shall not employ the following display methods:

- (a) Flashers, strobes, laser beams, or beacons.
- (b) Superimposed alternating messages (where alternating, different messages appear in the same or nearby space).
- (c) Vehicles containing commercial messages parked for the purpose of advertising.
- (d) Electronic or mechanical animation by image movement.

**8.10.2 Construction and Materials** – All signs except banners, window signs and garland pennants, under this ordinance, shall be constructed of durable, permanent materials and shall be permanently attached to the ground or building in a structurally secure manner.

**8.10.3 Maintenance** – Permitted signs shall be maintained in a condition to fully comply with the applicable regulatory codes. Sign message text and images shall be kept legible and readable in accordance with the permitted purpose. Illegible, faded signs shall be deemed not maintained. Sign structures left with no sign face for a period of one (1) year or more shall be deemed not maintained. Functional failure of the structural support(s) or connection(s) of any sign, when caused by failure to maintain the functional integrity of said supports or connections, and any sign that is deemed not maintained shall constitute abandonment of the sign and shall cause any applicable permits or protections from nonconformance to be void.

(Amended 03/10/15, War. Art. 5)

**8.10.4 Abandonment** – Any sign deemed abandoned by the Director or Code Enforcement Officer shall be removed and may not be replaced except in conformity with this ordinance and subject to the issuance of a new permit from the Director or his designee.

(Amended 03/10/15, War. Art. 5)

**8.10.5 Location** – All signs permitted by this ordinance shall be located in conformance with this section.

8.10.5.1 **Front Setback** – Signs may be located not less than fifteen (15) feet from the front lot line but may not be so located that said sign(s) interferes or obstructs visibility and/or view necessary for the safety of the motor vehicle traffic.

8.10.5.2 Side and Rear Setbacks – Signs along the side and rear lot lines shall be located not less than twenty (20) feet from side and rear lot line(s).

**8.10.6 Sign Height** – The height of all signs allowed by this ordinance shall conform to this section but in no event may the height of any sign create a hazard to aviation or motor vehicle traffic.

8.10.6.1 Building Signs may be not less than five (5) feet from the ground and shall project not more than four (4) feet above finished roofs having a pitch of three to twelve (3/12) or less and not more than two (2) feet above finished roofs having a pitch greater than three to twelve (3/12).

(Amended 03/13/18, War. Art. 4)

8.10.6.2 Freestanding, Development, and Banner Signs shall not be more than twenty-five (25) feet from the ground in accordance with Section 8.3, “Measurements”. Where a freestanding or banner sign is within twenty-five (25) feet of the edge of a road or a driveway, which intersects with another road or driveway, such sign shall not be less than five (5) feet from the ground to prevent interference with motor vehicle sight lines.

8.10.6.3 Garlands/Pennants, Nameplates, and Temporary Signs may not be less than two (2) feet from the ground and shall not be more than fifteen (15) feet from the ground, in accordance with Section 8.3, Measurements.

(Amended 03/13/18, War. Art. 4)

**8.11 Non-Conforming Signs** – Any sign lawfully installed prior to the date of adoption of this Article shall be deemed a protected non-conforming structure and may be continued as long as it is properly maintained. Such protected non-conforming sign may not be modified by relocation, enlargement, or alteration of shape unless it is brought into conformity with this Article. Protected non-conforming signs which have been removed without a permit to replace or which have been destroyed by natural causes shall be deemed to be structurally deficient and abandoned by negligence and if the removal or destruction exceeds fifty percent (50%) replacement value, the sign may not be restored or replaced except in conformity with this Article. Signs damaged or destroyed by any criminal act may be restored or replaced to their original size, form and location provided they are restored or replaced within one (1) year of being damaged or destroyed.

(Amended 03/10/15, War. Art. 5)

TABLE 8.12 – STANDARD SIGN ALLOWANCE								
TYPE OF SIGN	NRR	SFR	LR	IR	PC	RC	C	I
BUILDING	9,10	9,10	9,10	N	3	2	1	2
FREESTANDING	9,10	9,10	9,10	N	6,11	5,11	4,11	4,11
GARLAND/PENNANT	N	N	N	N	N	14	14	N
BANNER	N	N	N	N	7,12	7,13	7,13	7,12
WINDOW	N	N	N	N	15	15	15	15
CHANGEABLE COPY	N	N	N	N	16	16	16	16
DEVELOPMENT SIGN	8	8	8	N	5,17	5,17	4,17	4,17

(Amended 03/13/18, War. Art. 4)

**Note:** To determine the compliance of any sign, the aggregate sign face area of all existing and proposed signs must be considered.

N denotes sign type not allowed in zoning district.

Numbers denote signs allowed in zoning districts as follows:

1. Maximum sign face area  $64 \text{ SqFT} + 0.8 \text{ SqFT}$  per linear foot of building front, not to exceed  $160 \text{ SqFT}$  aggregate of all signs.
2. Maximum sign face area  $48 \text{ SqFT} + 0.6 \text{ SqFT}$  per linear foot of building front, not to exceed  $120 \text{ SqFT}$  aggregate of all signs.
3. Maximum sign face area  $32 \text{ SqFT} + 0.4 \text{ SqFT}$  per linear foot of building front, not to exceed  $80 \text{ SqFT}$  aggregate of all signs.
4. Maximum sign face area  $64 \text{ SqFT}$ .
5. Maximum sign face area  $48 \text{ SqFT}$ .
6. Maximum sign face area  $32 \text{ SqFT}$ .
7. Maximum sign face area  $24 \text{ SqFT}$ .
8. Maximum sign face area  $12 \text{ SqFT}$ .
9. Maximum sign face area  $6 \text{ SqFT}$ .
10. Not more than one (1) sign (regardless of sign type) allowed on one (1) lot.
11. Not more than one (1) sign of this type conforming to the total aggregate sign face allowed on one (1) lot.
12. Not more than one (1) sign of this type permitted on one (1) lot and the sign face area shall be deducted from all other freestanding or building sign(s) allowed.
13. Not more than two (2) signs of this type allowed on one (1) lot and the sign face area shall be deducted from all other freestanding or building sign(s) allowed.
14. Not more than one (1) linear foot for each two (2) linear feet of street frontage.
15. In addition to other signs allowed, not more than 25% of the glazed area of the building front.
16. Not more than 30% of the maximum of all sign types allowed on a lot may be changeable copy. (Signs of this type are not allowed as additions to other sign types but are allowed as a proportional part thereof.)
17. Not more than one (1) sign of this type allowed per development. May be allowed in addition to other signs allowed. Shall meet all setback requirements of Section 8.10.5, Location.

(Amended 03/13/18, War. Art. 4)

TABLE 8.13 – MASTER SIGNAGE PLAN STANDARDS								
TYPE OF SIGN	NRR	SFR	LR	IR	PC	RC	C	I
BUILDING	N	N	N	N	3	2	1	2
FREESTANDING	N	N	N	N	6	6	6	6
GARLAND – PENNANT	N	N	N	N	N	N	N	N
BANNER	N	N	N	N	4	4	4	4
WINDOW	N	N	N	N	5	5	5	5
CHANGEABLE COPY	N	N	N	N	5	5	5	5

(Amended 03/13/18, War. Art. 4)

**Note:** To determine the compliance of any sign, the aggregate sign face area of all existing and proposed signs must be considered.

N denotes sign type not allowed in zoning district.

Numbers denote signs allowed in zoning districts as follows:

1. Calculate the maximum allowable sign face area at the rate of 1.2 <sup>SqFt</sup> for each linear foot of building front.
2. Calculate the maximum allowable sign face area at the rate of 0.9 <sup>SqFt</sup> for each linear foot of building front.
3. Calculate the maximum allowable sign face area at the rate of 0.6 <sup>SqFt</sup> for each linear foot of building front.
4. Not more than two (2) signs of this type permitted in the master signage development and the sign face area shall be deducted from the aggregate allowable building and freestanding signs.
5. Maximum sign face area shall not exceed the allowance for the same sign type in Table 8.12.
6. In addition to other signs allowed, one (1) freestanding sign is allowed for each 200 linear feet of street frontage, but not closer than 200 feet from another sign of this type having a sign face area not to exceed the sign face area allowed in Table 8.12. **Exception:** A site eligible for two (2) or more freestanding signs may have one (1) freestanding sign with up to twice the sign face area allowed in Table 8.12 provided that the area of another freestanding sign is reduced in area by an equal, compensating amount. No more than one such sign shall be permitted per site.

(Amended 03/13/18, War. Art. 4)

## ARTICLE 9. NONCONFORMING STRUCTURES, LOTS, AND USES

- §9.1 Nonconforming Lots
- §9.2 Nonconforming Uses
- §9.3 Nonconforming Structures

The purpose of this ordinance is to regulate nonconforming lots, uses, and structures; provide limitations on their use; and clarify under what circumstances nonconforming lots, uses, and structures may be expanded, reduced, modified, continued, or terminated.

**9.1 Nonconforming Lots** - A lot that has less than the prescribed minimum area or frontage, may be built upon provided that all other regulations of this ordinance are met and that lot, before the adoption of the requirements which have made it nonconforming:

- (a) was lawfully laid out by plan or deed duly recorded in the Belknap County Registry of Deeds; or
- (b) was shown on a subdivision plan approved before 1984 under the Subdivision Regulations of the Town of Gilford; or
- (c) was otherwise exempt from such regulations by the provisions of statute, and provided that such lot conforms to the area and frontage requirement of the zoning ordinance applicable at the time of said recording or approval.

Lots merged by municipal action for zoning, assessing or taxation purposes prior to the effective date of this ordinance and without the consent of the property owner shall not be deemed to have been merged for the purposes of this Zoning Ordinance, the Town's Subdivision Regulations, or Site Plan Review Regulations.

(Amended 03/12/02, War. Art. 2, Amd. 3; 03/09/10, War. Art. 8)

**9.2 Nonconforming Uses** - If a lawful use exists at the effective date of adoption or amendment of this ordinance, which would not be allowed in the zone under the terms of this ordinance, said use shall be protected and may be continued so long as it remains otherwise lawful and subject to the other provisions of this section.

**9.2.1 Discontinued Use** - If a nonconforming use is discontinued for one (1) year or superseded by a conforming use, it shall thereafter conform to the regulations of the zone and the nonconforming use may not be resumed.

**9.2.2 Expansion** - A nonconforming use may be expanded within the limits of the property in which it was lawfully established if the unity of the use is retained and other requirements of the zone are complied with.

**9.2.3 Nonconforming Seasonal Uses** - A nonconforming seasonal use may not be expanded to a year-round use.

**9.3 Nonconforming Structures** – Structures that lawfully existed prior to the enactment of any ordinance which made them unlawful shall be called nonconforming structures and may remain as long as they are maintained in a safe and occupiable condition.

**9.3.1 Repairs to Nonconforming Structures** - Nothing in this section shall prevent the ordinary repair and maintenance of any lawfully established, nonconforming structure.

**9.3.2 Destruction, Demolition** - A nonconforming structure, which has been destroyed partly or completely, may be rebuilt within the following limitations:

- (a) Size - The nonconforming area of a rebuilt structure shall not exceed the dimensional size of the original building footprint.
- (b) Location - The rebuilt structure shall be repositioned to the greatest extent possible in conformance with front, side and rear setbacks. However, this is not intended to prohibit a property owner from reusing the foundation remaining after destruction or demolition of a nonconforming building if the foundation of the building so destroyed or demolished is used within one (1) year of the building's destruction or demolition.
- (c) Reconstruction Time Limit - If reconstruction of a destroyed or demolished nonconforming structure is not commenced within one (1) year of the building's destruction or demolition, any new building located on the property shall be built conforming to standard requirements. The Planning Board may extend this time limit upon finding that the applicant's inability to begin reconstruction within one (1) year is due to circumstances beyond his control.

**9.3.3 Alterations** - No alterations shall be made to a nonconforming structure which make the structure more nonconforming except as follows:

- (a) Additions - Horizontal or lateral additions may be made to any nonconforming structure if the addition itself is conforming to the standard requirements of the code. For structures nonconforming as to setback, vertical additions (up or down) within the required setback may be made provided any such addition does not increase the setback encroachment. Further, any such vertical addition may increase the structure height within the setback up to the lesser of the following:
  - (1) The maximum allowable structure height in the zone;
  - (2) One and one half (1½) times the height of the structure at the time it became nonconforming; or
  - (3) Fifty percent (50%) of the width of the lot.
- (b) Interior Alterations - Interior alterations may be made within a nonconforming structure. This may include interior alterations that increase or decrease building floor area provided that neither the building envelope nor the building footprint is expanded.
- (c) Building Entirely within a Setback - Where a building is entirely within a setback and a new building is added in conformance with the setback requirements on the same lot, a building connection between the nonconforming and the conforming buildings shall be allowed as follows:
  - (1) The building height and the number of stories of the building connection shall not exceed the existing height and stories of the nonconforming building being connected.
  - (2) The building footprint of the building connection shall not exceed one-third (1/3) of the building footprint of the nonconforming building being connected.

**9.3.4 General Safety** - Nothing in this ordinance shall prevent the strengthening or restoring to safe condition any building or part thereof upon order by any public official charged with protecting the public safety.

