TOWN OF GREENLAND, NH

ZONING ORDINANCE

[Updated: March 1998; February 1999; March: 2000, 2002; Readopted September 2002; March: 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016]

Zoning Ordinance Updates **1-5**
Article I – Authority and Purposes **6-7**
1.1 – Authority 6
1.2 – Purposes 6
1.3 – Title 6
1.4 – Applicability 6
1.5 – Severability Clause 6
1.6 – Interpretation 7
Article II – Definitions **8-19**
Article III – Establishment of Districts and Uses **20-33**
3.1 - Establishment of Districts 20
3.2 - Location 20
3.3 – Interpretation of District Bounds 20
3.4 – District Purposes 21
3.5 – Use Regulations 21-22
3.6 – Table of Uses 22A-22E
3.7 – Supplemental Use Provisions 23-33
3.7.1 – Cottage Industry 23
3.7.2 – Recreational Camping 23-24
3.7.3 – Auto, Trailer, Tourist Camp, Park Sites and Mobile Homes 24
3.7.4 – Adult Uses 24-28
3.7.5 – Storage within Truck Bodies, Trailer Vans or Cargo Vehicles 28
3.7.6 – Residential Use in Industrial District 28
3.7.7 – Inns 28-29
3.7.8 – Research and Development, Corporate and Business Offices 29
3.7.9 – Open Storage and Sale of Vehicles 29
3.7.10 – Dog Day Care 29-30
3.7.11 – Accessory Dwelling Unit 30-31
3.7.12 – Duplexes 31
3.7.13 – Junkyard/Abandoned Vehicles 31
3.7.14 – Child Day Care Facilities 31-33
Article IV – Dimensional Requirements **34-35**
4.1 – General Requirements 34
4.2 - Table of Dimensional Requirements 34
4.3 – Explanatory Notes 35
Article V – Parking Requirements **36**
Article VI – Signs **37-46**
6.1 – Purpose 37
6.2 – Definitions 37-39
6.3 – General Provisions 39-43
6.4 – Number of Signs 43
6.5 – Exceptions and Signs Not Requiring A Permit 43-45
6.6 – Non-Conforming Signs 45
6.7 – Fees 445
6.8 – Administration, Enforcement and Appeals 46

Article VII – Aquifer Protection District **47-53**
7.1 – Authority and Purpose 47
7.2 – Definitions 47-48
7.3 – District Boundaries 48-49
7.3.1 – Location 48
7.3.2 – Recharge Areas 48
7.3.3 – Appeals 49
7.4 – Permitted Uses 49
7.5 – Conditional Uses 49-50
7.6 – Prohibited Uses 50-51
7.7 – Supplemental Development Regulations 51-52
7.7.1 – Minimum Lot Size 51
7.7.2 – Maximum Lot Coverage 51
7.7.3 – Hydro-Geologic Study 51
7.7.4 – Septic System Design and Installation 52
7.8 – Design and Operations Guidelines 52-53
7.8.1 – Nitrate Loading 52
7.8.2 – Safeguards 52
7.8.3 – Location 52
7.8.4 – Drainage 52-53
7.9 – Special Exceptions for Lots of Record 53
7.10 – Non-Conforming Uses 53
7.11 – Administration 53
Article VIII – Floodplain Management District **54-62**
8.1 – Authority 54
8.2 – District Boundaries 54
8.3 – Definitions 54-58
8.4 – Permit Application 58
8.5 – Design Criteria 58-59
8.6 – Water and Sewer Design 59
8.7 – Record of Construction 59
8.8 – State and Federal Permits 59
8.9 – Watercourses 59-60
8.10 – District Boundaries and Design 60-61
8.11 – Variances and Appeals 62
Article IX – Bio-Solids **63-71**
9.1 – Purpose and Intent 63
9.2 – Definitions 63
9.3 – Uses 63-64
9.3.1 – Prohibited 63
9.3.2 – Exemptions 63-64
9.3.3 – Allowed Uses 64
9.3.4 – Uses by Conditional Permit 64
9.4 – Application, Notification and Reporting Requirements 64-71
9.4.1 – Site Plan Requirements 64-65
9.4.2 – Written Reports for Site Plan Review Application 65-66
9.4.3 – Site Plan Review Approval Conditions 66-71

Article X – Quarries and Gravel, Sand, Loam and Borrow Pits **72-76**
10.1 – Applicability 72
10.2 – Excavation Standards 72-73
10.2.1 – Depth of Excavation 72
10.2.2 – Lateral Clearance 72
10.2.3 – Recovering 72
10.2.4 – Slopes 72-73
10.2.5 – Drainage 73
10.2.6 – Erosion and Pollution 73
10.2.7 – Screening by Vegetation 73
10.2.8 – Combustible Trash 73
10.2.9 – Incombustible Trash 73
10.2.10 – Dust 73
10.3 – Permit Requirements 73-74
10.4 – Permit Conditions 74
10.5 – Procedure 74-75
10.5.1 – Application 74
10.5.2 – Hearing 74
10.5.3 – Decision 74
10.5.4 – Appeals 74-75
10.6 – Application and Renewal 75
10.7 – Bond 75
10.8 – Fees 75
10.9 – Inspection 75
10.10 – Violation 75-76
Article XI – Telecommunications **77-85**
11.1 – Authority 77
11.2 – Purpose and Goals 77
11.3 – Definitions 77-78
11.4 – Siting Standards 78-80
11.4.1 – General 78
11.4.1.1 – Principal or Secondary Use 78-79
11.4.2 – Use Districts 79
11.4.3 – Height Requirements 79
11.5 – Applicability 80
11.5.1 – Public Property 80
11.5.2 – Amateur Radio; Receive-Only Antennas 80
11.5.3 – Essential Services and Public Utilities 80
11.6 – Construction Performance Requirements 80-82
11.6.1 – Aesthetics and Lighting 80-81
11.6.2 – Federal Requirements 81
11.6.3 – Building Codes: Safety Standards 81
11.6.4 – Additional Requirements for Telecommunications Facilities 81-82
11.6.4.2 – Landscaping 82
11.7 – Special Exception 82-84
11.7.1 – General 88
11.7.2 – Issuance of Special Exceptions 82-83
11.7.2.1 – Procedure on Application 82

Article XI – Telecommunications (Continued) **77-85**
11.7 – Special Exception (Continued) 82-84
11.7.2.2 – Decisions 82
11.7.2.3 – Factors Considered in Granting Decisions 83-84
11.7.3 – Information Required 83-84
11.8 – Variances 84-85
11.8.1 – General 84
11.8.2 – Conditions 85
11.8.3 – Procedures 85
11.9 – Bonding and Security and Insurance 85
11.10 – Removal of Abandoned Antennas and Towers 85
Article XII – Residential Development Phasing **86**
12.1 – Authority 86
12.2 – Purposes 86
12.3 – Phasing of Developments 86
12.4 – Exemptions from Phasing 86
Article XIII – Occupancy/Use Permit **87**
13.1 – Permit Provisions 87
13.2 – Procedure 87
Article XIV – Non-Conforming Uses/Lots **88**
14.1 – Existing Use 88
14.2 – Restorations 88
14.3 – Abandonment 88
14.4 – Development of Non-Conforming Lots 88
Article XV – Miscellaneous Provisions **89-91**
15.1 – Conversions 89
15.2 – Lot Merging 89
15.3 – Underground Injection Wells 89
15.4 – Fireworks 89
15.5 – Explosives 89-91
15.6 – Mandatory Preliminary Subdivision Review 91
15.7 – Mandatory Preliminary Site Plan Review 91
Article XVI – Enforcement **92**
16.1 – Selectmen 92
16.2 – Building Inspector 92
16.3 – Issuance of Permits 92
16.4 – Building Permits 92
Article XVII – Board of Adjustment **93-95**
17.1 – Election of Board of Adjustment Members 93-95
17.1.1 – Permit in a Commercial District 93
17.1.2 – Applications for a Variance or Special Exception 93
17.1.3 – Special Exceptions 93-95
Article XVIII – Wetlands Protection **96-101**
18.1 – Purpose 96
18.2 – Jurisdictional Wetland Areas 96
18.2.1 – Tidal Wetland 96
18.2.2 – Inland Jurisdictional Wetland Area 96
18.2.3 – Man-Made 96

Article XVIII – Wetlands Protection (Continued) **96-101**
18.3 – Identification and Delineation Requirement of Wetlands and Vernal Pools 97
18.4 – Appeal of Wetland Boundaries 97
18.5 – Permitted Uses in the Jurisdictional Wetland Area 97
18.6 – Conditional Uses 98-99
18.6.1 – Conditional Use Permit 98
18.6.2 – Conditions 98-99
18.7 – Prohibited Uses and Structural Setbacks to Jurisdictional Wetlands Areas 99
18.7.1 – Specific Uses 99
18.7.2 – Structure Setback Requirements 99
18.8 – Wetland Buffers 99-100
18.8.1 – Purpose of A Wetland Buffer 99
18.8.2 – Required Wetland Buffers 100
18.8.3 – Making Buffer Zones Known 100
18.8.4 – Enforcement 100
18.9 – Conditional Use Permit for Overburdened Groundwater Pumping 100
18.10 – Special Exceptions Granted by the Zoning Board of Adjustment 100-101
18.11 – Other Permits 101
Article XIX – Age Restricted (Senior) Housing **102-107**
19.1 - Purpose 102
19.2 – Definitions 102
19.3 – General Standards 102-104
19.4 – Design and Architectural Specifications 104-106
19.5 – Special Requirements 107
19.6 – Restrictions 107
19.7 – Other Requirements 107
Article XX – Amendments **108**
Article XXI – Penalty **108**
2.1 – Fines 108
2.2 – Municipal Action 108
Article XXII – Saving Clause **108**
Article XXIII – Repeal **108**
Article XXIV – Lighting **108-109**
24.1 – Purpose 108
24.2 – General Lighting Requirements 108-109
Article XXV – When Effective **109**
Article XXVI – Residential Open Space-Conservation Subdivision Development **110-117**
26.1 – Purpose 110-115
26.1.2 – Conditional Use Permits 110
26.1.3 – Application Procedure 110
26.1.4 – Approval of Applications 111
26.1.5 – General 111-112
26.1.6 – Strict Adherence 112
26.1.7 – Lot Size and Frontage 113
26.1.8 – Density 113
26.1.9 – Density Bonus 113-114
26.1.10 – Standards for Approval 114-115