## ARTICLE 10. ZONING BOARD OF ADJUSTMENT

- §10.1 Term, Membership, Authority, and Duties
- §10.2 Powers
- §10.3 Procedures
- §10.4 Rehearing and Appeal Procedure

**10.1 Term, Membership, Authority, and Duties** – In conformance with RSA 673:1 IV, the Board of Selectmen shall appoint a Board of Adjustment consisting of five (5) members and up to five (5) alternates, whose qualifications, duties, and organization shall conform to provisions of RSA 673:3 through RSA 673:17.

The present members and alternate members, and persons appointed by the Selectmen to fill any present unexpired terms should vacancies occur, shall continue to serve until the present terms expire. Thereafter, the Selectmen shall appoint members and alternate members of the Zoning Board of Adjustment for three (3) year terms in conformance with RSA 673:5.

**10.2 Powers** – The Board of Adjustment shall have the powers assigned to it by RSA 674:33 and any other powers assigned to it by ordinance or by vote of the town meeting.

**10.2.1 Administrative Appeal** – The Board shall hear and decide appeals if it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance. In exercising its powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all of the powers of the administrative official from whom the appeal is taken.

- (a) Appeals may be taken by any aggrieved party and in such manner as prescribed in RSA 676:5 and by the rules of the Gilford Board of Adjustment.
- (b) The “administrative officer” means any official or board who, in that municipality, has responsibility for issuing permits or certificates under the ordinance, or for enforcing the ordinance, and may include a building inspector, board of selectmen, or other official or board with such responsibility.
- (c) A “decision of the administrative officer” includes any decision involving construction, interpretation, or application of the terms of the ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the ordinance which is implicated in such enforcement proceedings.

**10.2.2 Special Exceptions** – The Board shall hear and decide appeals for special exceptions to the terms of this ordinance, and shall grant such appeals in appropriate cases subject to the conditions and safeguards set forth in Article 11, Special Exceptions, of this ordinance.

**10.2.3 Variances** – The Board shall hear and decide appeals for variances from the terms of this ordinance. A variance is a setting aside of certain terms of this ordinance in a specific case, and shall be granted only for special circumstances under conditions prescribed by law. Variances are further described in Article 12, Variances.

**10.2.4 Zoning Ordinance Interpretation** – The Zoning Board of Adjustment, upon request, may make interpretations of this ordinance in keeping with the purpose and intent. The Zoning Board of Adjustment is the final town authority in interpretation of this ordinance.

**10.3 Procedures** – The Board of Adjustment procedures shall conform to the provisions of RSA 676 and this ordinance.

**10.3.1 Bylaws** – The Board of Adjustment shall adopt rules governing its proceedings pursuant to requirements of RSA 676:1.

**10.3.2 Joint Meetings** – The Board of Adjustment may hold joint meetings with the Planning Board, Historic District Commission, or the Building Official, as provided in RSA 676:2.

**10.3.3 Meetings And Hearings** – Meetings of the Board of Adjustment and public hearings on appeals being heard by the Board, shall be held as required by the bylaws of the Board. The concurring vote of three (3) members shall be necessary to decide in favor of any appeal or to reverse any action appealed from (RSA 674:33 III.) Notice of public hearing shall be given at least five (5) days before the hearing date, by certified mail to the appellant and every abutter and by placing notice in a newspaper of general circulation, as required by RSA 676:5, and also be provided to the Board of Selectmen, Planning Board, Conservation Commission, Historic District Commission, Department of Public Works, Town Appraiser, and Building Official. Cost of giving notice shall be borne by the appellant under terms set by the Selectmen.

**10.3.4 Notice Of Decision** – The Board shall issue a final written decision on each appeal heard. If the appeal is not approved, the decision shall state the reasons for disapproval (RSA 676:3 I.) The decision shall be placed on file with the Town Clerk and made available for public inspection within seventy-two (72) hours after it is made (RSA 676:3 II.) In addition, notice shall be given to the appellant, Board of Selectmen, Planning Board, Conservation Commission, Historic District Commission, Department of Public Works, Town Appraiser, and Building Official, and any others notified of the public hearing.

**10.3.5 Board As An Entity** – The Board is a single entity and thus a vote of the Board is binding on all members. Votes for rehearings or other subsequent actions do not need to be made by the same board members who participated in the original action.

**10.4 Rehearing and Appeal Procedures** – Rehearing and appeal procedures shall be as set forth in RSA 677.

## ARTICLE 11. SPECIAL EXCEPTIONS

- § 11.1 Application
- § 11.2 General Rules for Special Exceptions
- § 11.3 Application Disposition
- § 11.4 Specific Rules for Particular Special Exceptions

Certain uses, structures, or conditions are designated in Article 4 as special exceptions (E). Upon application duly made, the Board of Adjustment may grant a permit for a special exception, provided it finds after public hearing that the proposed use meets the general purpose, intent, and rules of this ordinance and the specific rules set forth in this article.

**11.1 Application** – Upon applying for a special exception, appellant shall submit to the Board of Adjustment a determination that the proposed use is not permitted without a special exception. This determination may take any of the following forms:

- (a) Letter of denial from the Director of Planning and Land Use or designee on any matter which requires site plan or subdivision approval.
- (b) Building permit denial on any matter which does not require Planning Board approval.
- (c) Letter of denial from the Board of Selectmen, Planning Board, Historic District and Heritage Commission, or other Town board or official on matters under their jurisdiction.

Upon acceptance of the completed application by the Board of Adjustment, a public hearing will be held. The process shall follow the standards in Article 10, Zoning Board of Adjustment, of this ordinance.

(Amended 03/13/07, War. Art. 4)

**11.2 General Rules for Special Exceptions** – Before granting a special exception, the Board of Adjustment shall determine that the following requirements are met:

- (a) A letter of denial was issued for the requested special exception;
- (b) The site is appropriate for the proposed use or structure;
- (c) The proposal is not detrimental or injurious to the neighborhood;
- (d) There will not be undue nuisance or serious hazard to pedestrian or vehicular traffic;
- (e) Adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use or structure; and
- (f) The proposal is consistent with the spirit of this ordinance and the Master Plan.

(Amended 03/13/07, War. Art. 5)

**11.3 Application Disposition** – The Zoning Board of Adjustment may approve or deny, for reason, a special exception application. In approving a special exception, the Board may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this ordinance.

**11.4 Specific Rules for Particular Special Exceptions** – Before granting an application for special exception for any use covered by this section, the Board of Adjustment shall determine that all the requirements are met for that special exception, as herein set forth.

**11.4.1 Density Increases for Manufactured Housing Parks** – The Zoning Board of Adjustment may grant special exceptions for one (1) or both of the following density increases subject to the requirements of Section 11.2, General Rules for Special Exceptions, and the following specified requirements being met:

- (a) The allowed density determined by Section 6.21.1(b) may be increased by one hundred percent (100%) subject to the following additional requirements:
  - (1) Setbacks – A one hundred (100) foot setback shall be required along all boundaries of the park.
  - (2) Screening – Screening width shall be twenty-five (25) feet wide instead of six (6) feet, and in all other terms in conformity with the requirements of the definition of “Screen or Screening” in Article 3.
  - (3) Recreation Area – A useable area of no less than one thousand (1,000) square feet per allowed unit shall be set aside and maintained for the joint use of all the occupants of the park.
- (b) The allowed density determined by Section 6.21.1(b) and 11.4.1(a) may be increased by fifty percent (50%) subject to the following additional requirements:
  - (1) Sewage Disposal – Connection of all units to a municipal sewer system.

**11.4.2 Sand and Gravel** – Removal of clay, sod, loam, sand, or gravel is permitted, either for private use or for sale, provided that all excavating, handling, processing, and storage facilities shall be removed and the area left in a safe and sightly condition and protected against erosion after excavation is completed.

- (a) The applicant shall submit a site plan and erosion plan to the Planning Board for its approval, which indicates the area involved, existing and proposed contours, the estimated quantities to be removed, and the phasing of the project. Unless waived by the Planning Board, the site plan shall provide:
  - (1) That no excavation, except sod and loam, including resloping for stabilization and revegetation, shall be made within one hundred (100) feet of any property line or road right-of-way line or natural body of water or stream.
  - (2) Loam shall not be removed to leave a depth of loam of less than four (4) inches remaining, unless it is replaced with at least four (4) inches of loam after excavation is completed.
  - (3) All water courses on and off the site and all adjoining properties shall be protected against erosion and siltation by use of, but not limited to, siltation ponds, hay barriers, and diversion ditches.
  - (4) Final vegetated slopes shall not exceed one (1) vertical to two (2) horizontal.
  - (5) The site plan shall show a division of the deposit into the smallest practical sections that can be independently worked to final grade and restored to final revegetation.
- (b) Regrading and revegetation for each section shall be done within either ninety (90) days after depletion of the deposit in that section or completion of the work for which the deposit in that section was opened; or three hundred sixty-five (365) consecutive calendar days after the last use of the deposit as a general source of supply.
- (c) The Board of Adjustment may require the applicant to post a bond payable to the Town of Gilford in such form as Town Counsel may require, to become forfeit in

case the operation is not carried out in accordance with the terms of the permit and to assure that the property will be restored to a safe and useable condition. The Board of Adjustment shall grant one (1) year renewals of the original permit for as long as it determines that the use has been maintained in accordance with the initial permit and approved site plan, and restoration has been performed as required.

- (d) Abandoned entrance roads shall be regraded and permanently revegetated to assure that they are left in a safe and sightly condition and protected against erosion, within a period of ninety (90) days of abandonment or depletion. Excavation, handling, processing, and trucking of such material shall not be allowed between 8:00 P.M. and 7:00 A.M. and no operation shall be conducted on Sunday or state holidays. Abandoned excavated slopes shall not exceed one (1) vertical to two (2) horizontal.
- (e) Owners of existing operations shall submit a site plan and conform to this ordinance within one (1) year of the passage of this ordinance.
- (f) Any portion of the site that is depleted shall be regraded, loamed, and revegetated as soon as practical, and in no case more than one hundred eighty (180) days after such depletion. The Director of Public Works shall determine what areas must be so restored.
- (g) The site plan shall include a restoration plan describing the process of site regrading and revegetation to commence within ninety (90) days after depletion of the deposit or within three hundred sixty-five (365) days after the last use of the deposit as a general source of supply.

**11.4.3 Cluster Development** – Where permitted by exception and the exception has been granted, single detached one-family dwellings or other lawful buildings may be constructed on certain lots in a cluster development (as hereinafter defined and limited), although such lots have less area and/or frontage than normally required. For the purpose of this section, a cluster development is a division of land into lots used, or available for use, as building sites where said lots are clustered together into one (1) or more groups, separated from adjacent property and other groups of lots by intervening common land.

- (a) The purpose of rural cluster development, to which purposes it must adhere, are the following:
  - (1) To preserve the natural beauty of existing roads within the Town of Gilford and to encourage less intensive residential development.
  - (2) To allow diversity of housing opportunities, with open space areas and pedestrian and vehicular safety.
  - (3) To allow an efficient use of land, streets and utility systems.
- (b) Anyone desiring to develop a parcel of land having unique topographic characteristics which, in their opinion, can use special development considerations, may request in writing to the Planning Board that such proposal be considered under the provisions of this article.
- (c) Cluster developments may not be required to conform to minimum frontage and lot size requirements of the zone, but may be designed as per this section.
- (d) The Planning Board may approve such cluster development provided that:
  - (1) The total area of land included within the development shall be ten (10) acres or more.

- (2) The total number of lots shall not exceed the number of lots normally permitted under the zoning district in which the parcel is located.
- (3) Each lot has an area of at least ten thousand (10,000) square feet.
- (4) Every individual lot shall have a minimum width or depth of at least eighty (80) feet, except that any lot abutting an existing or arterial or collector street (as defined in the Planning Board Subdivision Regulations or indicated in the Comprehensive Plan) shall meet the frontage rules of the zone.
- (5) The total area of common land within the development equals or exceeds the sum of the areas by which any individual lots are reduced below the minimum lot area normally required in the district.
- (6) Every individual lot with less area than the amount normally required, abuts such common land for a distance of at least fifty (50) feet.
- (7) The minimum width of common land between any group of lots and adjacent property, and between every two (2) groups within the development is fifty (50) feet.
- (8) All lots shall be connected to a community water system and a public sewer system or equivalent.
- (9) All common land shall be accessible from a road and shall be held in corporate ownership by the owners of lots within the development or accepted by the Town for general, public recreation. The developer shall include in the deed to the owners, beneficial rights in said common land, and an easement shall be conveyed to the Town of Gilford against development of said land and the erection thereon of any structures other than for neighborhood non-commercial recreational use, and the proportionate value of such common land shall be included in the tax valuation of each lot.
- (10) No more than eight (8) units shall be in one (1) cluster.
- (11) The developer shall provide a water supply for fire protection purposes that meets the requirements as set forth by the Fire Department.
- (e) Each application for special permit hereunder shall be accompanied by a plan, in duplicate, prepared in accordance with the specifications of the Planning Board for preliminary subdivision plans with other details as deemed necessary by the Planning Board.
- (f) The Planning Board shall study the plan with respect to the requirements of the Subdivision Regulations and approval under this article includes subdivision approval.

#### **11.4.4 Planned Unit Development**

- (a) Application of Planned Unit Development – The provisions of this section shall apply only to a tract of land of at least twenty-five (25) acres, but no more than two hundred (200) acres owned by one (1) owner or corporation. In zones where permitted by exception, and after said exception is granted by the Zoning Board of Adjustment, application may be made to the Planning Board for a Planned Unit Development.
- (b) Permitted Uses – As follows:

- (1) Dwelling units in detached, semi-detached or two storied structures, of no more than six (6) units per structure, and no more than three (3) units per buildable acre (as per Section 5.1.1, Lot Size & Buildable Area).
  - (2) Non-residential religious, cultural, recreational, and business which will mainly serve the residents of the development.
- (c) Standards and Criteria – The plan shall meet the following general standards:
- (1) The land of development shall be suitable for the density as calculated per buildable acre, and no buildings shall be erected within the non-buildable areas. The location and site design of the project shall be in harmony with the established pattern of land use. Future development of surrounding areas may be considered. Any natural features, such as lakes or dense woods, shall be preserved and capitalized upon.
  - (2) The plan shall provide for a variety of housing types including single family detached homes, whether in individual, condominium, or corporate ownership. The mixture of unit types shall be coordinated with the Planning Board and subject to utility capabilities. No more than seventy-five percent (75%) of units shall have only single bedrooms, and no more than fifty percent (50%) of units shall have more than two (2) bedrooms.
  - (3) The total ground area occupied by structures and required parking areas shall not exceed twenty percent (20%) of total ground area of the development.
  - (4) Height of buildings shall be restricted to thirty-five (35) feet to provide for public safety, adequate light and air, and to maintain the neighborhood character. Structures shall be designed to ensure no degradation of the enjoyment of neighboring property.
  - (5) Style of the buildings shall be consistent with the best practices of the architectural profession and shall not conflict with development of any area designated as a historical area. Adequate provision shall be made for visual and acoustical privacy of individual dwelling units. Fencing, insulation within buildings, walks, barriers, and landscaping shall be utilized to the greatest extent for the protection and aesthetic enhancement of property and the privacy of occupants.
  - (6) Non-residential uses shall be only intended for the use of the residents of the development. Total space for commercial uses shall not exceed five percent (5%) of total buildable area, and be limited to convenience uses as determined by Planning Board. The total area of such uses and their parking areas shall not occupy more than five percent (5%) of the total ground area of the development. No building intended to be used for commercial purposes shall be completed prior to the completion of more than sixty percent (60%) of the dwelling units proposed in the plan. No shop or store shall contain more than two thousand (2,000) square feet of sales area, except a food store which shall contain not more than five thousand (5,000) square feet of sales area. Any commercial structure shall be developed on the perimeter of the development and shall be set back from any main road. Once a certificate of completion has been issued for the commercial area, any physical expansion of the facilities shall require site plan approval by the Planning Board.

- (7) The amount, characteristics, and location of common open space shall be consistent with the function of the common open space as set forth in the application, and provisions shall be made for ownership and maintenance of said common open space to assure its continuity and conservation. Open space is all uncovered land or water area within the planned unit development. Recreational space is for both active and passive recreation. These spaces shall be located for pedestrian access, with minimal vehicular access, and designed principally for the residents of the development. Water areas shall be kept unchanged except for improvements.
- (8) The plan shall contain proposed covenants, easements, and other provisions relating to the bulk, location, and density of residential units, non-residential uses, and public facilities as are necessary for development and are consistent with the best interest of the neighborhood and the entire town.
- (9) The Planning Board shall designate divisible geographic sections, of the entire development, and may specify reasonable periods within which development of each section must be commenced. The Board may permit in each section deviations from the number of dwelling units per acre established for the entire development, of up to two (2) per acre, if the deviation is adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the development is not affected. At no time shall the density constructed or under construction exceed the maximum for the zone. No more than three (3) sections shall have construction taking place at once, and the third section will not be permitted until either sixty percent (60%) of section one (1) is occupied or until section one (1) is ninety percent (90%) complete.
- (10) Construction time of the entire development, and from the commencement date for each section thereof, may be modified from time to time by the Planning Board upon the showing of good cause by the landowner, provided that in no case shall each extension of time exceed twelve (12) months.
- (11) Parking areas shall be designed and landscaped to minimize adverse effects on livability in the development. There should be no more than thirty (30) parking spaces to a single parking area. Service areas for delivery, storage, and trash collection purposes shall be provided where necessary.
- (12) All utilities shall be underground. All developments must be connected to a public sewer system, and have a community water system.
- (13) Pedestrian walkways shall provide, where practical, for separation between pedestrian and vehicular traffic, including pedestrian underpasses or overpasses.
- (14) Besides open space requirements, the Planning Board may require a minimum of ten percent (10%) of the total building area be in developed recreational facilities. These facilities may include recreation building, swimming pool (not natural water features), tennis courts, handball courts, etc. Natural features that will be improved to become active recreational in character such as beaches, ball fields and bodies of water, cannot be included in this requirement. In cases where required, recreational facilities must be completed before approval will be given for more than seventy-five percent (75%) of dwelling units, or for occupancy of more than fifty percent (50%) of units.

- (15) The outer boundaries of the development shall have a landscaped, green space buffer strip of one hundred (100) feet. Each residential area within the project shall have a buffer section to provide for transition between areas of different densities and uses. Privacy areas, such as screened patios or balconies, shall be included in each structure. Commercial areas may be set apart from residential areas by means of geographic features, street patterns, uses, fences, plantings, walls, or other buffering features.
- (16) The developer shall provide a water supply for fire protection purposes that meets the requirements as set forth by the Fire Department.
- (d) Any application under this section shall be accompanied by a written statement by the landowner setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the purpose of planned unit development and with the specific criteria published by the Planning Board. In this report the applicant shall prove that any commercial area shall serve primarily the residents of the project. This will require a market survey or economic feasibility report keyed to the estimated population of the completed development.
- (e) After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:
  - (1) Any minor extensions or alterations of existing buildings may be authorized by the Planning Board if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the size of any building by more than five percent (5%), the number of dwelling units, or the total building coverage.
  - (2) Any uses not authorized by the approved final plan, but allowable in the development as a permitted use under provisions in the zone in which the development is located, may be added to the final development plan under the procedures provided by the zoning ordinance for the granting of special exceptions.
  - (3) Changes in the use of common open space and all other changes may be authorized by amendment to the final development plan only with approval of the Planning Board.
- (f) A planned unit development may be subdivided or resubdivided for purposes of sale or lease after the certificate of completion has been issued by the Planning Board. Approval for each subdivision or resubdivision may be granted for each section if the subdivision or resubdivision meets the provisions of this ordinance governing density, common open space, and setback requirements.

**11.4.5 Campgrounds** – A campground shall be a lot on which two or more tents, travel trailers, recreation vehicles, or tent trailers are used as temporary living quarters for recreation or education. The use of a camp site shall not be considered a subdivision and the campground shall be considered to be a single site under a single ownership. Sites are not to be sold or subdivided so as to permit separate ownership.

- (a) There shall be a caretaker to maintain the park as needed.
- (b) All campsites shall be graded for safe water drainage.

- (c) Each site shall have a minimum of six hundred (600) square feet plus three hundred (300) square feet of parking space located either on-site or in a common parking area. Sites shall be at least fifty (50) feet from any public road.
- (d) A twenty (20) foot wide buffer strip of dense trees and/or shrubs or natural forest, shall be maintained along all boundaries, sufficient to screen camp areas from full view off site.
- (e) Within campgrounds all roads shall be well drained, graveled, or hard-surfaced, and maintained in good condition. All two-way roads shall be a minimum width of twenty (20) feet, and all one-way roads shall be a minimum width of twelve (12) feet.
- (f) Water supply, garbage disposal and toilet facilities shall conform to the State of New Hampshire, State Department of Health and Welfare, sanitary laws and regulations.
- (g) Management headquarters, recreational facilities, showers, laundry facilities, and other uses and structures customarily incidental to operation of a campground, are permitted as accessory uses.
- (h) No tent, tent trailer, travel trailer, motorized camper, pick-up camper, or pick-up coach shall be used as a permanent year-round residence.

#### **11.4.6 Multi-Family Development**

- (a) Application of Multi-Family Development – The provisions of this section shall apply only to a tract of land between five (5) and twenty-five (25) acres, owned by one (1) owner or corporation, in zones where permitted by exception, and after said exception is granted by the Zoning Board of Adjustment. Applicant may request a joint meeting under Article 10, Section 10.3.2, Joint Meetings.
- (b) Permitted Uses – As follows: Dwelling units in detached, semi-detached, attached, or two- (2) storied structures, consisting of one- (1) family, two- (2) family, and multi-family units of not more than six (6) units per structure, and no more than three (3) units per buildable acre, and such other uses as are permitted within the zone.
- (c) Standards and Criteria – the plan shall meet the following general standards:
  - (1) The land for development shall be suitable for the density as calculated per buildable acre (per section 5.1.1, Lot Size & Buildable Area) and no buildings shall be erected within the non-buildable areas. The location and site design of the project shall be in harmony with the established pattern of the land use. Future development of surrounding areas may be considered. Any natural features, such as lakes or dense woods, shall be preserved and capitalized upon.
  - (2) The plan may provide for a variety of housing types, including single family detached homes, whether in individual, condominium, or corporate ownership. The mixture of unit types shall be coordinated with the Planning Board and subject to utility capabilities. No more than seventy-five percent (75%) of units shall have only single bedrooms, and no more than fifty percent (50%) of units shall have more than two (2) bedrooms.
  - (3) The total ground area occupied by structures and required parking shall not exceed twenty percent (20%) of the total ground area of the development.

- (4) Height of buildings shall be restricted to thirty-five (35) feet to provide for public safety, adequate light and air, and to maintain the neighborhood character. Structures shall be designed to ensure no degradation of the enjoyment of neighboring properties.
- (5) Style of the buildings shall be consistent with the best practices of the architectural profession and shall not conflict with development of any area designated as a historical area. Adequate provision shall be made for visual and acoustical privacy of individual dwelling units. Fencing, insulation within buildings, walks, barriers, and landscaping shall be utilized to the greatest extent for the protection and aesthetic enhancement of the property and the privacy of occupants.
- (6) The amount, characteristics, and location of common open space shall be consistent with the function of the common open spaces as set forth in the application, and provisions shall be made for ownership and maintenance of said common open space to assure its continuity and conservation. Open space is all uncovered land or water area within the multi-family development. Recreational space is for both active and passive recreation. These spaces shall be located for pedestrian access, with minimal vehicular access, and designed principally for the residents of the development. Water areas shall be kept unchanged except for improvements.
- (7) The plan shall contain proposed covenants, easements, and other provisions relating to the bulk, location, and density of residential units, and public facilities as are necessary for development and are consistent with the best interest of the neighborhood and the entire town.
- (8) Parking areas shall be designed and landscaped to minimize adverse effects on livability in the development. There should be no more than thirty (30) parking spaces to a single parking area. Service areas for delivery, storage, and trash collection purposes shall be provided where necessary.
- (9) All utilities shall be underground. All developments must be connected to a public sewer system, and have a community water system.
- (10) Besides open space requirements, the Planning Board shall have power to request up to but not to exceed ten percent (10%) of the total building area in developed recreational facilities. These facilities may include recreation buildings, swimming pools (not natural water feature), tennis courts, etc. Natural features that will be improved to become active recreational in character such as beaches, ball fields, and bodies of water, cannot be included in this requirement.
- (11) The outer boundaries of the development shall have a landscaped green space buffer strip of fifty (50) feet for developments of one (1) to ten (10) acres, seventy-five (75) feet for developments of ten (10) to twenty-five (25) acres.
- (12) Changes in the use of common open space and all other changes may be authorized by amendment to the final development plan, and with approval of the Planning Board.
- (13) The developer shall provide a water supply for fire protection purposes that meets the requirements as set forth by the Fire Department.

### 11.4.7 Senior Housing

- (a) Authority and Purpose – It is declared to be in the public interest and for the general welfare of the Town of Gilford to permit the development of senior housing facilities specifically suited to address the special housing needs of seniors. It is the purpose of this section to establish provisions under which senior housing developments may be permitted.
- (b) Application for Senior Housing Development – The applicant for a senior housing development shall receive approval of a special exception from the Board of Adjustment, and shall also receive site plan approval from the Planning Board. An applicant may request a joint meeting as provided for in Section 10.3.2, “Joint Meetings”.
- (c) Dwelling Type and Density – Dwelling units may be in detached, semi-detached, and/or attached structures, consisting of one-family, two-family, and/or multi-family units. Senior housing developments may be developed with not more than fifteen (15) units per buildable acre in residential zones and not more than twenty-four (24) units per buildable acre in non-residential zones. Structures in residential zones may be developed with not more than twenty-eight (28) units per structure.
- (d) Utilities – All utilities shall be underground.
- (e) Access – All units shall be serviced by a private roadway internal to the site and shall not have direct driveway access from a public street.
- (f) Layout & Design – All senior housing developments shall be architecturally designed, located, landscaped, and buffered in a manner that does not adversely alter the character of the neighborhood.
- (g) Open Space/Recreation Facilities – Adequate open space and recreation facilities shall be provided on site consistent with the overall density proposed. Recreational amenities shall be provided for each senior housing development. Recreational amenities shall include a community room sized appropriately for the project, and such other amenities as are suitable and commensurate with the size and occupancy of the development.
- (h) Unit Mix – All developments shall provide for a mixture of one- (1) and two- (2) bedroom units. The maximum number of bedrooms per unit shall be two (2).
- (i) Parking – A minimum of one and one tenth (1.1) parking spaces shall be provided for all one- (1) bedroom units and a minimum of one and three tenths (1.3) parking spaces shall be provided for all two- (2) bedroom units. In addition, one (1) parking space shall be provided and designated for maintenance vehicle parking per senior housing development.
- (j) Fire Protection – All units shall meet all state and local life safety and fire code requirements.
- (k) Lot Coverage – No senior housing development shall exceed the lot coverage typically allowed in the zone.
- (l) Lot Frontage – All lots proposed to support a senior housing development shall have a minimum of fifty (50) feet of frontage on, or a minimum of a fifty (50) foot wide right-of-way on a town- or state-maintained road.
- (m) Setbacks – In the SFR and LR zones, all lots proposed for senior housing shall maintain setbacks of fifty (50) feet from all property lines.