***Article XXVI – Residential Open Space-Conservation Subdivision Development (continued)*..... 110-117**
26.2 – Other Regulations Applicable 115
26.3 – Minimum Open Space Requirements..... 115-116
26.4 - General Requirements..... 116-117
26.4.1 – Uses 116
26.4.2 – Setbacks and Other Dimensions 116-117
26.4.3 – Utilities 117
26.5 – Expiration..... 117
26.6 – Conditions..... 117
***Article XXVII – Small Wind Energy Systems* 118-122**
27.1 – Purpose 118
27.2 – Definitions..... 118-119
27.3 – Procedure for Review 119
27.4 – Standards 119-121
27.5 - Abandonment..... 121-122
27.6 – Violation..... 122
27.7 – Penalties..... 122
***Appendix A: Zoning District Descriptions* 123**
***Appendix B: Flood Insurance Resolution* 124**
Greenland Zoning Map 124A

ZONING ORDINANCES
Town of Greenland, NH

The zoning ordinances were adopted in 1952. Subsequent amendments, additions, adoptions and deletions are as follows:

MARCH 08, 2016		
2016:02 Zoning	Article III – Establishment of Districts and Uses (Section 3.7 – Supplemental Use Provisions, Subsection 3.7.3 – Auto Trailer, Tourist Camp, Park Sites and Mobile Homes)	Amended
2016:03 Zoning	Article III – Establishment of Districts and Uses (Section 3.7 – Supplemental Use Provisions, Subsection 3.7.5 – Storage within Truck Bodies, Trailer Vans or Cargo Vehicles)	Amended
2016:04 Zoning	Article III – Establishment of Districts and Uses (Section 3.7 – Supplemental Use Provisions, Subsection 3.7.11 – Accessory Dwelling Unit)	Amended
2016:05 Zoning	Article IV – Dimensional Requirements (Section 4.1 – General Requirements, Subsection 4.1.2)	Amended
2016:06 Zoning	Article IV – Dimensional Requirements (Section 4.2 – Table of Dimensional Requirements)	Amended
2016:07 Zoning	Article IV – Dimensional Requirements (Section 4.3 – Explanatory Notes)	Amended
2016:08 Zoning	Article VI – Signs (Section 6.5 – Exceptions and Signs Not Requiring a Permit)	Amended
2016:09 Zoning	Article XII – Growth Management	Repealed, Adopted
MARCH 10, 2015		
2015:02 Zoning	Article XIX – Age Restricted Housing (Section 19.3 – General Standards, Add Subsection "N"); (Section 19.4 – Design and Architectural Specifications, Subsection I – Road Construction: amend "must be built to Town specifications as set forth in the Subdivision Regulations".	Adopted
2015: 03 Zoning	Article VIII – Floodplain Management District (FEMA Revisions and Requirements)	Adopted
MARCH 11, 2014		
2014:02 Zoning	Article II: Definitions (Pedestrian-Oriented Space)	Added
	Article II: Definitions (Brewery)	
	Article II: Definitions (Brew Pub)	
	Article II: Definitions (Nano Brewery)	
	Article II: Definitions (Driveway)	Repealed
2014:03 Zoning	Article III: Establishment of District and Uses (Section 3.6 – Table of Uses, (J) Eateries and Drinking Places, Add Brewery)	Added

MARCH 11, 2014 (continued)		
2014:04 Zoning	Article IV: Dimensional Requirements [Section 4.2 - Table of Dimensional Requirements, Footnote 1 (a)]	Repealed
	Article IV: Dimensional Requirements [Section 4.2 - Table of Dimensional Requirements, Footnote 6 (d)]	Added
	Article IV: Dimensional Requirements (Section 4.2 - Table of Dimensional Requirements, Dimensions "e" and "f")	Repealed
	Article IV: Dimensional Requirements [Section 4.2 - Table of Dimensional Requirements, Dimensions "h" 40%, Replace with 50%)	Repealed, Amended
	Article IV: Dimensional Requirements (Section 4.2 - Table of Dimensional Requirements, Dimensions "i" 60%, Replace with 50%)	Repealed, Amended
2014:05 Zoning	Article IV: Table of Dimensional Requirements [Section 4.3 – Explanatory Notes, Repeal Footnote (1)]	Repealed
	Article IV: Table of Dimensional Requirements [Section 4.3 – Explanatory Notes, Repeal and Replace Footnote (2)]	Repealed, Amended
	Article IV: Table of Dimensional Requirements [Section 4.3 – Explanatory Notes, Repeal and Replace Footnote (5)]	Repealed, Amended
	Article IV: Table of Dimensional Requirements [Section 4.3 – Explanatory Notes, Add Footnote (6)]	Added
2014:06 Zoning	Article XVIII – Wetlands Protection Ordinance (Repeal and Re-Adopt as Amended; Section 18.3.2 adds Vernal Pools)	Repealed, Re-Adopted
2014:07 Zoning	Article XXVI – Residential Open Space-Conservation Subdivision Development (Repeal and Re-Adopt as Amended, Sections 26.1.9 – Density Bonuses, Section 26.4.2 – Setbacks and Other Dimensions)	Repealed, Re-Adopted
FEBRUARY 01, 2013		
Building Regulations	Permit Fee Schedule	Amended
MARCH 12, 2013		
2013:02 Zoning	Article VI: Signs (Section 6.3 – Provisions, Subsection 6.3.30)	Amended
2013:03 Zoning	Article XVIII – Wetlands Protection Ordinance (Section 18.10 – Special Exceptions Granted By the Zoning Board of Adjustment)	Amended
MARCH 13, 2012		
2012:02 Zoning	Article III: Districts & Uses – Table of Uses (Section A.5 – Home Occupation/Cottage Industry)	Amended
2012:03 Zoning	Article XVIII: Wetlands Protection Ordinance	Amended
MARCH 08, 2011		
2011:02 Zoning	Article III: Districts & Uses (Section 3.1 – Establishment of Districts)	Repealed/ Readopted
	Article III: Districts & Uses (Section 3.2 – Location)	Repealed/ Readopted

MARCH 08, 2011 (continued)		
2011:02 Zoning (continued)	Article III: "Commercial" District Purpose (Section 3.4: Section 3.4.2)	Repealed/ Readopted
	Article III: Use Regulations (Section 3.5: Section 3.5.1)	Repealed/ Readopted
	Article III: Table of Uses	Repealed/ Readopted
	Article II: Definitions (Professional Services)	Amended
	Article II: Definitions (Business Services)	Amended
	Article II: Definitions (Restaurant, Take-Out)	Amended
	Article II: Definitions (Hotel/Motel)	Amended
	Article IV: Dimensional Requirements (Section 4.1.3 – General Requirements)	Repealed/ Readopted
	Article IV: Dimensional Requirements (Section 4.2 – Table of Dimensional Requirements: Replace with Commercial District Letters CA, CB, CC)	Amended
	Article IV: Dimensional Requirements (Section 4.2H – Table of Dimensional Requirements)	Adopted
	Article XV: Misc Provisions (Section 15.1 – Conversions)	Repealed
2011:03 Zoning	Article II: Definitions (Home Occupation)	Amended
	Article II: Definitions (Cottage Industry)	Amended
	Article III: Districts & Uses (Section 3.7 – Supplemental Use Provisions)	Repealed/ Readopted
MARCH 09, 2010		
2010:02 Zoning	Article I: Authority & Purpose (Section 1.4 Applicability)	Adopted
2010:03 Zoning	Article II: Definitions (Agriculture, Farm, Farming)	Adopted
2010:04 Zoning	Article II: Definitions (Demolition)	Adopted
2010:05 Zoning	Article III: Districts & Uses – Table of Uses (Section E: Agricultural/Forest Uses)	Removed
2010:06 Zoning	Article III: Districts & Uses (Section 3.7.5 – Storage within Truck Bodies, Trailers, Cargo Vehicles)	Adopted
2010:07 Zoning	Article XVI: Enforcement (Section 16.4: Permits; Relocated in Section 16.3)	Removed
2010:08 Zoning	Article XVII: Board of Adjustment (Section 17.1.1)	Removed
2010:09 Building Regs	Section 1: A.1 (Building Permits)	Amended
2010:10 Building Regs	Section 2: A (Building Permit Requirements)	Amended
MARCH 10, 2009		
2009:01 Zoning	Article I: Authority & Purpose (Sections: 1.4 Applicability, 1.5 Severability Clause, 1.6 Interpretation)	Adopted
2009:02 Zoning	Article II: Definitions (Accessory Use)	Adopted
2009:03 Zoning	Article II: Definitions (Affordable)	Adopted
2009:04 Zoning	Article II: Definitions (Frontage)	Amended
2009:05 Zoning	Article II: Definitions (Structure)	Amended
2009:06 Zoning	Article II: Definitions (Workforce Housing)	Adopted

MARCH 10, 2009 (continued)		
2009:07 Zoning	Article III: Districts & Uses – Table of Uses (Residential Uses—Licensed Family Day Care)	Removed
2009:08 Zoning	Article III: Districts & Uses – Table of Uses (Institutional Uses—Licenses Day Care Facilities; "In Accordance with Section 3.7.14")	Added
2009:09 Zoning	Article III: Districts & Uses (Section 3.7.1.5 – Paragraph 2)	Amended
2009:10 Zoning	Article III: Districts & Uses (Child Day Care Facilities)	Adopted
2009:11 Zoning	Article XV: Misc Provisions (Section 15.4 – Fireworks)	Removed
2009:12 Zoning	Article XV: Misc Provisions (Section 15.5 – Explosives)	Amended
2009:13 Zoning	Article XVIII: Wetland Conservation Area (Section 18.9.3 - Planning Board Waivers)	Removed
2009:14 Zoning	Article XXVI: Residential Open Space Subdivision (Density Bonus)	Amended
2009:15 Zoning	Article XXVII: Small Wind Turbine	Adopted
MARCH 11, 2008		
2008:01 Building Regs	Section 3: A. 7 (Waivers)	Amended
2008:02 Zoning	Article II: Definitions (Abutter)	Amended
2008:03 Zoning	Article II: Definitions (Airport)	Amended
2008:04 Zoning	Article II: Definitions (Building)	Amended
2008:05 Zoning	Article II: Definitions (Build, Principle)	Amended
2008:06 Zoning	Article II: Definitions (Temporary Building)	Amended
2008:07 Zoning	Article II: Definitions (Frontage)	Amended
2008:08 Zoning	Article II: Definitions (Highways)	Amended
2008:09 Zoning	Article II: Definitions (Home Occupancy)	Amended
2008:10 Zoning	Article II: Definitions (Junk)	Amended
2008:11 Zoning	Article II: Definitions (Land)	Amended
2008:12 Zoning	Article II: Definitions (Lot Width)	Amended
2008:13 Zoning	Article II: Definitions (Man. Housing)	Amended
2008:14 Zoning	Article II: Definitions (Structure)	Amended
2008:15 Zoning	Article II: Definitions (Temporary Structure)	Amended
2008:16 Zoning	Article II: Definitions (Use, Accessory)	Amended
2008:17 Zoning	Article II: Definitions (Use)	Amended
2008:18 Zoning	Article II: Definitions (Use, Principle)	Amended
2008:19 Zoning	Article II: Definitions (Yard, Front)	Amended
2008:20 Zoning	Article II: Definitions (Yard, Rear)	Amended
2008:21 Zoning	Article II: Definitions (Yard, Side)	Amended
2008:22 Zoning	Article III: Districts & Uses – Table of Uses (Accessory Dwelling Unit)	Added
2008:23 Zoning	Article III: Districts & Uses – Table of Uses (Residential Open Space Conservation Development)	Added
2008:24 Zoning	Article III: Districts & Uses – Table of Uses (Storage within Truck Bodies, Trailers, or Cargo Vehicles)	Removed
2008:25 Zoning	Article III: Districts & Uses (Accessory Dwelling Unit)	Adopted