- (n) Development Size – The minimum area of a senior housing development in a residential zone shall be three (3) gross acres and the maximum area shall be ten (10) gross acres.
- (o) Permitted Uses – The uses permitted and permitted by special exception in a senior housing development are the same as those allowed elsewhere in the same zone as regulated by Article 4.
- (p) Conflicting Regulations – To the extent that the specific requirements of this section are inconsistent or at variance with any other requirements contained within the ordinances of the Town of Gilford, the requirements imposed herein shall govern and control senior housing developments.

#### **11.4.8 Large Commercial Vehicle Parking**

- (a) A special exception may be granted to permit parking of Large Commercial Vehicles in the NRR, SFR, and LR zones provided all of the following standards are met:
  - 1. Large Commercial Vehicles shall be parked inside an approved building that is located a minimum of fifty (50) feet from the nearest property line, or outdoors on an approved driveway a minimum of one hundred (100) feet from the nearest property line.
  - 2. Large Commercial Vehicles shall not idle on site for longer than ten (10) minutes.
  - 3. Parking a Large Commercial Vehicle shall not be a nuisance or be otherwise detrimental to the character or aesthetics of the neighborhood.
  - 4. Only routine maintenance of Large Commercial Vehicles shall be conducted on site. Such routine maintenance shall not result in environmental degradation.

(Amended 03/13/12, War. Art. 4)

## ARTICLE 12. VARIANCES

- § 12.1 Specific Requirements
- § 12.2 Application
- § 12.3 Application Disposition

A variance is a relaxation or setting aside, in a specific case, of certain specified terms of this ordinance. In accordance with RSA 674:33 I (b), the Board of Adjustment may grant in specific cases, such variances as will not be contrary to the public interest, if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

**12.1 Specific Requirements** – The Board of Adjustment may authorize a variance where it finds that the following conditions apply:

- (a) The proposed use will not diminish surrounding property values.
- (b) Granting the variance will be in the public interest.
- (c) The use will not be contrary to the spirit of the ordinance.
- (d) By granting the variance substantial justice will be done.
- (e) Denial of a variance would result in unnecessary hardship to the owner.

**12.2 Application** – Before applying for a variance, appellant shall submit to the Board of Adjustment a determination that the proposed use is not permitted without a variance. This determination may take any of the following forms:

- (a) Letter of denial from the Director of Planning and Land Use or designee on any matter which requires site plan or subdivision approval.
- (b) Building permit denial on any matter which does not require Planning Board approval.
- (c) Letter of denial from the Board of Selectmen, Planning Board, Historic District and Heritage Commission, or other Town board or official on matters under their jurisdiction.

Upon acceptance of the completed application by the Board of Adjustment, a public hearing will be held. The process shall follow the standards in Article 10, Zoning Board of Adjustment, of this ordinance.

(Amended 03/13/07, War. Art. 6)

**12.3 Application Disposition** – The Zoning Board of Adjustment may approve, approve with conditions, or deny applications for variances, following procedures in Article 10, Zoning Board of Adjustment, of this ordinance.

## ARTICLE 13. NON-RESIDENTIAL SITE PLAN APPROVAL

- § 13.1 Application
- § 13.2 Project Classification
- § 13.3 Evaluation Criteria
- § 13.4 Planning Board Authority
- § 13.5 Plan Disposition
- § 13.6 Bonding

No structure for non-residential or multi-family residential use shall be erected, intensified in use, or externally enlarged, and no area for parking, loading, or vehicular service, including driveways giving access thereto, shall be established or changed except in conformity with a site plan or site plan amendment approved by the Planning Board. Said site plan shall meet standards set forth by the Planning Board and be drawn to scale showing approximate locations of all existing and proposed buildings, structures, parking areas, loading areas, driveway openings, driveways, service areas, other open uses, all facilities for sewage, refuse, and other waste disposal, and for surface water drainage, and fire protection water supply and all landscape features (such as walks, planting areas, trees, fences, and signs) planned on the lot.

**13.1 Application** – For approval of a site plan submit the plan with four (4) copies to the Planning Board. The Planning Board shall take action within ninety (90) days of the date of receipt of the plan. The Planning Board may provide application forms, checklists, site plan standards, and other documents to fulfill these obligations.

**13.2 Project Classification** – The Planning Board may develop separate submission criteria and review processes for small- and large-scale projects that will have significant impact upon either the built or natural environment to determine the extent of this impact and the alternatives available to mitigate the harmful effects. In developing these criteria and processes, the Planning Board shall clearly define the criteria for classifying projects.

**13.3 Evaluation Criteria** – In considering a site plan under this section, the Planning Board shall assure it is a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located:

**13.3.1 Uses** – Protection of adjoining premises against uncommon detrimental or offensive uses on the site, including unsightly or obnoxious appearance or smoke.

**13.3.2 Traffic and Pedestrians** – Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements.

**13.3.3 Utilities** – Adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and the methods of drainage for surface water.

**13.3.4 Parking and Loading** – Adequacy of space for the off-street parking, loading, and unloading of vehicles.

**13.3.5 Environment** – Effects on or from the natural environment.

**13.3.6 Facilities** – Projected demands to be placed on the town facilities and services.

**13.3.7 Fire Protection Water Supply** – Adequacy of water supply according to requirements as set forth by the Fire Department.

**13.4 Planning Board Authority** – The Planning Board shall have the power to modify or amend its approval of a site plan on application of the owner, lessee, or mortgagee of the premises. All of the provisions of this section applicable to approval where appropriate shall be applicable to such modification or amendment.

**13.5 Plan Disposition** – Upon final approval, the Planning Board shall issue a certificate of approval. One (1) copy of this certificate shall be given to the applicant, one (1) copy shall be placed within the Planning Board files and, if needed by the building official, one (1) copy with one (1) copy of the approved site plan shall be forwarded to the building official. No building permits shall be issued on any plan acted upon by the Planning Board until such time as the building official or his authorized agent has received the certificate of approval.

**13.6 Bonding** – Before authorization for the forwarding of a certificate of approval to the building official by the Planning Board under this section, the applicant may be required to post a bond, savings account passbook, or other assurance acceptable to the Planning Board in an amount sufficient to guarantee conformity with the site plan.

## ARTICLE 14. HISTORIC DISTRICT

§ 14.1 Purpose and Intent	§ 14.7 Certificates of Approval
§ 14.2 Qualifications for District Designation	§ 14.8 Application Procedure
§ 14.3 Boundaries	§ 14.9 Evaluation Criteria
§ 14.4 Historic District and Heritage Commission	§ 14.10 Granting of Approval Certificates
§ 14.5 Authority Granted	§ 14.11 Historic District Appeals
§ 14.6 Uses Permitted	§ 14.12 Repeal

**14.1 Purpose and Intent** – It is the purpose of this Article to safeguard the heritage of the Town as it is represented in structures of historical and architectural value; to preserve a district in the Town which reflects elements of its cultural, social, economic and political history; to conserve property values in such district; to foster civic beauty; and to promote the use of a Historic District for the education, pleasure, and welfare of the citizens of our Town.

**14.2 Qualifications for District Designation** – The Historic District established herewith and from time to time amended in the manner prescribed by New Hampshire law has one (1) or more or any combination of the following characteristics and qualifications, without limitations as to the cultural or chronological period.

**14.2.1 Heritage** – Structure or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of Gilford and the nation, including sites and buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

**14.2.2 Persons** – Structure, structures or sites importantly associated with historic personages.

**14.2.3 Concepts** – Structures or sites importantly associated with historic examples of great idea or ideal.

**14.2.4 Architecture** – Structures or structural remains and sites having examples of architectural types or specimens valuable for study of a period, style, or method of building construction, of community organization and living, or of landscaping; or a single notable structure or a single site representing the work of the master builder, master designer, architect, or landscape architect.

**14.2.5 Other Buildings** – Structures contributing to visual continuity of the District.

### **14.3 Boundaries**

**14.3.1 Village District** – The Town Meeting action on March 6, 1973, established within the Town of Gilford the following Historic District to be known as the “Gilford Village Historic District” as provided for under the provisions of RSA 674:45 through 50, with boundaries as follows:

Beginning at a point on the easterly side of Belknap Mountain Road at the property line between Pine Grove Cemetery and Town of Gilford, and running easterly along line of said Pine Grove Cemetery to the easterly corner of said cemetery; thence turning and running northerly along a line drawn between the northeast corner of Pine Grove Cemetery and the southeast corner of the Inglis property; thence turning and running northeasterly along the southeast property line of Bacon to the southeasterly corner of the Haskell property; thence turning and running easterly along a line drawn from the southeast corner of Haskell property to a point determined on the boundary line between the Pitou property and the Morin property when said boundary line turns from southerly to southeasterly; thence turning and running northeasterly on a line drawn from said turning point to the southerly corner of the Richardson property; thence turning and running northeasterly along the southeast property line of Richardson and Pitou; said line to be extended to the point at which it intersects the Allen property; thence turning and running southeasterly along said Allen property to the southeast corner of same; thence turning and running northerly to the northeast corner of the Allen property; thence turning and running northwesterly across Potter Hill Road to the northerly corner of the Allen property which lies on the westerly side of Potter Hill Road; thence turning and running southwesterly along the Allen property to the intersection of the Watson property; thence turning and running northwesterly along said Watson property to the northwest corner of the Watson property; thence turning and running southwesterly along the Watson property to the intersection of Potter Hill Road; thence turning and running westerly along the right-of-way on the northerly side of Potter Hill Road to the southeast corner of the Wilkinson property; thence turning and running northerly along the side of the Wilkinson property line to its intersection with the Gunstock River; thence turning and running northwesterly along a line drawn between said intersection of the Wilkinson property and the Gunstock River to a point on the northerly side of Route 11A, being the easterly-most point of the Peterson property; thence turning and running westerly and northwesterly along said Peterson property to a point determined to be the southerly-most corner of the John Weeks property; thence turning and running northwesterly along the northerly property line of Gilbert, Emilio and Norman Weeks to the intersection of said line with the westerly side of Gunstock Hill Road; thence turning and running southwesterly along said Gunstock Hill Road to the intersection of the easterly side of Watson Road; thence turning and running westerly across Watson Road to the northeast corner of the Smart property; thence running along the Smart property line to a determined point where said property line turns from westerly to southerly; thence turning and running southwesterly along a line drawn from the aforementioned determined point and a point being the northwest corner of the McAllister property; thence continuing southwesterly along the northern-most boundary of the McAllister property to its intersection with Gunstock Hill Road; thence running across Gunstock Hill Road to a point being the northwest boundary of the Davis property; thence running along the northerly boundary of the Davis property to its intersection with the Hoose property; thence turning and running southerly, then southeasterly along the southerly property line of Hoose, Taylor and Gienty to the intersection of said line with the Pilliod

property; thence turning and running southwesterly to the southwest corner of said Pilliod property; thence turning and running southeasterly along the Pilliod property to the intersection of Route 11A, thence turning and running easterly along a line drawn between the southeasterly corner of the Pilliod property and the northwesterly corner of the Hoyt property; thence turning and running southerly along the southwest boundaries of Hoyt, Millham, Jensen, Carrigan and Copithorne; thence continuing southerly along a line drawn between the southern-most corner of the Copithorne property to the western-most corner of the Grey property; thence continuing in the southerly direction along the Grey property line to the intersection of the Dolloff property; thence turning and running first southwesterly and then southeasterly, then northeasterly along said Dolloff property to the intersection of the Watson property; thence turning and running southeasterly along the southern-most boundary of Watson, Nevers and Torp to the intersection of said line with Belknap Mountain Road; thence turning and running along the westerly boundary and the right-of-way for Belknap Mountain Road to a point directly opposite the point of beginning of this description; thence turning and running southeasterly across Belknap Mountain Road to the point of beginning.

The boundaries of this District, as described herein, are those shown on the Official Gilford Village Historic District Map, which is on file and available to the public at the Department of Planning and Land Use.

(Amended 03/13/07, War. Art. 7)

#### **14.4 Historic District and Heritage Commission**

**14.4.1 Appointment** – Members of the Historic District and Heritage Commission shall be appointed by the Board of Selectmen, and shall initiate appropriations each year for the activities of the Commission.

**14.4.2 Membership** – The membership of such commission shall consist of not less than five (5) nor more than seven (7) members and three (3) alternates. All members shall be residents of the Town, and one (1) shall be a member of the Board of Selectmen and one (1) shall be a member of the Planning Board. In determining the qualifications of a member of said Commission, the appointing authority shall take into consideration his demonstrated interest and ability to understand, appreciate, and promote the purpose of the district. The members of said commission shall be appointed for three (3) year terms except the initial appointments shall be staggered so that subsequent appointments shall not recur at the same time. Members of said commission shall serve without compensation. In the event of a vacancy on the commission, interim appointments may be made by the appointing authority to complete the unexpired term of such position.

**14.4.3 Officers** – Such commission shall elect annually a chairman, vice-chairman, and secretary from among its own membership.

**14.4.4 Votes** – The decisions of the commission shall be by vote of a majority of the whole number of commission members.

**14.4.5 Regulations** – Said commission, for its purposes, shall adopt and may, from time to time, amend rules and regulations not inconsistent with the intention of this ordinance and of the state enabling legislation.

**14.4.6 Appropriations and Employment of Consultants** – The Historic District and Heritage Commission may receive and hold funds appropriated by the legislative body, employ clerical and technical consultants, and may accept money gifts or gifts of service or grants, and may hold or expend the same for all or any of the purposes stated in the Purpose and Intent of this Article.

**14.5 Authority Granted** – The Historic District and Heritage Commission shall have the following authority:

**14.5.1 When Acting as a Historic District Commission** – The Historic District and Heritage Commission, pursuant to RSA 674:46-a Powers and Duties of the Historic District Commission, shall be empowered to regulate the construction, alteration, repair, moving, demolition of structures and landscaping within the Historic District. Such authority is intended to include, but not be limited to, regulatory review and action on new paint, roof materials, fences, height of foundations, window size, exterior lighting, landscaping, and any other items which may affect the external appearance of structures and their surroundings.

**14.5.2 When Acting as a Heritage Commission** – The Historic District and Heritage Commission, pursuant to RSA 674:44-a Heritage Commission, shall have the powers enumerated in RSA 674:44-b Powers, including the authority to identify and designate, subject to the written consent of the owner of property, specific structures as being historic buildings. The Commission shall keep and maintain a list of structures designated as historic buildings, together with a detailed description of the basis for the designation.

**14.6 Uses Permitted** – Uses permitted in the Historic District shall be those set forth in the Gilford Zoning Ordinance provisions of the district except that within the Historic District, no buildings or structures shall be erected, reconstructed, altered, restored, moved, or demolished unless a certificate of approval shall have been issued therefore by the Historic District and Heritage Commission.

(Amended 03/13/07, War. Art. 7)

**14.7 Certificates of Approval** – No building permit shall be issued for any purpose or for any construction, alteration, repair, moving, or demolition of any structure within the Historic District, or of building(s) until a corresponding certificate of approval or appropriateness has been issued by the Historic District and Heritage Commission. This provision covers such items as, but not limited to, paint, roof materials, fences, foundations, signs, windows, and such other items as may affect the exterior appearance of said structure even though a permit may not be required under the Zoning Ordinance or Building Code of the Town of Gilford. Application for a Certificate of Approval may be obtained from the Department of Planning and Land Use.

(Amended 03/13/07, War. Art. 7)

**14.8 Application Procedure** – Written application for the certificate of approval shall be submitted to the Historic District and Heritage Commission stating the location, use, nature, and where pertinent, the materials, color, and texture of the matter or item for which such certificate is sought. Any site plan, building plans, elevations, samples, photographs, sketches, or other

information reasonably required by the Commission to determine the “appropriateness” in question shall be made available to the Commission by the applicant. The Commission may, if deemed necessary, hold a public hearing prior to acting on the application for approval in the following manner: within ten (10) days after the filing of the application for approval, the Commission shall determine the estates considered to be materially affected by such application and shall send notice by mail of a public hearing to be held for the purpose of hearing reasons why the application should or should not be approved. Notice of such public hearing shall be sent not less than ten (10) days prior to the hearing date.

(Amended 03/13/07, War. Art. 7)

## **14.9 Evaluation Criteria**

**14.9.1 Appropriateness** – The Historic District and Heritage Commission in considering each such application shall consider the appropriateness of proposed features, building, structures, and appurtenant fixtures, location on the lot, and the removal or demolition of any building or structure or appurtenant fixtures in the District, wherever such features, buildings, structures, and appurtenant fixtures are subject to the public view.

(Amended 03/13/07, War. Art. 7)

**14.9.2 Evaluation of Intent** – The Historic District and Heritage Commission, in considering the appropriateness of any features, fixtures, and usages mentioned in any such application, shall keep in mind the purpose of this article.

(Amended 03/13/07, War. Art. 7)

**14.9.3 Architectural Features** – The Historic District and Heritage Commission shall consider, among other things, the historic and architectural style, the general design, arrangement, textures, materials, and color of the building or structure or appurtenant fixtures in question, the relation of such features to similar features of the buildings in the immediate surroundings, and the position of such building or the immediate surroundings, and the position of such building or structure in relation to the street or public way and to other buildings or structures.

(Amended 03/13/07, War. Art. 7)

**14.9.4 Recommendation** – In determining appropriateness, the Commission shall request reports and recommendations regarding the feasibility of the applicant’s proposal from the Planning Board, Fire Chief, Building Official, Health Officer, and such other administrative officials who may possess information pertinent to the application. It shall be the duty of the Commission to seek advice from such professional, educational, cultural, or other groups of persons as may be deemed necessary for the determination of a reasonable decision. The Commission shall have the power to engage such technical assistance and consultants as may be deemed necessary to carry out the purposes of the district.

**14.9.5 Evaluation Limitation** – The Commission shall not make any recommendations or requirements except for the purpose of historic preservation and of preventing developments, constructions, or changes incongruous with the Historic District, its buildings, sites, and surroundings.

## **14.10 Granting of Approval Certificates**

**14.10.1 Review Period** – Within a period of forty-five (45) consecutive calendar days after the filing of such application or within such further time as the applicant may in writing allow, the Commission shall determine whether the action or usage proposed will be appropriate in its opinion in the Historic District in accordance with the purposes of this section, and shall file a certificate of approval or disapproval with the Gilford building official or the duly delegated authority. Failure to file said certificate by the Commission within the specified period of time shall be deemed to constitute approval.

**14.10.2 Hardship Approvals** – Notwithstanding that the action or usage proposed may be deemed inappropriate, owing to conditions especially affecting the lot, building, or structure involved, but not affecting the Historic District generally, the Commission may find that failure to issue a certificate of appropriateness will involve a peculiar and unusual hardship (physical, financial, or otherwise) to the applicant, and that such certificate may be issued without substantial derogation from the intent and purposes of historic preservation in Gilford as stated above. If the Commission determines that a proposed activity is not appropriate, owing to conditions as aforesaid but that failure to issue a certificate caused substantial hardship, the Commission shall forthwith approve such applications and shall issue to the applicant a certificate of appropriateness in which the Commission may impose conditions.

**14.10.3 Denial** – If the Commission determines a certificate of approval should not be issued, it shall place upon its records the reasons for such determination and may include recommendations respecting the proposed construction, reconstruction, alteration, moving, or demolition.

**14.10.4 Notification** – Whatever its findings, the Commission shall forthwith notify the applicant and the building official of its determination and shall furnish the applicant in writing the reasons therefore and of its recommendation, if any, as appearing in the records of said Commission.

**14.11 Historic District Appeals** – Appeals may be taken to the Gilford Board of Adjustment by any owner or tenant of property wholly or partly within the Historic District, and by any other person, agency or group if aggrieved by a ruling of the Historic District and Heritage Commission. The Board of Adjustment shall hear and act upon such appeals within the periods of time prescribed by New Hampshire Statute (RSA 674:33).

(Amended 03/13/07, War. Art. 7)

**14.12 Repeal** – The Gilford Village Historic District ordinance as approved at the March 6, 1973 Gilford Town Meeting, and all subsequent amendments and revisions, are hereby repealed. All regulations, bylaws, rulings, or other actions taken previously by the Historic District Commission are not repealed by this action.

## ARTICLE 15. WETLANDS DISTRICT

- § 15.1 Purpose and Intent
- § 15.2 District Boundaries
- § 15.3 Relation to Other Districts
- § 15.4 Permitted Uses
- § 15.5 Wetland Buffer

**15.1 Purpose and Intent** – The Wetlands District is established to protect the public health, safety, and general welfare by controlling and guiding the use of land areas which have been found to be subjected to high water tables for extended periods of time. It is intended to prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and ground water by sewage or toxic substances; to prevent the destruction of, or significant changes to, natural wetlands which provide flood protection; to protect unique and unusual natural areas; to protect wildlife habitats and maintain ecological balances; to protect potential water supplies and existing aquifers (water-bearing strata) and aquifer recharge areas; to prevent expenditures of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands; and to encourage those low-intensity uses that can be harmoniously, appropriately, and safely located in wetlands.

**15.2 District Boundaries** – The limits of the Wetlands District are areas of one (1) acre or more, or any size if contiguous to surface waters such as lakes, ponds, and streams, subjected to high water tables for extended periods of time and include, but are not necessarily limited to those areas delineated as Zone A flood plain areas by the U.S. Department of Housing and Urban Development Flood Hazard Boundary Map for Gilford (1975), those soils which, according to the high intensity soil mapping standards developed by the Society of Soil Scientists of Northern New England have a drainage classification of 5 (poorly drained), or 6 (very poorly drained), very poorly and poorly drained soils by the U.S. Department of Agriculture, Soil Conservation Service, in the Soil Survey of Belknap County, New Hampshire, dated November, 1968, or those areas designated as either Prime Wetlands or Wetlands by the Lakes Region Planning Commission dated November, 1983.

**15.2.1 Wetlands Incorrectly Delineated** – When it is alleged an area has been incorrectly delineated as a wetland, or an area not so designated meets criteria for wetlands designation, the Planning Board shall render a decision only upon the determination by a qualified soil scientist(s) and/or plant scientist(s), on the basis of additional on-site investigation or other suitable research that the information contained on the Wetlands Map is incorrect. This evidence shall be accepted only when presented in written form by said scientist to the Planning Board. Any necessary soil testing procedures shall be conducted at the expense of the landowner or developer. Prior to ruling on this, the Planning Board shall request Conservation Commission review and comment on the reclassification.

**15.3 Relation to Other Districts** – Where the Wetlands Conservation District is superimposed over another zoning district, the more restrictive regulations shall apply.

## **15.4 Permitted Uses**

**15.4.1** – These include those uses which will not alter the natural surface configuration by the addition of fill or by dredging and uses that otherwise are permitted by the Zoning Ordinance. Such uses may include the following:

- (a) Forestry – Tree farming, using best management practices in order to protect streams from damage and to prevent sedimentation;
- (b) Cultivation and harvesting of crops according to recognized soil conservation practices, including the protection of wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation;
- (c) Wildlife refuges;
- (d) Parks and recreation uses consistent with the purpose and intent of this ordinance;
- (e) Conservation areas and nature trails;
- (f) Open spaces as permitted or required by the subdivision regulations or the zoning ordinance.

**15.4.2 Special Exception** – Special exceptions shall be obtained by application to the Zoning Board of Adjustment. Upon application, the Department of Planning and Land Use staff shall notify the Site Study Committee, Conservation Commission, and Planning Board for their review of and comment, if any, on the application for special exception prior to the public hearing. Special exceptions may be granted for the following uses in the Wetlands District:

- (a) Streets, roads and other access ways and utility right-of-way easements, including power lines and pipe lines, if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetland.
- (b) Water impoundments.
- (c) The undertaking of a use not otherwise permitted in the Wetlands District, if it can be shown that such proposed use is not in conflict with any and all of the purposes and intentions of this ordinance.

The Zoning Board of Adjustment shall grant a special exception only after an affirmative finding that the intended use shall not cause pollution of the surface water or ground water, and will not have a detrimental affect on the ecology, and will be consistent with public welfare, health, convenience, and safety, and will not increase the likelihood of flooding in the area, or elsewhere.

(Amended 03/13/07, War. Art. 8)

## **15.5 Wetland Buffer**

**15.5.1 Minimum Standards** – Wetlands over one (1) acre in area shall be protected by a twenty-five (25) foot wide wetland buffer adjacent to and extending out from the outer boundaries of such wetlands. Within the wetland buffer, no building, structure, parking space, driveway, excavation, or filling shall be permitted except as otherwise allowed herein. Buildings may be placed within the wetland buffer only if such buildings are placed on the surface and no excavation for a foundation or pilings is performed, and provided that all applicable setbacks are met. Landscaping features such as lawns with wetland plantings, trees, shrubs, flowers, gardens, and planters may be established and maintained within the wetland buffer. Filling and excavating within the wetland buffer shall be permitted only to

create and maintain such landscaping features. Use of phosphorus-containing fertilizers shall be prohibited within the wetland buffer. No hazardous materials or hazardous waste shall be stored within the wetland buffer.