MARCH 11, 2008 (continued)		
2008:26 Zoning	Article III: Districts & Uses (Duplexes)	Adopted
2008:27 Zoning	Article VI: Signs (Electronic Signs – Definition)	Amended
2008:28 Zoning	Article VI: Signs (Wall Sign – Definition)	Amended
2008:29 Zoning	Article VI: Signs (Wall Sign – Dimensions)	Amended
2008:30 Zoning	Article VI: Signs (Electronic Signs – Prohibited)	Amended
2008:31 Zoning	Article XIV: Non-Conform Uses (Restorations)	Removed
2008:32 Zoning	Article XVII: Board of Adjustment (Time Limitation for Variances & Special Exceptions)	Added
2008:33 Zoning	Article XVIII: Wetlands (Buffer Zone – Definition)	Removed
2008:34 Zoning	Article XVIII: Wetlands (Conditional Use Permits)	Amended
2008:35 Zoning	Article XVIII: Wetlands (18.10.1A)	Amended
2008:36 Zoning	Article XIX: Age Restricted Housing (Units)	Amended
2008:37 Zoning	Article XIX: Age Restricted Housing (Bedrooms)	Amended
2008:38 Zoning	Article XXVI: Residential Open Space Conservation Subdivision Development Ordinance	Adopted
MARCH 14, 2007		
Building Regulations	Section 1: B (Additional Permits)	Amended
	Section 1: C (Text to be Used)	Added
	Section 1: D (Amendments to Building Regulations)	Amended
	Section 2: D (State Fire & Building Code)	Amended
	Section 5: Fees	Amended
Building Regulations (continued)	Section 6: Enforcement	Amended
	Section 7: Administration	Amended
	Section 8: Appointment of Building Inspector	Amended
	Section 9: Board of Adjustment	Amended
Zoning Ordinance	Article III, 3.7.1 (Backlots – Relocated in Subdivision Regulations: 4.4.1.1)	Removed
	Article V, 5.1-5.3.5 (Parking Req – Relocated in Subdivision & Site Plan Regulations)	Removed

ARTICLE I: AUTHORITY AND PURPOSES

1.1 AUTHORITY

This Ordinance is enacted in accordance with the authority conferred in Chapters 672, 673, 674, 675, 676, and 677 of the Revised Statutes Annotated (RSA) and subsequent amendments thereto and is hereby adopted by the voters of the Town of Greenland, New Hampshire in official meeting convened.

1.2 PURPOSES

The purposes of this Ordinance are to promote the health, safety, morals, convenience and general welfare of the inhabitants of the Town of Greenland, to protect and conserve the value of property, to encourage the most appropriate use of land throughout the Town, and to promote efficiency and economy in the process of development by securing safety from fire, panic and other dangers, by providing adequate areas between buildings and various rights-of-way, by preserving the character of the Town, and by promoting good civic design and arrangements, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and by other means.

1.3 TITLE

This Ordinance shall be known as the "Zoning Ordinance of the Town of Greenland, New Hampshire".

1.4 APPLICABILITY (Adopted 2009, Amended 2010)

This Zoning Ordinance shall apply to:

- All buildings and structures erected, reconstructed, altered, enlarged, or relocated subsequent to the effective date of this Ordinance or subsequent amendments thereto;
- The use of any building, structure, or land which differs from its use prior to the effective date of this Ordinance or any subsequent amendment thereto; and
- Any land subdivided subsequent to the effective date of this Ordinance or any subsequent amendment thereto.
- The recordation of condominium instruments as defined in RSA 356-B, which would result in a subdivision, as defined in RSA 672:14, of the submitted land, whether such land is unimproved, the conversion of an existing building or structure, an existing condominium unit, convertible land, or convertible space. (Added 2010)

1.5 SEVERABILITY CLAUSE (Adopted 2009)

If any section, clause, provision, portion or phrase of this Ordinance shall, for any reason, be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect, impair or invalidate any other Section, clause, provision, portion or phrase of this Ordinance. (Note: Instead of including this language in a new Section 1.5, this suggested language may alternately be used to replace present inadequate language contained in Article XXII entitled "Saving Clause").

1.6 INTERPRETATION (Adopted 2009)

In interpreting and provision of the Ordinance, it shall be held as the minimum requirement adopted for the promotion of the public health, safety and general welfare of the Town of Greenland. Whenever any provision of this Ordinance is deemed to be in conflict with any other provision of the Ordinance or the requirements of any other adopted Ordinance, Regulation, Rule or Law, the most restrictive, or that imposing the highest standard, shall control pursuant to the provisions of RSA 676:14.

ARTICLE II: DEFINITIONS
(Amended 2014)

For the purpose of this Ordinance, certain terms are defined as provided in this Article. For any word or term not defined in this Ordinance, the definition, if any, given in the Statutes of the State of New Hampshire shall apply. Terms and words not specifically defined in this Ordinance or under applicable Statute shall be construed to have their common meaning. The words "shall" and "will" are to be considered mandatory. The word "may" is permissive. The present tense includes the future tense; the singular tense includes the plural tense, and the plural the singular.

ABUTTER: As defined by RSA 672:3 - **Abutter.** – "Abutter" means 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 RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board. (2008)

ACCESSORY USE: A use or a structure subordinate to the principal use of a lot, or of a principal building on the same lot, and serving a purpose clearly incidental to a permitted use of the lot or of the building and which accessory use or structure is compatible with the permitted uses or structures authorized under zoning regulations applicable to the parcel. (Adopted 2009)

AFFORDABLE: Per RSA 674 as amended. (Adopted 2009)

AGRICULTURE, FARM, FARMING: Shall mean "agricultural", "farm", "farming" as defined by RSA 21:34-a, as amended. (Amended 2010)

AIRPORT: As defined by RSA 424:1 I - "Airport" means any area of land or water, whether constructed or not, which has been approved by the commissioner as a site for the landing and taking-off of aircraft or utilized or to be utilized by the public as a point of arrival or departure by air. (2008)

ALTER/ALTERATION: Any alteration of a building or a fabricated structure means a change, rearrangement, or addition involving the original structural parts, or significant changes, or additions to the plumbing, gas piping, electrical wiring, or HVAC (heating, ventilation, or air conditioning) installations. Such alterations are not to be confused with repairs (See Definitions - Repair).

AUTO TRAILER, TOURIST CAMP AND PARK SITES: A "tourist camp" or "tourist park" is any location or place where two or more overnight cabins, tents or trailers are located, or any premises designed or intended for the purpose of supplying to the public a location for overnight cabins, so-called, tents or trailers.

AUTOMOTIVE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of motor vehicle fuels; the servicing and repair of motor vehicles; and the sale and installation of lubricants, tires, batteries, and similar vehicle components. In addition, an automotive service station may be engaged in the retail sale of convenience goods, food and beverage items, newspapers and periodicals, and the like.

BACKLOT: A lot having not less than 20 feet of frontage through which a privately owned and maintained driveway is constructed for the purpose of providing access to said lot which is otherwise platted in a manner which conforms to the requirements of Section 4.4.1 of the Subdivision Regulations.

BED AND BREAKFAST ESTABLISHMENT: An owner-occupied residence which provides overnight accommodations and a morning meal to transients for compensation. For the purposes of this ordinance such a residence shall have not more than six rooms available for such use and shall accommodate no more than twelve transients.

BREW PUB: Per New Hampshire TITLE XIII: Alcoholic Beverages – Chapter 175; Definitions and General Provisions (March 2014)

BREWERY: Per New Hampshire TITLE XIII: Alcoholic Beverages – Chapter 175; Definitions and General Provisions (March 2014)

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy. (2008)

BUILDING, ACCESSORY/STRUCTURE: A building or structure, detached from but located on the same lot, which is customarily incidental and subordinate to the principal building.

BUILDING, PRINCIPLE: A building within which the principal use of the lot is conducted. (2008)

BUILDING, TEMPORARY: Buildings erected for a period of less than 180 days. (2008)

BUILDING COVERAGE: The aggregate of the maximum horizontal cross section are of all buildings on the lot including accessory buildings but excluding cornices, eaves, or gutters projecting not more than thirty (30) inches. Structures less than eighteen inches (18") above ground level shall not be included in calculating building coverage.

BUILDING FOOTPRINT: The shape and orientation of the ground floor outline of a building at finish grade. (March 2011)

BUILDING HEIGHT: The vertical distance measured from the average level of the grade at the building line to the highest point of the roof, excluding chimneys, ventilators, silos, and other accessory features required above the roof.

BUILDING INSPECTOR: The duly appointed Building Inspector, or any other duly designated agent, as appointed by the Board of Selectmen. Such agent(s) shall possess and be vested with all the rights, authority, responsibility and protections according to the Building Inspector within the jurisdiction of his/her appointment by the Selectmen.

BULK STORAGE: The storage of chemicals, petroleum products, earth materials, agricultural products and other materials for subsequent use or resale to distributors or retail dealers.

BUSINESS OFFICE: A place of business where clerical duties are performed. (March 2011)

BUSINESS SERVICES: (Repealed 2011)

CAMPING PARTIES: Individuals or groups which use the facilities of a camping area for recreation or pleasure, not as a permanent dwelling, so as not to add to the school or general population of the Town of Greenland.

CAMPS: Camps shall be considered buildings of such a nature that they may be used for recreational purposes during seasonal parts of the year.

CERTIFICATE OF OCCUPANCY: A statement signed by the Building Inspector setting forth either that a building or structure complies with this Ordinance or that a building, structure or parcel of land may lawfully be occupied for specified uses or both.