**15.5.2 Exceptions** – Under the enabling authority granted by NH RSA 674:21, the Planning Board may grant a Conditional Use Permit to allow a building, structure, parking space, driveway, excavation, or filling within the wetland buffer provided the Planning Board finds that the proposed building, structure, parking space, driveway, excavation, or filling will not adversely affect the functions and values of the adjacent wetland, or that measures will be taken to satisfactorily mitigate the adverse effects anticipated, and provided that all general conditions for Conditional Use Permits are met. The Planning Board may require that the proposal be reviewed by the town engineer. The costs of such review shall be borne by the applicant.

(Amended 03/11/14, War. Art. 2)

## ARTICLE 16. IMPACT FEES

- § 16.1 Declaration of Purpose and Intent
- § 16.2 Authority of Planning Board
- § 16.3 Amount of Impact Fee
- § 16.4 Accounting
- § 16.5 Assessment and Payment
- § 16.6 Refund
- § 16.7 Appeals

**16.1 Declaration of Purpose and Intent** – The purpose of this Article is to authorize the Planning Board, as a condition of subdivision or site plan approval, to require a developer to pay reasonable fees and exactions for off-site improvements occasioned by the proposed development, as authorized by the New Hampshire Supreme Court in cases such as Land-Vest Properties, Inc. v. Town of Plainfield, 117 N.H. 817 (1977) and N.E. Brickmaster, Inc. v. Town of Salem, 133 N.H. 655 (1990). In addition, this Article is intended to comply with the Court’s ruling in Simonsen v. Town of Derry, No. 98-153 (November 15, 2000) that such fees and exactions cannot lawfully be imposed in the absence of an impact fee ordinance enacted pursuant to RSA 674:21, V.

**16.2 Authority of Planning Board** – The Planning Board may, as a condition of approval of any subdivision or site plan application, require an applicant to pay an impact fee representing the applicant’s fair share of off-site improvements to existing or future public facilities affected or required by the proposed development. Nothing in this section shall be construed to:

- (a) Limit the existing authority of the Planning Board to disapprove proposed development which is scattered or premature;
- (b) Limit the existing authority of the Planning Board to disapprove proposed development which would require an excessive expenditure of public funds;
- (c) Limit the existing authority of the Planning Board to disapprove proposed development which would otherwise violate any applicable ordinance or regulation;
- (d) Limit the existing authority of the Planning Board to require off-site work to be performed by an applicant in lieu of paying an impact fee;
- (e) Limit the existing authority of the Planning Board to impose other types of conditions of approval; or
- (f) Affect or alter in any way fees governed by any other statute, ordinance or regulation.

**16.3 Amount of Impact Fee** – The amount of any impact fee shall be calculated by the Planning Board to be a proportional share of the costs of municipal capital improvements reasonably related to the capital needs created by the proposed development, and to the benefits accruing to the development from the capital improvements financed by the fee. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

**16.4 Accounting** – Pursuant to RSA 673:16, II and RSA 674:21, V(c), impact fees shall be held in a separate, non lapsing account, shall not be commingled with other town funds, and shall be used solely for the capital improvements for which they were collected, or to recoup the cost of

capital improvements made in anticipation of the needs which the fees were collected to meet. Such fees shall be paid out only upon order of the Planning Board or its designated agent.

**16.5 Assessment and Payment** – Impact fees imposed under this Article shall be assessed prior to, or as a condition for, final subdivision or site plan approval, and shall be paid prior to the issuance of any building permit, or at such other time as may be specified by the Planning Board. In the interim between assessment and payment, the Planning Board may require a developer to provide a bond, letter of credit or other suitable security to guarantee the future payment of assessed impact fees.

**16.6 Refund** – Any portion of an impact fee which has not been expended or legally bound to be expended for the purpose for which it was collected shall be refunded with accrued interest, if any:

- (a) When the subdivision or site plan approval expires under the rules of the Planning Board, or under the terms of a decision of the Planning Board, where such approval has not become vested under RSA 674:39 and no extension of approval has been granted by the Planning Board;
- (b) When the approval is revoked under RSA 674:4-a;
- (c) When the approval is reversed by a final, unappealable judgment of a court of competent jurisdiction; or
- (d) Six years after the impact fee is paid, or six years after the date any extension of approval is granted by the Planning Board, whichever occurs last.

**16.7 Appeals** – Pursuant to RSA 674:21, V(f) and RSA 676:5, III, the assessment of any impact fee under the authority delegated to the Planning Board by this Article cannot be appealed to the Gilford Zoning Board of Adjustment, but may be appealed only to the Superior Court as provided by RSA 677:15. Notwithstanding Article 12, the Gilford Zoning Board of Adjustment shall not have the authority to hear appeals of, or grant a variance from, the assessment of any impact fee.

## ARTICLE 17. ARCHITECTURAL DESIGN STANDARDS

§ 17.1 Purpose and Intent

§ 17.2 Design Standards

**17.1 Purpose and Intent** – To provide for harmonious and compatible development of the built environment with the rural character of Gilford as expressed in its indigenous architecture, by regulating the design and aesthetic quality of structures built to contain land uses allowed by this ordinance and the land on which such uses are sited.

**17.2 Design Standards** – All structures intended for housing a principal land use in the Community Character Protection District shall be constructed in accordance with this section. The Planning Board, in reviewing and acting upon site plan applications, shall give consideration to relevant visual features and prevailing land uses of the immediate neighborhood and such other visual elements as are consistent with the purpose and intent of this section.

**17.2.1 Building Scale** – Scale is the proportional relationship between buildings, landscaping and other vertical elements of site development. Building elevations shall be designed to provide and maintain traditional scale in commercial structures that relate to pedestrian scale, existing structures and the site. Building scale relationships must be considered, abrupt changes of scale should be avoided and appropriate transitions should be provided between large visual changes. Stepping building heights, breaking large horizontal planes, applying linear surface patterns and colors are some of the methods of mitigating the effects of incompatible scales. Development should respect and relate to residential buildings in the neighborhood and should provide for an orderly transition to commercial development. Whenever possible, new development should maintain traditional residential forms and scale, based on relevant patterns of community centers as examples.

**17.2.2 Architectural Design** – The architectural design of structures, consisting of the composite effects of building shapes, materials, finish, decorative elements, site grading and landscaping shall be compatible with historically established community centers and the neighborhood in which the proposed development is to be located. In particular, the following standards shall be applied:

17.2.2.1 **Roofs** – The top of exterior walls should terminate, whenever possible, in a junction with an angled roof, having a pitch of not less than 5:12. In the case of very large building volumes designed with a flat roof system, a perimeter of pitched roof, having a vertical projection of not less than twelve (12) feet shall be applied. Such a pitched roof perimeter may be interrupted by vertical wall surfaces without a pitched roof cap, having a horizontal length of not more than forty (40) feet, at intervals of not less than fifty (50) feet. In addition, such pitched roof perimeters may be intersected or articulated by angled projections of any dimension or interval.

17.2.2.2 **Windows** – Window glazing should be sized in proportion to the building. Large plate glass windows should be interrupted with mullions and/or muntins, whenever functionally possible. Frame material and color shall be compatible with the wall.

17.2.2.3 Entrance – All public entries of buildings shall be clearly defined, employing at least three of the following design details:

- (a) Porticos
- (b) Canopies
- (c) Overhangs
- (d) Arcades
- (e) Recesses and/or projections
- (f) Raised cornices/parapets over door
- (g) Arches
- (h) Display windows
- (i) Integrated planters
- (j) Wing walls
- (k) Seating

17.2.2.4 Pedestrian Connections – Walls facing streets and pedestrian approaches should be designed with a combination of display windows, recessed windows, detailed entry areas, awnings or prominent sills. Rear entrances to buildings shall be designed to the same standards as front entries. Buildings and windows should be designed to maximize occupant surveillance of entries, parking lots and public spaces.

**17.2.3 Building Materials** – Exterior siding shall be clapboard, vertical siding, brick, stone or other architectural masonry, cast in place or pre cast monolithic detailing, wood shingles or shakes. Sheer walls of concrete masonry units will not be allowed, except when the visible surface is treated to be compatible with the overall architecture of the building.

## ARTICLE 18. ADULT ENTERTAINMENT AND BUSINESS USES

- § 18.1 Purpose and Intent
- § 18.2 Site Plan Standards
- § 18.3 Signs
- § 18.4 Content Screening

**18.1 Purpose and Intent** – The intent of this article is to regulate deleterious secondary effects of sexually oriented businesses by enacting regulations with the following purposes:

- Control and attenuate criminal conduct;
- Protect neighborhood property values;
- Prevent or reduce town blight;
- Protect and preserve public health;
- Protect minors.

**18.2 Site Plan Standards** – The location, placement, and separation of sexually oriented businesses shall be established as follows:

**18.2.1 Use Allowed** – Sexually oriented businesses shall be allowed in the following zone(s): Commercial (Article 4 Chart of Uses: “C”).

**18.2.2 Zoning District Boundary Setback** – Sexually oriented businesses may not be located less than three hundred (300) feet from the boundary of any zoning district in which such use is not allowed.

**18.2.3 Lot Setback** – Sexually oriented businesses may not be located less than the following distances from lot(s) containing certain existing land uses:

- 18.2.3.1 School Setback – one thousand (1,000) feet
- 18.2.3.2 Church Setback – one thousand (1,000) feet
- 18.2.3.3 Nursery/Daycare Setback – two thousand five hundred (2,500) feet
- 18.2.3.4 Publicly Owned Structure Setback – five hundred (500) feet
- 18.2.3.5 Residential Uses Setback – five hundred (500) feet
- 18.2.3.6 Other Sexually Oriented Businesses Setback – seven hundred fifty (750) feet

**18.3 Signs** – Sexually oriented businesses may display sign(s) as follows:

**18.3.1 Size** – Sexually oriented businesses may display one advertising sign not to exceed twenty (20) square feet in area.

**18.3.2 Content** – Signs shall not include nudity, or include images or references to “specified sexual activities” whether actual or simulated, or “specified anatomical areas”, or instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.

**18.4 Content Screening** – “Specified sexual activities” or “specified anatomical areas”, including instruments, devices, or paraphernalia which are designed for use in connection with

“specified sexual activities” or their images, shall not be visible in any fashion whatsoever from the exterior of the building within which the business is located.

## ARTICLE 19. AQUIFER PROTECTION DISTRICT

§ 19.1 Purpose and Intent

§ 19.2 Boundaries

§ 19.3 Incorrectly Designated Zones

§ 19.4 Application

### **19.1 Purpose and Intent**

Pursuant to RSA 674:16-21, the Town of Gilford adopts an Aquifer Protection District and accompanying regulations in order to protect, preserve, and maintain potential groundwater supplies and related groundwater recharge areas within known Aquifers and Well Head Protection Areas for public water supplies identified by the Town. The objectives of the Aquifer Protection District are to protect the public health and general welfare of the citizens of Gilford; to prevent development and high risk land use practices that would contaminate or reduce the recharge to the identified Aquifers; to assure the availability of public and private water supplies for future growth of the Town in accordance with the Master Plan; to protect surface waters that are fed by groundwater (especially the lakes and ponds within and bordering the town); and to encourage uses that can appropriately and safely be located in the Aquifer recharge areas. The Aquifer Protection District is a zoning overlay district which imposes additional requirements and restrictions to those of the underlying, base district zoning. In all cases, the more restrictive requirement(s) and permitted uses shall apply.

### **19.2 Boundaries**

The boundaries of the Aquifer Protection District shall be fifty (50) feet outward from the outermost edge of the surficial extent of all Aquifer deposits presently designated as stratified drift as supported by information included in the U.S. Geological Survey “Geohydrology and Water Quality of Stratified-Drift Aquifers in the Winnepesaukee River Basin, Central New Hampshire” by Joseph D. Ayotte, USGS Water-Resources Investigations Report 94-4150, dated 1997, as revised, amended or superseded by published documents by the U.S. Geological Survey showing updated mapping of the Aquifers in the Town of Gilford or as amended under Section 19.3, Incorrectly Designated Zones, of this ordinance. The boundary line shall be digitally overlaid upon the Town of Gilford Tax Maps utilizing the best available GIS technology. The digital overlay map shall be the official Town of Gilford Aquifer Protection District Map.

The Aquifer Protection District shall also include all of the Wellhead Protection Areas for public water supply wells as defined by N.H. Code of Admin. R. Env-Ws 378 or 379 and as listed and mapped by the New Hampshire Department of Environmental Services.

### **19.3 Incorrectly Designated Zones**

When the actual boundary of the Aquifer Protection District is in dispute by any owner or abutter actually affected by the boundary, the disputing party, at their own expense, may engage a professional geologist or hydrologist to determine more accurately the precise boundary of the Aquifer Protection District, who shall submit to the Planning Board his findings. The Planning Board reserves the right to review, and accept or reject, the qualifications of the professional producing the evidence.