CLINICS: A facility providing care and treatment for sick or injured human patients, not including a medical office, hospital or substance abuse treatment facility. (March 2011)

A. Out-patient: A clinic providing care and treatment on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours that does not include overnight care facilities.
B. In-patient: A clinic that may include overnight care facilities.

CONDOMINIUMS: Any conversion or development of land or existing structure(s) or new structure(s) into more than one separately owned, leased, or time-shared sites or units for human use, residency or occupancy and this definition shall be deemed to incorporate the condominium definitions of RSA Chapter 356-B into all applicable articles of this Zoning Ordinance.

CONVENIENCE GOODS: A retail establishment offering for sale pre-packaged food products, household items and other goods. (March 2011)

CORNER LOT: A lot situated at the intersection of two or more streets.

COTTAGE INDUSTRY: An occupation or business activity which: (March 2011)

A. Is conducted completely within a detached single family dwelling and/or any accessory structure located upon the same lot by a resident of the dwelling,
B. Is subordinate to the residential use, and uses the smaller of 50 per cent or 1,000 square feet of the interior area of the dwelling,
C. Has no more than two non-resident persons who travel to the site at the same or similar times in order to conduct the activity, such that no more than three persons are conducting the activity at the location at the same time,
D. Results in no modification to the residential structure or any accessory outbuilding that is not customary for such a structure in its neighborhood or zone,
E. Does not offend the neighborhood or abutters by emitting dust, electrical interference, fumes, lights, noise, odors, smoke, refuse matter, or other environmental contaminants.

F. Has no materials, products used in the activity, or finished goods stored outside in a manner which is visible from the street or any adjoining residential property; and
G. The resident conducting the activity shall, prior to commencement of a cottage industry use, or alteration or expansion of an existing cottage industry use, obtain a non-residential occupancy/use permit and site review approval in accordance with this ordinance and the regulations adopted hereunder. (Repeal & Re-adopt 2011)

DEMOLITION: The razing, pulling-down or removing entirely or in part, any or all sections of a building. Demolition involved with an active building permit will not require a separate permit. (Adopted 2010)

DRIVEWAY: (Amended 2012; Repealed March 2014)

DUPLEX: A building designed and/or used for residential purposes and containing two principal dwelling units, separated by a common interior or garage wall and supported with a common concrete foundation.

DWELLING: One residential structure for living purposes.

DWELLING UNIT: A single unit providing complete and independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

ELECTRONICS MANUFACTURING: Research and development, engineering and manufacturing of electronic products and components, including communications equipment, data systems equipment and precision instruments; pharmaceutical, medical and dental supplies and equipment; architectural and engineering supplies and equipment; and additive research. (Added March 2011)

EXCAVATION: Excavation is a land area which is used, or has been used, for the commercial taking of earth, including all slopes, pursuant to RSA 155-E:1.

FAST FOOD RESTAURANT: A restaurant where food or beverage is sold for consumption on-site or off-premises within a short period of time, orders are made at either a walk-up window or counter, payment is made prior to consumption, and packaging of food is done in disposable containers, or is otherwise not a "full service restaurant." A fast food restaurant may provide, as secondary activities, delivery service or related retail sales items and may include drive-through customer service. (Added March 2011)

FINANCIAL SERVICES OFFICE: An office associated with the operation of a financial institution that provides banking, lending, or investment services, but does not include teller services, automated teller machines, or similar high-volume customer functions. (March 2011)

FOOD PROCESSING: The preparation or processing of food or beverage products, but not including consumption on the premises. Examples include bakeries, dairies, canneries, bottling plants and similar businesses. (March 2011)

FRONTAGE: The length of the lot bordering on and providing access to a Class V (or better) highway but excluding limited or restricted access highways, or a street, as defined and as used in Title LXIV, Planning and Zoning, of the Revised Statutes Annotated, shown on a plat approved by the Planning Board. Footage requirements specified in Article IV, Dimensional Requirements, of this

Ordinance shall be contiguous. In the case of corner lots, frontage and front lot lines shall mean the dimensions and lines on both intersecting streets. (Adopted 1995; Amended 2008; Amended 2009)

FULL SERVICE RESTAURANT: A restaurant where prepared food or beverage is sold for consumption on the premises, customers are provided an individual menu, and a restaurant employee serves customers at the same table or counter where the items are consumed. A full-service restaurant may also provide, as secondary activities, delivery service, take out service (except drive-up customer service) or related retail sales items. (March 2011)

GENERAL MANUFACTURING: A facility for industrial use that is not classified as light industry, electronics manufacturing, or research and development. (March 2011)

GOLF COURSE: An area of land laid out for playing of the game of golf outdoors with a series of not fewer than nine (9) holes, having an average distance of one hundred forty (140) yards for each hole. A golf course may include customary accessory structures and uses including a clubhouse, swimming and tennis facilities, maintenance and storage structures.

HIGHWAYS: Shall be defined pursuant to RSA 229:1 and classified pursuant to RSA 229:5 - Highways are only such as are laid out in the mode prescribed therefore by statute, or roads which have been constructed for public travel over land which has been conveyed to a city or town or to the state by deed of a fee or easement interest, or roads which have been dedicated to the public use and accepted by the city or town in which such roads are located, or roads which have been used as such for public travel, other than travel to and from a toll bridge or ferry, for 20 years prior to January 1, 1968, and shall include the bridges thereon. (2008)

HOME OCCUPATION: An occupation or business activity which: (Amended March 2011)

A. Is conducted completely within a dwelling and/or any accessory structure located upon the same lot by a resident of the dwelling.
B. Is subordinate to the residential use, and uses the smaller of 40% or 800 square feet of the interior area of the dwelling.
C. Has no non-resident person who travels to the site in order to conduct the activity,
D. Results in no modification to the residential structure or any accessory outbuilding that is not customary for such a structure in its neighborhood or zone.
E. Does not offend the neighborhood or abutters by emitting dust, electrical interference, fumes, lights, noise, odors, smoke, refuse matter, or other environmental contaminants.
F. Does not result in more than two vehicles used in the activity to be parked or stored upon the premises. No such vehicle shall exceed seven thousand five hundred pounds gross vehicle weight.
G. Is not advertised by any signage upon a structure, other than an unlit sign which is no greater than 4 square feet in size.
H. Has no materials, products, or finished goods used in the activity stored outside in a manner which is visible from the street or any adjoining residential property.
I. Does not require delivery or pickup services by vehicles in excess of two axles, or more frequently than two visits per day; and
J. Does not have more than four (4) customer visits to the premises in an 8 hour period.

HOSPITAL: A facility licensed to provide care and treatment for sick or injured patients, primarily while they are acutely ill or chronically ill, containing facilities for diagnostic treatment and major

surgery, and providing nursing care 24 hours a day. The term does not include nursing home, rest home, home for the aged, sanatorium, convalescent hospital or facility for treating alcohol or drug abuse, or beds set aside for any of these purposes in a hospital. The term includes a psychiatric hospital but does not include a psychiatric hospital for the care and treatment of the criminally insane. A hospital may include other uses customarily associated with the principal use, including medical offices, pharmacies, gift shops and cafeterias. (See also: clinic, residential care facility.) (March 2011)

HOTEL: A building in which the primary use is transient lodging accommodations offered to the public on a daily rate for compensation and where ingress and egress to the sleeping rooms is made primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities. (March 2011)

HOTEL/MOTEL: Repealed March 2011.

IMPERMEABLE SUBSTRATUM/LAYER: (NH DES Env-WS 1002.21 - Feb 97 ed) - Means any subsurface material which is relatively impervious such as hard pan, clay, slate-like materials and other materials having a perc rate of greater than 60 minutes/inch.

INDOOR RECREATION FACILITY: An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, handball, and bowling. (March 2011)

INN: A building with no more than twelve (12) bedrooms, now or formerly used as a residence, which is used for commercial purposes for the housing and feeding of transients and offers dining to the general public.

JUNK: Unregistered motor vehicles no longer intended or in condition for legal use on the public highways; used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste, or discarded or second-hand material which has been a part, or intended to be a part, of any motor vehicle; and/or any machinery, scrap metal or other worn, cast off, or discarded articles or materials ready for destruction or collected or stored for salvage or conversion to some use, the accumulation of which is detrimental or injurious to the neighborhood. (2008)

JUNK YARD: Per RSA 236:112 I - "Junk yard" means a place used for storing and keeping, or storing and selling, trading, or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material. As used in this subdivision, the term includes, but is not limited to, the following types of junk yards:

A. Automotive recycling yards, meaning a motor vehicle junk yard, as identified in subparagraph (c), the primary purpose of which is to salvage multiple motor vehicle parts and materials for recycling or reuse;
B. Machinery junk yards, as defined in paragraph III; and
C. Motor vehicle junk yards, meaning any place, not including the principal place of business of any motor vehicle dealer registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126, where the following are stored or deposited in a quantity equal in bulk to 2 or more motor vehicles:

1. Motor vehicles which are no longer intended or in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap; and/or
2. Used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle.

Any space more than 500 sq. ft. in area, outside a building, used for storage, keeping, processing, salvaging or abandonment of junk.

LAND: As defined by RSA 21:21 – (I) The words "land", "lands" or "real estate" shall include lands, tenements, and hereditaments, and all rights thereto and interests therein. (II) Manufactured housing as defined by RSA 674:31 shall be included in the term "real estate". (2008)

LANDSCAPE SERVICES: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. (March 2011)

LIGHT INDUSTRY: A facility that (a) works predominantly with previously prepared, manufactured, or processed materials or parts; (b) may include assembly, fabrication, accessory research and development, office uses, most high technology production, packaging, or combinations of such uses; (c) does not result in significant noise, glare, odor, dust, smoke, or vibration which could be detectable beyond the building. (March 2011)

LOT: The whole area of a single parcel of land, whether buildable or not, with any amount of square footage and ascertainable boundaries as shown or defined on a recorded instrument or defined by metes and bounds, undivided by a street.

LOT AREA: The extent in square feet of the surface of a lot. The lot area shall not include any part of the street upon which the lot fronts or abuts.

LOT LINES: The lines bounding a lot, and dividing the lot from other lots, streets, or land.

LOT OF RECORD: A lot which is described in a deed which has been lawfully recorded in the County Registry of Deeds prior to the enactment of town zoning (April 17, 1952), or which, if not so deeded, is a lot which is part of a subdivision plan which has been lawfully recorded in the County Registry of Deeds.

LOT WIDTH: The horizontal distance between the side lot lines as measured along the entire lot depth, and parallel to the street line. (2008)

MANUFACTURED HOUSING/MOBILE HOMES: As defined by RSA 674:31 - As used in this subdivision, "manufactured housing" means any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and 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 heating systems contained therein. Manufactured housing as defined in this section shall not include pre-site built housing as defined in RSA 674:31-a. (2008)

MEDICAL OFFICE: An office of a physician, dentist, psychologist, optometrist or other licensed health care provider, which does not include any hospital or ambulatory surgical care facilities. (March 2011)

MIXED-USE DEVELOPMENT: Development that includes primary non-residential and primary residential uses on the same development site or in the same building. (March 2011)

MOTOR VEHICLE JUNK YARD: As defined by RSA 236:112 I (b) – "Machinery junk yard" means any yard or field used as a place of storage in which there is displayed to the public view, junk machinery or scrap metal that occupies an area of 500 square feet.

MULTI-FAMILY: A building or structure containing a maximum of 5 dwelling units, each designed for occupancy by an individual household. (March 2011)

NANO BREWERY: Per New Hampshire TITLE XIII: Alcoholic Beverages – Chapter 178; Liquor License and Fees (March 2014)

NON-CONFORMING BUILDING OR STRUCTURE: A lawfully constructed building or structure that does not comply with the development regulations for the zoning district in which it exists, but which was in compliance with all applicable regulations existing at the time of construction.

NON-CONFORMING LOT OF RECORD: A lot, properly recorded at the Rockingham County Registry of Deeds, which lawfully existed prior to the adoption, revision or amendment of this ordinance, but which fails because of said adoption, revision or amendment, to conform to the dimension requirements of the district in which it is located.

NON-CONFORMING USE: Any lawful use of buildings, structures, premises, land or parts thereof existing as of the effective date of this ordinance, or amendment thereto, and not in conformance with the provisions of this ordinance, shall be considered a non-conforming use.

OCCUPANCY: The use of a structure, room or enclosed space designed for human habitation in which individuals congregate for amusement, education or similar purposes, or in which occupants are engaged at labor, where the structure room or enclosed space is equipped with means of egress, light, and ventilation facilities meeting the requirements of the Town's Building Ordinance.

OPEN SPACE: An open area from the ground upward and open to the sky on the same lot with a building, structure and constructed surfaces. Open space does not include parking areas, driveways and other surfaces prepared for vehicular use and/or storage.

OUTDOOR RECREATION FACILITY: An area designed and intended to be used for active outdoor recreation, including but not limited to athletic fields, tennis courts and swimming pools; but not including activities involving the use of motorized equipment, and not including amusement parks, theme parks, water parks or similar establishments. (March 2011)

PEDESTRIAN-ORIENTED SPACE: An area between a building and a street or access way or along a pedestrian path which allows visual, pedestrian or bicycle access, and provides amenities and landscaping to enhance the use of the space for passive activities such as resting, reading, etc. (March 2014)

PERMANENT RESIDENTS: A family shall be considered permanent residents when they have used any building continuously as a residence for a period of six months or more.

PERSONAL SERVICES: Establishments providing frequent or recurrent services related to personal needs, and including accessory retail sales of products related to the services offered. Examples include beauty and barber shops, nail salons, tanning salons, clothing rental, tailors, dry cleaning pick-up shops, shoe repair shops, and similar businesses. (March 2011)

PROFESSIONAL OFFICE: A facility housing the offices of one or more persons or associations of persons, providing professional services characterized by a high level of training or proficiency in a particular pursuit, study, or science, such as but not limited to psychiatry, law, engineering, real estate, or land use planning. (March 2011)

PROFESSIONAL SERVICES (Repealed 2011)

RECREATIONAL CAMPING: The use for pleasure or recreation of any facilities of a recreational camping area.

RECREATIONAL CAMPING AREA: Any area or tract of land used to accommodate two or more camping parties, including tents, camp trailers, or other camping outfits which are not used as permanent dwelling by the camping parties.

REPAIR: Replacement or mending of parts already existing but in a state of deterioration with equivalent materials and for the purpose of maintaining their quality.

RESEARCH AND DEVELOPMENT CORPORATE AND BUSINESS OFFICES (See size limitation in definition; also see Zoning Ordinance Subsection 3.7.8): Laboratories and related facilities for research, development and testing, excluding biological or chemical laboratories and high hazard uses. Prototype production facilities and related assembly of high technology equipment or components may be included, but shall not exceed 40% of the gross floor area of the building. (March 2011)

RESIDENTIAL CARE FACILITY: A facility providing room and board together with continuing medical or nursing supervision, or medical care or treatment, but not including a facility that is primarily for the provision of alcohol, drug abuse or mental health services. Examples include nursing home, rest home, convalescent home, rehabilitation hospital, and hospice. (March 2011)

RESTAURANT: An establishment where food and drink are prepared, served and consumed primarily within the principal building.

RESTAURANT, TAKE-OUT (Repealed 2011)

RETAIL BANK: An office associated with the operation of a financial institution that provides walk-in and/or drive-in teller services to customers primarily for depository banking and related services. (March 2011)

RETAIL SALES: The sale or rental of goods or merchandise directly to the consumer, including services incidental to the sale of such goods or merchandise, but excluding sale or rental of motor vehicles, recreational vehicles, marine craft and manufactured housing. (March 2011)

RIGHT-OF-WAY: Includes all Town, State and Federal highways and the land on either side of same as covered by statutes to determine the widths of rights-of-way.

SEPTIC SYSTEM: A self-contained sewage system that distributes wastewater to an underground storage area and relies on bacterial action to decompose solid waste matter. A septic system includes storage tanks, piping, leach fields and any other associated materials external of the structure.

SHOPPING CENTER: An integrated group of commercial establishments that is planned, developed, owned and managed as a unit. Uses in a shopping center may be in one or more buildings and on one or more lots, provided that all buildings and lots are developed with a unified approach to access and circulation, parking, truck loading, vehicular entrances and exits, drainage, utilities, and management of landscaped and buffer areas. (March 2011)

SPECIAL EXCEPTION: A use permitted within a zoning district only after a determination by the Board of Adjustment, made at a public hearing, that certain conditions as specified in the Zoning Ordinance have been met.

STORY: That part of a building or structure comprised between a floor and the floor or roof next above it.

STREET: As defined by RSA 672:13: "Street" relates to and includes street, avenue, boulevard, road, lane and alley, via duct, highway, freeway and other ways.

STRUCTURE: Anything that is built or constructed excluding driveways, boundary walls not over four feet in height or boundary fences not over six feet in height, the use of which requires location on the ground or attachment to something on the ground. (Amended 2008, 2009)

STRUCTURE, TEMPORARY: Structures erected for a period of less than 180 days. (2008)

SURFACE WATERS: Perennial streams, lakes, ponds and tidal waters within the jurisdiction of the town, including all streams, lakes or ponds bordering on the town, marshes and other natural bodies of water. (Amended 2012)

TENT AND TRAILER, OVERNIGHT CABIN: Overnight Cabin, Tent and Trailer under this Ordinance shall be construed to include any building or unit of a larger building, tent, house, car, automobile trailer, mobile home or other similar structure or device used for or adaptable to use for living quarters.

TRANSIENT: A temporary lodger; a person without permanent residence who lives in a rented room.

TRUCK STOP: Any building or land upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuels directly into motor vehicles. Truck stops may also include the sale of accessories or equipment for trucks and similar commercial vehicles; overnight parking areas and accommodations and restaurant facilities for truck crews or unrelated patrons.

USE: The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained. (2008)

USE, ACCESSORY: A use which exists on the same lot and which is customarily incidental and subordinate to the principal use. (2008)

USE, PRINCIPAL: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this Ordinance. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this Ordinance shall be considered an Accessory Use. (2008)

VARIANCE: A deviation from the terms and conditions of this Ordinance permitted by the Zoning Board of Adjustment pursuant to the powers vested in it by and in accordance with the provisions of RSA 674:33.

VEGETATED BUFFER STRIP: An area retained in its natural state (undisturbed, no cut) or replanted native non-invasive vegetation along the banks of watercourses, water bodies or wetlands, for the purpose of preventing erosion, trapping the sediment in overland runoff, and allowing for periodic flooding without damage to structures. (See also: Wetland Buffer) (Amended 2012)

VETERINARY CARE: An establishment for the diagnosis and treatment of animals, which may include animal boarding or animal crematory as accessory uses. (March 2011)

WAREHOUSING: A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, excluding bulk storage of materials that are inflammable or explosive, or that present hazards or conditions commonly recognized as offensive. (March 2011)

WETLAND: Pursuant to RSA 482-A:2.X, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation or wildlife typically adapted for life in saturated soil conditions. They include, but are not limited to: swamps, bogs, marshes, ponds, lakes, rivers, vernal and ephemeral pools, perennial streams and all similar areas. (Amended 2012, 2014)

WETLAND BUFFER: An upland area, adjacent to a wetland or water body, which is subject to special regulations and reviews in order to protect the adjacent wetland or water body value and function. (See also: Vegetated Buffer Strip) (Amended 2012)

WHOLESALE USE: A facility that sells goods and materials to customers who are other business entities or that sells by mail. Unless specifically allowed in the Table of Use regulations, wholesale uses do not include retail sales or direct sales to consumers. (Added March 2011)

WORK FORCE HOUSING: Per RSA 674 as amended. (Adopted 2009)

YARD, FRONT: An open unoccupied space within and extending the full width of the lot, between the street property line and the closest part of a structure nearest to such street line. In the case of a corner lot which has frontage on two (2) streets, the yard areas abutting both streets shall be considered front yards for setback purposes. (2008)

YARD, REAR: An open unoccupied space within and extending the full width of the lot, between the rear lot line and the closest part of the structure nearest to such lot line. (2008)

YARD, SIDE: An open unoccupied space within the lot between the side lot line, not a street line, and the parts of the structure nearest to such lot line. (2008)

ARTICLE III: ESTABLISHMENT OF DISTRICTS AND USES

(Amended 2011, 2014)

3.1 ESTABLISHMENT OF DISTRICTS (Repeal & Re-adopt 2011)

For the purpose of this Ordinance, the Town of Greenland is hereby divided into the following districts:

District Name	Abbreviation
Residential	R
Commercial A	CA
Commercial B	CB
Commercial C	CC
Industrial	I
Floodplain Management District (Overlay) (Rev 03.1991)	FM
Aquifer Protection District (Overlay) (Rev 03.1992)	APD

3.2 LOCATION (Repeal & Re-adopt 2011)

Said districts are located and bounded as shown on a map, dated _____, 2011, entitled Zoning Map, Town of Greenland, New Hampshire, copies of which are on file with the Town Clerk and may be obtained in the Town Offices. The Zoning Map, with all explanatory material thereon, is hereby made a part of this Ordinance and may be reissued by the Planning Board to incorporate such amendments as may be made by the Town Meeting. This official Zoning Map shall be the final authority as to the current zoning status of land in the Town. For the purpose of this Ordinance, the Town of Greenland is divided into the following districts as shown on the Official Zoning Map filed with the Town Clerk and dated March ___, 2011;

3.3 INTERPRETATION OF DISTRICT BOUNDS

The location of district boundary lines shown upon the Zoning Map shall be determined as follows:

3.3.1 Where a boundary is shown as following a street or utility, the boundary shall be the center line thereof unless otherwise indicated.