#### **19.3.1 Evidence Required** – The evidence shall include:

- (a) Detailed Layout - Detailed boundary and topographic layout of the subdivision and/or area to be developed, prepared by a licensed land surveyor retained by the applicant;
- (b) Revised Aquifer Location Map and Report - A revised aquifer location map of the subdivision and/or area prepared by a professional qualified in hydrologic studies including a written report of his on-site field inspection and test boring data;
- (c) Additional Information - Any additional mapping, hydrogeologic reports or information which becomes available, as a result of recent or on-going scientific investigation of the location and extent of Aquifers, performed by the U.S. Geological Survey, New Hampshire State agencies or boards, the Town of Gilford or the agents of any of the above; and
- (d) Depiction of Aquifer Protection District Boundary - The Aquifer Protection District boundary as depicted on Town of Gilford Aquifer Protection District Map and the proposed new Aquifer Protection District boundary shall be depicted on the property's existing conditions site plan with the delineation lines clearly labeled. A digital file compatible with the digital Town of Gilford Aquifer Protection District Map shall be provided.

**19.3.2 Boundary Adjustment by Planning Board** - The Planning Board, based upon the findings presented by the experts, may adjust the boundary or area designation of the Aquifer Protection District to reduce or expand the designated area to more correctly define the location and extent of the Aquifer on a site-specific, case-by-case basis.

The Planning Board shall reserve the right to withhold action on the proposed development site plan, according to statutory requirements, pending the results of the on-site and/or other investigations by the Board or its appointed agent.

## **19.4 Application**

All areas within the Aquifer Protection District shall be subject to the requirements of the underlying zone and the following provisions (the more stringent shall apply):

### **19.4.1 Definitions –**

**Aquifer** – As defined in 40 CFR 258.2; “a geological formation, group of formations, or portion of a formation capable of yielding significant quantities of ground water to wells or springs.”

**Bulk** – That quantity of a Regulated Substance in a quantity of one hundred (100) gallons or eight hundred (800) pounds dry weight, or more.

**CFR** – Code of Federal Regulations.

**Emergency Generators** – As defined in N.H. Code Admin. R. Env-A 610.03; “a stationary internal combustion engine which operates as a mechanical or electrical power source only when the primary power source for a facility has been lost during an emergency, such as a power outage, or during the normal maintenance and testing procedure as recommended by the manufacturer. The term does not include a load-

shaving unit subject to N.H. Code Admin. R. Env-A 1211.13, a peaking power production unit, or a standby engine in an energy assistance program.”

**Facility** – An assemblage of tanks, pipes, pumps, vaults, fixed containers, and appurtenant structures, singly or in any combination, which are used or designed to be used for the storage, transmission, or dispensing of Regulated Substances.

**Fuel Dispensing Station** – As defined in Section 4.7.3(h).

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

**Human Waste** – Wastes produced by the human body, not including medical type wastes regulated by State or Federal law.

**Impervious** – Not readily permitting the infiltration of water.

**Junkyard** – An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary landfills. The word does not include stump or brush dumps or any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.

**N.H. Code Admin. R.** – New Hampshire Code of Administrative Rules.

**Non-contact Cooling Water** – As defined in 40 CFR Section 401.11 (n): “The term noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product” as amended from time to time in the cited rule.

**Non-human Wastes** – Any waste not produced by the human body.

**Outdoor Storage** – Storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

**Petroleum Bulk Plant or Terminal** – That portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.

**Process Waste Water** – As defined in 40 CFR Section 401.11 (q): “Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product” as amended from time to time in the cited regulation.

**Regulated Substance** – Petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-05 edition, excluding the following substances: (1) ammonia, (2) sodium

hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure.

**RSA** – New Hampshire Revised Statutes Annotated.

**Secondary Containment** – A structure such as a berm or dike with an impervious surface which is adequate to hold at least one hundred ten percent (110%) of the volume of the largest regulated-substances container that will be stored there.

**Snow Dump** – A location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.

**Underground** – Below the surface of the earth or ground whether contained within a structure or not.

**Underground Storage Facility** – As defined in RSA 146-C:1, XVIII: “a facility or facility component that is ten percent (10%) or more below the surface of the ground and is not fully visible for inspection” and as further amended from time to time in the cited statute.

**Waste Oil Retention Facilities** – Facilities retaining waste oil in larger volumes than otherwise allowed for recycling, burning for energy recovery or for other proper disposal.

**19.4.2 Performance Standards** – All subdivision proposals, non-residential site plans and other proposed new developments within the Aquifer Protection District shall be reviewed and shall conform to the provisions of this ordinance, the Subdivision and Site Plan Review Regulations for the Town of Gilford and the following:

- (a) 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 which the planning board determines is consistent with Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992 and Best Management Practices for Urban Stormwater Runoff, NH Department of Environmental Services, January 1996 as amended or updated.
- (b) Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 2005, and any subsequent revisions;
- (c) All Regulated Substances stored in containers with a capacity of five (5) gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;
- (d) Facilities where Regulated Substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;

- (e) Outdoor storage areas for Regulated Substances, associated material or waste must be protected from exposure to precipitation and must be located at least fifty (50) feet from surface water or storm drains, at least seventy-five (75) feet from private wells, and outside the sanitary protective radius of wells used by public water systems;
- (f) Secondary Containment must be provided for outdoor storage of Regulated Substances if an aggregate of two hundred seventy-five (275) gallons or more of Regulated Substances are stored outdoors on any particular property;
- (g) Containers in which Regulated Substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
- (h) Prior to any land-disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with N.H. Code of Admin. R. Env-We 604 of the New Hampshire Water Well Board Rules.

**19.4.3 Permitted Uses** - All uses permitted by right or allowed by special exception in the underlying district shall also be permitted by right or allowed by special exception in the Aquifer Protection District unless they are listed as prohibited uses in Section 19.4.4, Prohibited Uses. All uses must comply with Section 19.4.2, Performance Standards, unless specifically exempt under Section 19.4.6, Exemptions, of this ordinance.

**19.4.4 Prohibited Uses** - The following uses shall not be permitted in the Aquifer Protection District:

- (a) The development or operation of a hazardous waste disposal facility as defined under RSA 147-A;
- (b) The development or operation of a solid waste landfill;
- (c) The outdoor storage of road salt or other deicing chemicals in bulk;
- (d) The development or operation of a Junkyard;
- (e) The development or operation of a Snow Dump, except for snow originated on the subject property;
- (f) The development or operation of a wastewater or septage lagoon;
- (g) The development or operation of a Petroleum Bulk Plant or Terminal;
- (h) The development or operation of Fuel Dispensing Stations;
- (i) Underground Storage Facilities for Regulated Substances, and the underground transmission of Regulated Substances through pipelines;
- (j) Industrial or commercial uses which discharge Process Waste Water on site;
- (k) Bulk storage, distribution or transfer through piping of petroleum products, except the following:
  - (1) Normal household use and outdoor maintenance;
  - (2) Heating of a structure limited to six hundred sixty (660) gallons without containment or more if with Secondary Containment;
  - (3) Waste Oil Retention Facilities with Secondary Containment required by statute, rule, or regulation;
  - (4) Emergency Generators with Secondary Containment for Regulated Substance fuel source, required by statute, rule, or regulation;
  - (5) Treatment works approved by NH DES for treatment of ground or surface waters;

- (l) Sludge monofills (a sewage-sludge-only trench fill receiving dewatered sludge with a solids content greater than twenty percent (20%)) and septage lagoons;
- (m) Storage of animal manure unless covered or contained in accordance with the specifications of the United States Natural Resources Conservation Service;
- (n) Facilities that generate, treat, store, or dispose of hazardous waste subject to N.H. Code of Admin. R. Env-Wm 500-900 except for;
  - (1) Household hazardous waste centers and events regulated under N.H. Code of Admin. R. Env-Wm 401.03(b)(1) and Env-Wm 501.01(b); and
  - (2) Water remediation treatment works approved by NH DES for the treatment of contaminated ground or surface waters; and
  - (3) Non-sanitary treatment works which discharge to the ground and that are subject to N.H. Code of Admin. R. Env-Ws 1500, except the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works; or treatment works approved by NH DES designed for the treatment of contaminated groundwater;
- (o) Storage of Regulated Substances in Bulk, unless in a free-standing container within a building or above ground with secondary containment adequate to contain one hundred ten percent (110%) of the container's total storage capacity, except petroleum products as prohibited in Section 19.4.4(k);
- (p) Storage of commercial fertilizers, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

**19.4.5 Existing Non-Conforming Uses** – Non-conforming uses may continue in this district in the form in which they exist at the time of the adoption of this ordinance but may not be expanded. Existing Underground Storage Facilities may be repaired or replaced using the then current allowable technologies as approved by the State of New Hampshire Department of Environmental Services.

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

- (a) Any single family or duplex private residence is exempt from all Performance Standards;
- (b) Any business or facility where Regulated Substances are stored in containers with a capacity of five (5) gallons or one hundred (100) pounds dry weight, or less;
- (c) 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 Section 19.4.2(d);
- (d) 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 Sections 19.4.2(d), (e), (f), and (g);
- (e) Storage and use of office supplies is exempt from Sections 19.4.2(d), (e), (f), and (g);
- (f) Temporary storage of construction materials on a site where they are to be used is exempt from Sections 19.4.2(d), (e), (f), and (g);

- (g) The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;
- (h) Household hazardous waste collection projects regulated under N.H. Code of Admin. R. Env-Wm 401.03(b)(1) and 501.01(b) are exempt from Sections 19.4.2(d), (e), (f), and (g);
- (i) Storage and transmission of propane or liquefied natural gas.

(Article 19 Created 03/13/07, War. Art. 2)

## ARTICLE 20. SMALL WIND ENERGY SYSTEMS

- § 20.1 Purpose
- § 20.2 Definitions
- § 20.3 Procedure for Review
- § 20.4 Standards
- § 20.5 Abandonment
- § 20.6 Violation
- § 20.7 Penalties

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

**20.2 Definitions**

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

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

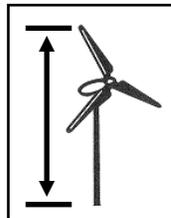
**Net Metering** – The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer’s small wind energy system that is fed back into the electric distribution system over a billing period.

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

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

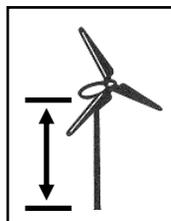
**Small Wind Energy System** – A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of one hundred (100) kilowatts or less and will be used primarily for onsite consumption.

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



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

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



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

## **20.3 Procedure for Review**

**20.3.1 Building Permit** – Small wind energy systems and met towers are an accessory use permitted in all zoning districts where structures of any sort are allowed, except they are prohibited within the Historic District. No small wind energy system shall be erected, constructed, or installed without first receiving a building permit from the building inspector. A building permit shall be required for any physical modification to an existing small wind energy system. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed three (3) years from the date the building permit was issued.

**20.3.2 Application** – Applications submitted to the building inspector shall contain a site plan with the following information:

- (a) Property lines and physical dimensions of the applicant's property.
- (b) Location, dimensions, and types of existing major structures on the property.
- (c) Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
- (d) Tower foundation blueprints or drawings.
- (e) Tower blueprints or drawings.
- (f) Setback requirements as outlined in this ordinance.
- (g) The right-of-way of any public road that is contiguous with the property.
- (h) Any overhead utility lines.
- (i) Small wind energy system specifications, including manufacturer, model, rotor diameter, system height, tower height, tower type, nameplate generation capacity.
- (j) Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
- (k) Sound level analysis prepared by the wind generator manufacturer or qualified engineer.

- (l) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.
- (m) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
- (n) List of abutters to the applicant’s property.

**20.3.3 Abutter and Regional Notification** – In accordance with RSA 674:66, the building inspector shall notify all abutters and the local governing body by certified mail upon application for a building permit to construct a small wind energy system. The public will be afforded thirty (30) days to submit comments to the building inspector prior to the issuance of the building permit. The building inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the building inspector shall follow the procedures set forth in RSA 36:57, IV.

**20.4 Standards** – The building inspector shall evaluate the application for compliance with the following standards:

**20.4.1 Setbacks** – The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

MINIMUM SETBACK REQUIREMENTS				
POINT TO WHICH SETBACK IS MEASURED	Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
MINIMUM SETBACK REQUIREMENT NUMBER	0	1.5	1.5	1.5

- (a) Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
- (b) Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

**20.4.2 Tower** – The maximum tower height shall be restricted to thirty-five (35) feet above the tree canopy within three hundred (300) feet of the small wind energy system. In no situation shall the tower height exceed one hundred fifty (150) feet.

**20.4.3 Sound Level** – The small wind energy system shall not exceed fifty-five (55) decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages. The applicant shall provide the building inspector with a sound level analysis prepared by the wind generator manufacturer or a qualified engineer to verify that the installed equipment complies with this requirement.

**20.4.4 Shadow Flicker** – Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than thirty (30) hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on

neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

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

**20.4.6 Code Compliance** – The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

**20.4.7 Aviation** – The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

**20.4.8 Visual Impacts** – It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner’s access to the optimal wind resources on the property.