3.3.2 Where a boundary is shown outside of a street or utility and is approximately parallel thereto, it shall be deemed parallel to the nearest line thereof and the figure placed on the Zoning Map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such line unless otherwise indicated.

3.3.3 Where a boundary is shown as following a watercourse, the boundary shall coincide with the center line thereof as said center line existed at the date of the Zoning Map.

3.3.4 Where a boundary apparently follows a property line, it shall be interpreted as such. Such property line shall be interpreted as one existing at the time of enactment of this Ordinance.

3.3.5 Where a district boundary line divides a lot, either zoning district shall be interpreted as extending up to fifty (50) feet into the adjacent district.

3.4 DISTRICT PURPOSES (Repeal & Re-adopt 2011)

The following purposes are hereby established for each of the districts:

3.4.1 **Residential:** The intent of this district is to provide for open space conservation, agricultural use, and predominantly low density residential development on individual lots, which can be accommodated on the land without major disruptions of the natural terrain, vegetation, watercourses or surface drainage and which would not customarily have Town water.

3.4.2 **Commercial District A:** The intent of this district is to permit general commercial uses that are modest in size, promote traditional New England architecture, and limit traffic hazards in areas on streets with high traffic volumes. The intent of this zone is also to buffer abutting residential neighborhoods from disturbance and disruption.

3.4.2.1 **Commercial District B:** The intent of this district is to provide a transition zone along Rt. 33 from areas of larger size, higher traffic generating commercial development to areas of modest size, lower traffic generating commercial development. The intent of this zone is to emphasize continuity with traditional New England architecture as well as buffer abutting residential neighborhoods from disturbance and disruption.

3.4.2.2 **Commercial District C:** The intent of this district is to allow for the development of large scale, high traffic generating commercial development in areas where transportation, water and sewer infrastructure is suitable for the intended use. The intent of this zone is to emphasize continuity with traditional New England architecture as well as buffer abutting residential neighborhoods from disturbance and disruption.

3.4.3 **Industrial:** The intent of this district is to provide areas for research and development, manufacturing, processing, assembly, wholesaling, and transportation-oriented activities and related services as trucking and warehousing providing that such uses are determined not to be injurious or hazardous to the public health, safety, and/or welfare. Furthermore, the intent of the district is to reserve suitable land for the expansion of existing industry and location of new industry and to enhance economic development and employment.

3.4.4 **Floodplain Management District (overlay):** The intent of this district is to maintain the flood carrying capacity of the surface waters of Greenland by discouraging the alteration of floodways, and by promoting building practices within the Town's flood hazard areas which are consistent with minimizing flood damage to land and buildings.

3.4.5 **Aquifer Protection District (overlay):** The intent of this district is to protect, preserve and maintain existing and future potential groundwater supplies and related groundwater recharge areas within Town.

3.5 USE REGULATIONS (Repeal & Re-adopt 2011)

3.5.1 The Table of Uses, Section 3.6, specifies the uses that are permitted by right, are permitted by special exception, are permitted by conditional use permit, or are prohibited. Permitted uses are designated in the table with a P; uses which require the granting of a special exception by the Board of Adjustment are designated with an S; uses which require the granting of a conditional

use permit by the Planning Board are designated with a CU; and prohibited uses are designated with an N. Any use that is not specifically permitted is prohibited.

3.5.2 All uses illustrated in Section 3.6 shall be subject to the limitations delineated in other sections of this Ordinance. In cases of conflict, the more restrictive interpretation shall apply.

3.5.3 All buildings or structures hereafter erected, reconstructed, altered, enlarged, or moved, or all future uses of premises in the Town of Greenland shall be in conformity with the use regulations of this Ordinance. Any building, structure, or land shall not be used for any manner other than is permitted in the district in which it is located.

3.5.4 A permit for the construction, alteration, enlargement or moving or use of a building or structure shall not be issued by the Building Inspector unless the use complies with this Ordinance and/or has been granted a variance or special exception by the Board of Adjustment."

3.6 TABLE OF USES (Repeal & Re-adopt 2011, Amended 2012, 2014)

Any use that is not specifically permitted in the Table of Uses is prohibited.

Table of Uses Index – Table of Uses Follows

A. Residential Uses 22A
B. Temporary Residential Uses 22A
C. Government, Educational, Religious, Charitable, Cultural & Public Uses 22B
D. Agricultural/Forestry 22B
E. Medical Services 22B
F. Recreational (Indoor/Outdoor) 22B
G. Office: Non-Medical 22C
H. Service: Non-Healthcare 22C
I. Retail Trade 22C
J. Eateries and Drinking Places 22D
K. Lodging Establishments 22D
L. Motor Vehicle 22D
M. Wholesale Trade, Warehousing and Distribution 22E
N. Industrial 22E

3.6 TABLE OF USES (RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DISTRICTS)

Key: P – Permitted, S – Special Exception, CU – Conditional Use Permit, N – Prohibited

USE	*RESIDENTIAL*	*CA EXISTING COMMERCIAL*	*CB ALDEN AVE*	*CC HIGHWAY*	*I INDUSTRIAL*	*SUPPLEMENTAL REGULATIONS*
A. RESIDENTIAL USES						
1) Single Family Dwelling	P	P	N	P	N	
2) Back Lot Development	P	P	N	N	N	In accordance with Section 4.4.1.1 of the Subdivision Regulations
3) Two Family Dwelling	P	P	N	N	N	
4) Manufactured Housing: Mobile Homes	P	P	N	N	N	In accordance with Section 3.7.3 of the Ordinance
5) Home Occupation/Cottage Industry (Amended 2012)	P	P	N	P	N	In accordance with Section 3.7.1 of the Ordinance
6) Doggie Day Care	S	P	N	P	N	
7) Age Restricted Housing (2003)	P	P	N	N	P	In accordance with Article XIX of the Ordinance
8) Accessory Dwelling Unit	P	P	N	P	N	In accordance with Section 3.7.11 of the Ordinance
9) Residential Open Space-Conservation Development	P	P	N	P	N	In accordance with Article XXVI of the Ordinance
10) Mixed Use Development	N	P	N	N	N	In accordance with Town of Greenland Site Plan Review Regulations
11) Multi-Family	N	S	N	N	N	In accordance with Town of Greenland Site Plan Review Regulations
B. TEMPORARY RESIDENTIAL USES						
1) Overnight and Day Camps, Cottage Colonies, Vacation Resorts, Hostels and Similar Recreational Facilities	S	S	N	N	N	
2) Forestry, Wildlife, Timber Preserves, Reservoirs, and Nature Study Areas	P	P	P	P	P	
3) Commercial Riding Stables and Riding Trails With: 3.1) Over 10 acres of land	P	P	P	P	N	
3.2) Under 10 acres of land	S	S	S	S	N	
4) Recreational Camping, Parking, Recreational Areas, Residential Tenting and Camping for Class A, B and C Recreational Vehicles	S	S	N	N	N	

USE	RESIDENTIAL	CA EXISTING COMMERCIAL	CB ALDEN AVE	CC HIGHWAY	I INDUSTRIAL	SUPPLEMENTAL REGULATIONS
C. GOVERNMENT, EDUCATIONAL, RELIGIOUS, CHARITABLE, CULTURAL AND PUBLIC USES						
1) Municipal Uses for Civic, Governmental, Service, Educational or Recreational Use	P	P	P	P	P	
2) Historical Museums	S	P	P	P	N	
3) Place of Assembly: Religious	S	P	P	P	P	In accordance with Town of Greenland Site Plan Review Regulations
4) Public Parks and Playgrounds	P	P	P	P	P	
5) Private Schools: Nursery thru College	N	P	P	N	N	
6) Licensed Child Day Care Facilities	P	P	P	P	S	In accordance with Section 3.7.14 of the Ordinance
7) Senior Citizen Centers	S	P	P	P	S	
8) Non-Profit Lodges, Fraternal Organizations, Civic Organizations, and Charitable Organizations	N	P	N	N	N	
D. AGRICULTURAL/FORESTRY						
1) Agriculture	P	P	P	P	P	RSA 674:32-c. Agricultural uses shall not be prohibited in any district
E. MEDICAL SERVICES						
1) Hospitals	N	N	P	P	S	
2) Medical Offices and Clinics (Outpatient Only)	N	P	S	N	S	
3) Clinics (With Inpatient Care)	N	N	S	P	S	
4) Ambulatory Surgical Center	N	P	P	N	N	
5) Residential Care Facility	S	P	P	P	S	
F. RECREATIONAL (INDOOR/OUTDOOR)						
1) Cinema or Similar Indoor Amusement Use With No Live Performance	N	N	P	P	S	
2) Indoor Recreation Facility	N	P	P	P	S	
3) Health Club, Yoga Studio, Martial Arts School or Similar Use	N	P	P	P	S	
4) Golf Courses Which May Include: Clubhouse, Swimming and Tennis Facilities, Storage and Maintenance Structures	S	S	N	N	N	
5) Outdoor Recreation Facility	S	P	P	P	S	

USE	RESIDENTIAL	CA EXISTING COMMERCIAL	CB ALDEN AVE	CC HIGHWAY	I INDUSTRIAL	SUPPLEMENTAL REGULATIONS
G. OFFICE: NON-MEDICAL						
1) Professional Office	N	P	P	P	P	
2) Business Office	N	P	P	P	P	In accordance with Section 3.7.8 of the Ordinance
3) Retail Bank	N	P	P	P	S	
4) Financial Services Office	N	P	P	P	S	
H. SERVICE: NON-HEALTHCARE						
1) Adult Day Care Facilities	N	P	P	N	S	
2) Personal Services	N	P	P	P	N	
3) Consumer Services Such As Copy Shop, Bicycle Repair, Pet Grooming	N	P	P	P	N	
4) Trade, Craft and General Service Establishments Such As, But Not Limited To, Shops for Carpenters, Plumbers, Painters, Electricians, Paper Hangers, Sign Painters, Upholsterers, and Printers	N	P	P	P	P	
5) Landscape Services	N	P	P	N	P	
6) Veterinary Care	N	P	P	N	N	
7) Laundry and Dry Cleaning Establishments 7.1) Drop Off/Pick Up Only for Items to be Dry Cleaned or Laundered Off Site or On Site	N	P	N	P	P	
7.2) Self-Service Laundry for Use by the General Public	N	P	N	P	N	
8) Undertaking Establishment, Funeral Parlor	N	P	N	N	S	
I. RETAIL TRADE						
1) Convenience Goods	N	P	N	P	N	
2) Retail Sales	N	P	P	P	S	
3) Shopping Center	N	P	P	P	S	
4) Sexually Oriented Business	N	N	S	S	N	In accordance with Section 3.7.4 of the Ordinance