- (a) The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system’s visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.
- (b) The color of the small wind energy system shall either be the stock color from the manufacturer or a painted, non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include, but are not limited to, white, off-white or gray.
- (c) A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

**20.4.9 Approved Wind Generators** – The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

**20.4.10 Utility Connection** – If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.

**20.4.11 Access** – The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

**20.4.12 Clearing** – Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

## **20.5 Abandonment**

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

**20.5.2 Removal Required** – Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. “Physically remove” shall include, but not be limited to:

- (a) Removal of the wind generator and tower and related above-grade structures.
- (b) Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

**20.5.3 Failure to Notify Town** – In the event that an applicant fails to give the notice specified in Section 20.5.1 above, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous twelve- (12-) month period. After the twelve (12) months of inoperability, the building inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. After review of the information provided by the owner, the building inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

**20.5.4 Failure to Remove System** – If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner’s sole expense within three (3) months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner’s expense.

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

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

(Article 20 Created 03/10/09, War. Art. 2)

## ARTICLE 21. CONDITIONAL USE PERMITS

- §21.1 Planning Board to Administer
- §21.2 Application and Review Procedure
- §21.3 Burden of Persuasion
- §21.4 Standards of Review of Conditional Use Permit Application
- §21.5 Hearing and Decision on Conditional Use Permit
- §21.6 Additional Stipulations of Approval
- §21.7 Appeal From Denial of Conditional Use Permit

**21.1 Planning Board to Administer** – Wherever a conditional use is authorized by this ordinance, the authority to administer or grant conditional use permits shall be vested in the Planning Board and authorized pursuant to RSA 674:21, Innovative Land Use Controls.

**21.2 Application and Review Procedure** – An application for a conditional use shall be initiated by filing with the Planning Board an application for a conditional use permit. Where other required development approvals for a conditional use include subdivision or site plan approval by the Planning Board, the application for a conditional use permit shall be made concurrently. Approval of a conditional use permit shall be valid for one (1) year from the date of approval.

**21.3 Burden of Persuasion** – The applicant bears the burden of persuasion, through the introduction of sufficient evidence through testimony or otherwise, that the development, if completed as proposed, will comply with this article and will satisfy the specific requirements for the proposed use.

**21.4 Standards of Review of Conditional Use Permit Application** – In reviewing an application for a conditional use permit, the Planning Board shall consider the following information in its deliberations, as applicable to the case:

- 21.4.1 The zoning ordinance specifies that a conditional use permit is required.
- 21.4.2 Compliance of the development plan with the specific standards for such use.
- 21.4.3 The results of any special investigative or scientific studies prepared in association with the proposed development.
- 21.4.4 Special reports or analyses of the project or its impacts prepared by Town staff.
- 21.4.5 Testimony and evidence introduced at the public hearing on the application.
- 21.4.6 Information, findings, and data specifically required for certain conditional uses.

**21.5 Hearing and Decision on Conditional Use Permit** – Following a public hearing on the proposed use, the Planning Board shall issue a conditional use permit if it finds, based on the information and testimony submitted with respect to the application, that:

- 21.5.1 The use is specifically authorized as a conditional use.

- 21.5.2** If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this article and with the specific conditions or standards established in the zoning ordinance for the particular use.
- 21.5.3** The use will not materially endanger the public health or safety.
- 21.5.4** The use will not substantially injure the value of adjoining or abutting property.
- 21.5.5** The use will be compatible with the neighborhood and with adjoining or abutting uses.
- 21.5.6** The use will not have a substantial adverse impact on vehicular or pedestrian safety.
- 21.5.7** The use will not have a substantial adverse impact on natural resources in the area.
- 21.5.8** The use will be adequately serviced by necessary public utilities and community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use and will not necessitate excessive public expenditures to provide sufficient additional capacity or services.
- 21.5.9** For conditional uses with specific requirements, the use meets all of the requirements specific to the conditional use.

**21.6 Additional Stipulations of Approval** – In granting a conditional use permit, the Planning Board may attach reasonable conditions to its approval, including but not limited to the phasing of a development, where such conditions are shown to be necessary to further the objectives of the zoning ordinance, or which would otherwise allow the general conditions of this section to be satisfied. All conditions of approval shall be stated in writing in the notice of decision for the permit, and conditions shall be annotated on a site plan or subdivision plan where a conditional use permit is issued concurrently with site plan or subdivision approval. Final approval documents shall be recorded at the Belknap County Registry of Deeds.

**21.7 Appeal From Denial of Conditional Use Permit** – A Planning Board decision on the issuance of a conditional use permit cannot be appealed to the Zoning Board of Adjustment. Any persons aggrieved by a Planning Board decision on a conditional use permit may appeal that decision to the superior court as provided in the manner provided by RSA 677:15, Court Review.

(Article 21 Created 03/09/10, War. Art. 7)

## ARTICLE 22. ADMINISTRATION AND ENFORCEMENT

- § 22.1 Administration
- § 22.2 Enforcement
- § 22.3 Building Permits
- § 22.4 Determination of Zoning Ordinance
- § 22.5 Duration of Permit
- § 22.6 Penalties

**22.1 Administration** – The Gilford Board of Selectmen is responsible for the administration and enforcement of this ordinance. The Board of Selectmen may appoint a building official whose duty it shall be to represent the Board in administrating and enforcing this ordinance. The appointment of a building official does not supersede the Board’s authority or obligation.

**22.2 Enforcement** – If the Board of Selectmen or their representative find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. They may order discontinuance of illegal use of land, or structures; removal or correction of illegal structures or addition, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized or required by this ordinance to insure compliance with it or to prevent violation of its provisions. Any permit or license issued in conflict with this ordinance shall be null and void. The disregard of any approval or condition thereto authorized by this ordinance shall be a violation of this ordinance.

**22.3 Building Permits** – After the passage of this ordinance, it shall be unlawful to erect, relocate any building or structure, or increase the bulk or structural part of any building or structure without first obtaining a building permit from the Board of Selectmen or its appointed representative. All other permits, reviews, or approvals required by this ordinance, other Gilford town ordinances, or State or Federal laws, regulations, or requirements shall be obtained prior to receiving a building permit unless a request for a temporary waiver from such requirements accompanies the building permit application and is approved; provided that the Board of Selectmen or its representative is empowered to issue such a waiver. No building permit shall be required for remodeling where the purpose of the building to be used is not changed and where the exterior walls or interior structural bearing walls are not altered. The Building Inspector may at his/her discretion require the applicant to furnish proof under seal and signature of a registered land surveyor, architect, or professional engineer of: property lines, building size and location, and setback limits, together with field markers of same.

**22.4 Determination of Zoning Ordinance** – No building permit may be issued until the Board of Selectmen or their representative determines that the proposed use of the structure or land conforms to the requirements of this ordinance. Such compliance shall be noted on the building permits.

**22.5 Duration of Permit** –

- a. No building permit shall be valid for a period of more than six (6) months from the date of issuance, unless construction has started.
- b. Any variance, special exception or site plan approval which has not been utilized within one (1) year from the date of approval shall be null and void. An extension may be

authorized by the issuing Board upon good cause shown and subject to its sole discretion. When an application for subdivision or site plan approval is already pending, the Zoning Board of Adjustment may, as part of its approval, stipulate that the one year duration will not begin until the granting of the Planning Board approval.

- c. All conditions of approval shall be satisfied and a final draft of an approved site plan which is ready for signing by the Planning Board, shall be submitted to the Department of Planning and Land Use within three (3) months of approval or the approval shall be void. An extension of time of up to three (3) additional months may be granted by the Director of Planning and Land Use for good cause shown. The Planning Board may grant longer extensions up to six (6) additional months (for a total of one (1) year from date of approval) for good cause shown.
- d. All conditions of approval of approved subdivision plans shall be satisfied and plans shall be recorded within one (1) year of approval or the approval shall be void. An extension of time of up to six (6) additional months may be granted by the Director of Planning and Land Use for good cause shown. The Planning Board may grant longer extensions up to six (6) additional months (for a total of two (2) years from the date of approval) for good cause shown.

(Amended 03/12/13, War. Art. 6)

**22.6 Penalties** – Penalties for any violation of this Zoning Ordinance shall be as provided by statute RSA 676:17 and RSA 676:17-a. Furthermore, the civil monetary penalties provided for in RSA 676:17 and RSA 676:17-a may be secured and enforced by and through any available remedies available at law, including, but not limited to, liens, attachments, writs of execution, and all other remedies.

(Amended 03/14/17, War. Art. 5)

(Amended 03/13/07, War. Art. 2; 03/10/09, War. Art. 2; 03/09/10, War. Art. 7)

## ARTICLE 23. SEVERANCE CLAUSE

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not, in and of itself, invalid or unconstitutional.

(Amended 03/13/07, War. Art. 2; 03/10/09, War. Art. 2; 03/09/10, War. Art. 7)

## ARTICLE 24. REPEAL OF FORMER ZONING ORDINANCE

- (a) All former zoning ordinances and amendments are hereby repealed and replaced by this ordinance and its subsequent amendments provided that any regulations, approvals, denials, checklists, and other actions taken under the former ordinance and its amendments are still in effect. Nothing contained in this ordinance shall be construed as repealing or modifying any other ordinance of this Town, except as may be specifically repealed or modified by this ordinance, but shall be in addition thereto. Nor shall anything in this ordinance be construed as repealing or modifying any private restrictions placed upon property by covenant, deed, or other private agreement, or any restrictive covenants running with the land to which the Town is a party, but shall be in addition thereto.
- (b) Pending Building Permit Applications – Building permit applications, either approved by the Town or submitted to the Town on or before 1/9/84, the date of the first public hearing, shall not be revoked, denied, or otherwise affected by any change or amendment to the zoning ordinance of the Town which may be approved at the 1984 Town Meeting, and building on such land may take place as if such change or amendment had not occurred.
- (c) Approved Site Plans – Site plans approved by the Planning Board on or before 1/9/84, the date of the first public hearing, shall not be revoked or otherwise affected by any change or amendment to the zoning ordinances of the Town which may be approved at the 1984 Town Meeting, and building on such land may take place as if such change or amendment had not occurred.

(Amended 03/13/07, War. Art. 2; 03/10/09, War. Art. 2; 03/09/10, War. Art. 7)

ARTICLE 25. CONFLICT WITH OTHER ORDINANCES

Wherever the provisions of any other ordinance or regulations impose stricter standards than are required by this ordinance, the Board of Selectmen shall determine which rules shall govern.

(Amended 03/13/07, War. Art. 2; 03/10/09, War. Art. 2; 03/09/10, War. Art. 7)

ARTICLE 26. EFFECTIVE DATE

This ordinance shall take effect upon passage.

(Amended 03/13/07, War. Art. 2; 03/10/09, War. Art. 2; 03/09/10, War. Art. 7)

**GILFORD PLANNING BOARD  
Site Plan Review Authority**

*(This is included herein for reference only and is not a part of the Gilford Zoning Ordinance.)*

**Authority** – At the 1967 Town Meeting, the Gilford Planning Board was authorized to review and approve or disapprove site plans for the development of tracts for uses other than residential or agricultural whether or not such development includes a subdivision or resubdivision of the site.

## LACONIA MUNICIPAL AIRPORT APPROACH PLAN

(Amended)

Adopted by New Hampshire Aeronautics Commission

January 9, 1967

*(This is included herein for reference only and is not a part of the Gilford Zoning Ordinance.)*

1. This Airport Approach Plan, prepared under the authority of Chapter 424.3 of the New Hampshire Revised Statutes Annotated, is based upon the ultimate development of an Express Type Airport with runways and landing strips as follows:
  - (a) Runway 8-26, instrument runway 5,900 ft. by 150 ft.; landing strip 6,300 ft. by 500 ft.
  - (b) Runway 17-35, 3,500 ft. by 150 ft.; landing strip 3,500 ft. by 500 ft.
  
2. Civil Aeronautics Administration TSO-N18 dated April 26, 1950, "Criteria for Determining Obstructions to Air Navigation" establishes the standards used to determine the limit of height of obstructions in the vicinity of the airport.
  
3. The limit of height of obstructions shall be:
  - (a) In the approach areas to Runway 8-26 which are 1,000 ft. wide at a point 200 ft. from the end of the pavement and 4,000 ft. wide at 10,200 ft. from the end of the pavement, an inclined plane of 50:1 slope and for an additional 40,000 ft. at which point it is 16,000 ft. wide, an inclined plane of 40:1 slope.
  - (b) In the approach areas to Runway 17-35 which are 500 ft. wide at a point 200 ft. from the end of the pavement and 2,500 ft. wide at a point 10,200 from the end of the pavement, an inclined plane of 40:1 slope.
  - (c) On the sides of the landing strips and approach areas, an inclined plane of 7:1 slope.
  - (d) 702 ft. above sea level within 8,500 ft. of the Airport Reference Point. (150 ft. above the airport)
  - (e) Between 8,500 ft. and 13,500 ft. from the airport a line with a slope of 20:1 measured in a vertical plane passing through the center of the airport.
  
4. No provision of Section 3 shall limit the height of a structure or tree to less than 30 ft. above the ground upon which it is located.
  
5. The Airport Reference Point is the intersection of the perpendicular bisector of the runways.

**Note:** The following is for information only and is not a part of the Airport Approach Plan:

1. The building line for Runway 8-26 is 750 ft. from centerline. The building line from Runway 17-35 is 425 ft. from centerline.
  
2. Acquisition of property rights will be necessary: (a) to remove existing obstructions; (b) to control the height of objects in those areas where the controlling inclined plane is less than 30 ft. above the ground.