USE	RESIDENTIAL	CA EXISTING COMMERCIAL	CB ALDEN AVE	CC HIGHWAY	I INDUSTRIAL	SUPPLEMENTAL REGULATIONS
J. EATERIES AND DRINKING PLACES						
1) Restaurant 1.1) Fast Food Restaurant	N	P	N	P	N	
1.2) Full Service Restaurant	N	P	N	P	N	
2) Brewery	N	N	N	N	P	A brewery of any type shall not be permitted within, or accessory to, a golf course located within a residential district. (2014)
2.1) Brew Pub	N	P	N	P	N	
2.2) Nano Brewery	N	P	N	P	N	
K. LODGING ESTABLISHMENTS						
1) Bed and Breakfast	S	P	N	N	N	
2) Inn	S	P	N	N	N	In accordance with Section 3.7.7 of the Ordinance
3) Hotel	N	N	P	P	S	
4) Overnight and Day Camps, Cottage Colonies, Vacation Resorts, Hostels and Similar Recreational Facilities	S	N	N	N	N	
L. MOTOR VEHICLE						
1) Sales, Renting or Leasing of Passenger Cars and Light Trucks, Motorcycles, Tractors, Boats and Small Power Equipment (e.g. Lawnmowers) Including Accessory Repair Services, Snowmobiles	N	S	N	P	N	
2) Automotive Service Station						*To authorize the prohibition of additional automotive service stations within one (1) mile of an existing automotive service station
2.1) Fueling Only	N	S	N	S	S	
2.2) Fueling and Service	N	S	N	S	S	
2.3) Fueling, Service and Repair	N	S	N	S	S	
2.4) Associated Convenience Store	N	S	N	S	N	
3) Motor Vehicle Washing Facility for Passenger Cars and Light Trucks (NO MORE THAN 2 AXLES)	N	N	N	P	N	
4) Truck Stop	N	N	N	N	N	

USE	RESIDENTIAL	CA EXISTING COMMERCIAL	CB ALDEN AVE	CC HIGHWAY	I INDUSTRIAL	SUPPLEMENTAL REGULATIONS
M. WHOLESALE TRADE, WAREHOUSING AND DISTRIBUTION						
1) Wholesale	N	N	S	N	P	
2) Warehousing	N	N	S	N	P	
N. INDUSTRIAL						
1) Light Industry	N	S	S	N	P	
2) Research and Development, Corporate and Business Offices	N	S	S	N	P	
3) Food Processing	N	S	S	N	P	
4) Electronic Manufacturing	N	S	S	N	P	
5) General Manufacturing	N	S	S	N	P	
6) Commercial Sawmills	N	N	N	N	P	
7) Junk Yards/Recycling Centers	N	N	N	N	S	
8) Biological or Chemical Laboratory	N	S	S	N	P	
9) Bulk Storage and Distribution of Goods, Except Fuels	N	N	S	N	P	
10) Bulk Storage of Fossil Fuels	N	N	N	N	N	

3.7 SUPPLEMENTAL USE PROVISIONS (Repeal & Re-Adopt 2011)

3.7.1 A **Cottage Industry** shall be permitted in accordance with the Table of Uses provided that:

A. The resident conducting the activity shall, prior to commencement of a cottage industry use, or alteration or expansion of an existing cottage industry use, obtain a non-residential occupancy/use permit and site review approval in accordance with this ordinance and the regulations adopted hereunder.
B. Notwithstanding any other regulation relating to parking or storage of vehicles, no cottage industry use shall have more than one (1) vehicle with a maximum gross weight of 17,500 lbs. (seventeen thousand, five hundred pounds), nor more than two (2) vehicles with a maximum gross vehicle weight of 9,700 lbs. (nine thousand, seven hundred pounds) for each vehicle, nor any trailer with a maximum loaded trailer weight of 12,400 lbs. (twelve thousand four hundred pounds) used in the activity stored upon the site of the cottage industry.
C. Any use that is not specifically permitted in the Table of Uses is prohibited. Facilities used for welding or auto body repair shall not qualify as a cottage industry. Facilities for the sale or repair of small engines, outdoor power equipment, vehicles, or boats shall not qualify as a cottage industry.
D. No vehicle, whether used as part of the cottage industry, or a vehicle operated by a customer of the activity, shall be parked on the paved portion of a street, or within the limits of the public right of way adjacent to the site of the cottage industry.

3.7.2 Recreational Camping

Recreational camping areas shall be permitted on the grant of a Special Exception by the Board of Adjustment, which shall find that the proposed recreational camping park:

3.7.2.1 Meet the definitional requirements in Article II above.

3.7.2.2 Will comply with all provisions of this and any other applicable State and local laws.

3.7.2.3 Will not adversely affect the value or quiet enjoyment of nearby residential properties.

3.7.2.4 The following approvals have been obtained where necessary:

A. New Hampshire Water Supply and Pollution Control Commission
B. New Hampshire Department of Health and Welfare
C. Town Health Officer
D. Greenland Planning Board
E. Greenland Road Agent
F. Greenland Fire Chief

3.7.2.5 Will be seasonal operation only as per Subsection 3.7.2.6 (Operating Procedure) below.

3.7.2.6 Operating Procedure

A. Recreational camping areas shall cease operation annually by November 1st and remain closed until April 15th of the following calendar year. (Amended 1980)
B. Meets the requirements of definitions in Article II.
C. Campers shall not remain in a commercial campground for more than 14 consecutive days in any calendar month.

3.7.3 **Auto Trailer, Tourist Camp, Park Sites and Recreational Vehicles (RV)** (Adopted 1958, Amended 2016)

3.7.3.1 No sheds, lean-tos, or other structures may be built onto any trailer or mobile home other than an awning or entryway. (Adopted 1962)

3.7.3.2 No trailer, house trailer or recreational vehicle (RV) may be installed, placed or stored on any lot in any district by the owner of said lot, for his own occupancy or the occupancy of others, not for any other use including storage in, or of, such unit on any such lot, save that the Board of Selectmen for good cause shown may grant a permit for temporary occupancy by the owner for not more than three months at one time, and not more than one year together. It is the intent of this section solely to permit a person owning a lot to occupy such a trailer as a temporary home while engaged in the construction or reconstruction of his own house. The provisions of this section shall not prohibit the storage of not more than one recreational vehicle or camper trailer, as distinguished from house trailers and mobile homes designed or adaptable for year round occupancy, on any such lot. (Amended 1979, 2016)

3.7.3.3 There shall be for each unit of an auto trailer, tourist camp and park site at least 7,500 square feet of ground area and in addition thereto an additional 7,500 square feet of area for each group of 10 units or fraction thereof as a service lot. (Amended 1962)

3.7.3.4 All roadways shall be paved and at least one paved parking space shall be provided for each trailer or RV. All roadways shall be lighted at night and no parking shall be allowed on roadways. If service roads to the rear of trailers or RV's are provided, they need not be paved but must be graveled sufficiently for all-weather use. Such service roads need not be illuminated. (Adopted 1962, Amended 2016)

3.7.4 **Adult Uses** (Adopted 1994)

3.7.4.1 Purpose and Intent: It is the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Greenland; and, it is the intent to promote the health, safety and general welfare of the citizens of Greenland; and it is the intent of this section that these provisions be utilized to prevent the problems of blight and deterioration which typically accompany and are brought about by the concentration of sexually oriented businesses; and, the provisions of this section have neither the purpose nor the effect of imposing limitations or restrictions on the content of any communicative materials, including sexually oriented materials; and, it is not the intent nor the effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually

oriented entertainment to their intended market; and, neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

3.7.4.2 Adult uses means and includes any of the following: any place of business in which any of the following activities are conducted:

A. Adult Bookstore or Adult Video Store: A business that devotes more than 25% of the total display, shelf, rack, table, stand or floor area, utilized for the display and sale of the following:

1. Books, magazines, periodicals, other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-ROMs or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, or,
2. Instruments, devices, or paraphernalia which are designed for use in connection with "sexual conduct" as defined in NH RSA 571-B:1, other than birth control devices. An adult bookstore or adult video store does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock and trade and does not devote more than 25% of the total floor area of the establishment to the sale of books or periodicals.

B. Adult Motion Picture Theater: An establishment with a capacity of five or more persons, where for any form of consideration, films, motion pictures, video cassettes, portion of the total presentation time is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual content" as set forth in NH RSA 571-B:1, for observation by patrons. For the purposes of this ordinance, substantial portion of the total presentation time shall mean the presentation of films or shows described above for viewing on more than seven (7) days within any 56 consecutive day period.

C. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin 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 5 or fewer persons per machine at any one time, in which a substantial portion of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

D. Adult Drive-In Theater: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

E. Adult Cabaret: A nightclub, bar, restaurant, or similar establishment at which greater than half of the total presentation time of live entertainment features live performances which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, and/or feature films, motion pictures, video cassettes, slides or other photographic reproductions, greater than half of the total presentation time of which is devoted to showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, or a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas. For the purposes of this definition, "specified anatomical areas" shall include any of the following:

1. Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or
2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

F. Adult Motel: A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions a substantial part of the total presentation time of which are distinguished or characterized by an emphasis upon the depiction of materials which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

G. Adult Theater: A theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature, which for any form of consideration, regularly features live performances, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

H. Nude Model Studio: A place where a person who appears in a state of nudity or displays male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals, and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

I. Sexual Encounter Center: A business or commercial enterprise that as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; and

3. When the activities in section 1 or 2 above are characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

3.7.4.3 Where Allowed

Adult uses shall be allowed in the Commercial District as a Special Exception only, provided that the following locational standards and site appearance criteria are complied with:

3.7.4.3.1 No structure containing an adult use shall be permitted within Greenland's designated Drug Free School Zone, 1,000 feet of the property line of a church or place of worship, parish house or convent, a public, parochial or private school, another structure containing an adult use, a structure proposed to contain an adult use for which a building permit has been applied for, or 400 feet of a residence or child day care facility.

3.7.4.3.2 No sexually explicit material or advertising shall be visible from outside the building.

3.7.4.3.3 No private viewing rooms or booths shall be constructed unless one side is always open to a public central area.

3.7.4.3.4 No one under the age of 18 shall be permitted inside such a use and a procedure shall be developed to keep those under 18 from entering the building.

3.7.4.4 Restrictions on Other Retail Uses

For those retail uses permitted by right in the Commercial and Industrial districts which sell sexually explicit goods and paraphernalia but do not meet the 25% thresholds outlined in Section 2, such goods and paraphernalia shall be located either behind a counter, or in a separate room or enclosure where citizens under the age of 18 are not allowed to enter. Such sexually explicit goods and paraphernalia must located so that the materials in question are not within view of minors or readily visible to children.

3.7.4.5 The measure of distance between any adult use and other named point of reference shall be measured in a straight line.

3.7.4.6 Adult uses which have been established at their existing locations prior to the effective date of this ordinance and which are not in conformity with the requirements of this ordinance, may continue to operate until one year after the effective date of this ordinance.

Thereafter, unless any such adult use conforms to the provisions of this ordinance, it shall no longer be permitted to operate. Once established in a permitted location under this ordinance, an adult use operating as a conforming use is not rendered a non-conforming use by the subsequent location of:

A. A church or place of worship, parish house or convent within 1,000 feet;
B. A residence or child day care facility within 400 feet;
C. A public, parochial or private school within 1,000 feet or the designation of a Drug Free School Zone within 1,000 feet.

3.7.4.7 Violation of the use provisions of this ordinance is declared to be a public nuisance per se, which shall be abated by the Town by way of civil abatement procedures.

3.7.4.8 Nothing in this ordinance is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any Town of Greenland ordinance or statute of the State of New Hampshire regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

3.7.4.9 If any section, subsection, sentence, clause, phrase or any portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The legislative body of the Town of Greenland hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

3.7.5 **Storage within Truck Bodies, Trailer Vans or Cargo Vehicles**

No truck bodies, trailer vans, or similar cargo vehicle may be used for storage on any site in any district without a permit from the Board of Selectmen. Such a permit may be granted by the Board for the purpose of construction or bona fide emergency. The permit shall last for one year and be renewable annually with the provision that the Selectmen may revoke the permit at any time with just cause. (Amended 1976, 2016)

3.7.6 **Residential uses** are specifically excluded from the **Industrial District** except for watchman, caretaker, or janitor.

3.7.7 **Inns** shall be permitted subject to the following conditions: (Amended 1998* and 1999*)

A. The structure housing the use shall:

1. Have existed prior to the adoption of this ordinance;
2. Be located in the commercial zone, or within 500' of the commercial zone;
3. Be located on or within 250' of a State maintained roadway; and
4. Be located on a lot of not less than 3.5 acres.

B. The maximum capacity for dining shall be 70 diners and the maximum capacity for functions shall be 140 patrons.

C. The maximum number of rooms that may be used for rentable bedrooms shall be 12 and the maximum number of overnight guests shall be 30.

D. The septic system for the use shall meet all Department of Environmental Services requirements and shall not be prohibited in the Aquifer Protection District, provided that all NHDES requirements have been met.

E. Side setbacks of at least 30' shall be provided from all structures used for the inn use to each sideline.

F. Off-street parking shall be provided for all guests, diners, patrons, residents and employees in accordance with the requirements set forth in this ordinance.

G. All parking areas shall be set back at least 50' from all roadways and abutting properties and shall be screened by a fence or vegetative buffer as required by the Planning Board during Site Plan Review.

H. All restaurant uses, including any bar or lounge uses, shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m. during which, the noise level generated by the use shall not exceed normal residential levels. The maximum decibel level measured at the property lines shall otherwise not exceed 60dB.

I. After 10:00 p.m. no amplified music shall be audible outside of the building and no live entertainment shall be permitted.

3.7.8 **Research and development, corporate and business offices** may be allowed to contain the following other uses, which shall be accessory to the primary or principal use:

A. Employee restaurant/dining facilities;

B. Retail facilities for the use of employees only;

C. Business services directly related to the primary use.

3.7.9 **Open storage and sale of vehicles** and other means of transportation. (Adopted 2000*, Amended 2006)

A. No motor vehicle having two or more axles shall be permitted to remain on any property within Greenland for more than a total of sixty (60) days in any twelve (12) month period if that vehicle is unregistered, uninspected, or inoperable. This requirement shall apply to vehicles or parts thereof which were originally designed for public, private or commercial purposes but does not include vehicles parked at legally existing service stations or repair facilities and does not apply to vehicles or parts of vehicles within a conforming building. Any vehicle not in compliance with this provision shall be removed from the property within eighteen (18) months of enactment of this ordinance. See Section 3.7.13 of this Ordinance.

B. No motorized vehicle may be visibly offered for sale, in the Residential Zone, that is not owned and/or registered to a resident of the property on which the vehicle is offered. Only one vehicle per property will be offered at any time and remain for sale in a visible portion of the property for no more than sixty (60) days in a 365 day rolling period. No more than two (2) vehicles may be sold, at any one residence, in any 365 day rolling period. (Adopted 2006)

3.7.10 **Dog Day Care** shall be permitted by Special Exception in the Residential District provided the applicant resides on the property and can demonstrate that the following conditions are met: (Added 2003)

A. Dog Day Care shall be located upon a lot of no less than 3 acres;

B. That the number of animals present for Dog Day Care at any one time shall be no greater than 15;
C. That the hours of operation shall not exceed 7 a.m. to 6 p.m., Monday through Friday;
D. That the applicant shall demonstrate that suitable fencing and indoor containment for dogs is provided on site at all times for the control of the dogs;
E. That the applicant provide to the Board of Adjustment rules and regulations satisfactory to the Board;
F. That there be a minimum of 75'between any outdoor containment area and any abutting residence; and
G. That the applicant meets the Home Occupation criteria set forth in Subsection 3.7.2 of the Zoning Ordinance.

3.7.11 **Accessory Dwelling Unit** (Adopted March 2008, Amended 2016)

Definition: A self-contained residential unit complete with its own kitchen and bathroom facilities, incorporated within an existing or expanded single family residential dwelling unit.

Purpose: To provide increased flexibility in housing alternatives allowing autonomy, usability and affordability for owners and residents while maintaining the health, safety, aesthetics, and historic quality of the Town's streetscapes.

An accessory dwelling unit will be allowed on any approved building lot provided that:

3.7.11.1 The owner of the property shall occupy one of the dwelling units as his/her dwelling, and be owner/landlord of the second dwelling unit. No accessory dwelling unit shall be condominiumized or in any way be in a different ownership than the principal dwelling.

3.7.11.2 The living area of the accessory dwelling unit shall not exceed 1/3 of the assessed gross square foot area of the entire primary dwelling unit, and shall not exceed a maximum assessed gross area of 800 sq. ft. The accessory dwelling unit shall not contain more than one (1) bedroom.

3.7.11.3 Any new entrances to the accessory dwelling unit shall be located on the side or rear of the dwelling unit.

3.7.11.4 On-site parking shall be provided on the lot.

3.7.11.5 The accessory dwelling unit shall conform to all applicable structural, water, and sanitary standards for residential buildings. Dormitory-type facilities are expressly prohibited whether seasonal or otherwise.

3.7.11.6 Prior to any renovations or construction the owner shall provide evidence to the Town's authorized agent that septic facilities are adequate according to State and Town standards. If deemed necessary by the Town's authorized agent, such evidence shall be in the form of certification by a State of New Hampshire licensed septic system designer. Also, the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire. The

Town's authorized agent then shall indicate approval in writing to the Building Inspector in order to allow any building permit.

3.7.11.7 Once any renovation or construction is complete, or the owner is ready to have a unit occupied, a request must be made to the Building Inspector to obtain a certificate of occupancy permit. There shall be no occupancy of the accessory dwelling unit (or either unit if the entire dwelling has been newly constructed) until the Building Inspector has issued a certificate of occupancy permit.

3.7.11.8 Only one accessory dwelling unit is allowed per lot. The property and proposed use must conform to any and all zoning ordinances and regulations of the Town of Greenland.

3.7.12 **Duplexes:** Not withstanding any other provision of this ordinance, two family dwelling units (duplexes) shall only be allowed to be constructed in accordance with this section. Duplexes may be constructed on any existing conforming lot of record in existence as of March 1, 2008. Duplexes may be permitted on lots created after March 1, 2008 only as follows: (Adopted 2008)

Subdivisions consisting of:

3.7.12.1 The subdivision of a parcel (or parcels) of land after March 1, 2008 creating six (6) or more lots may have not more than fifteen percent (15%) of the total number of buildable lots (rounded to the nearest whole number) allowed to be constructed as two (2) family dwelling units (duplexes).

3.7.12.2 Subdivision of any lots that have constructed five (5) two family dwelling units (duplexes) on a parent parcel (original parcel that existed prior to subdivision) shall be prohibited from further subdivision and construction of two family dwelling units (duplexes). Further subdivision and construction of single family detached dwelling units is permitted.

3.7.13 Junkyard/Abandoned Vehicles

No land in any district shall be used for a motor vehicle junkyard, dump, or a place for refuse, waste or junk of any kind, nor for abandoned automobiles, carriages or other vehicles, machinery or other tools or appliances, nor used in a manner that is disorderly, unsightly, noxious, offensive or detrimental to the public, or to the owners or occupants of adjacent property, or prejudicial to the general welfare of the community without the approval, in writing, and after notice and hearing, of the Board of Adjustment upon such conditions as they may determine and then only in the Industrial District and the area of land must be located at least 1,500 feet from any public highway. (Amended 1962)

3.7.14 Child Day Care Facilities (Adopted 2009)

1. Purpose

In order to provide affordable, good quality and licensed child day care within the Town of Greenland the following standards in accordance with NH RSA 170-E:1-22 are hereby

incorporated into the Town Zoning Ordinance to insure the health, safety, and welfare of its residents.

2. Definitions

Child day care for this Ordinance means the provision of supplemental parental care and supervision:

A. For a non-related child or children;
B. On a regular basis;
C. Under license by the New Hampshire Division of Public Health Services, Bureau of Child Care Standards and Licensing.

As used in this Ordinance, the term is not intended to include babysitting services of a casual non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child care by a group of parents in their respective domiciles.

Child day care facility means a building or structure wherein an agency, person, or persons regularly provides care for a group of children.

A. Family Day Care Home as defined in RSA 170-E: 2-IV(a): Family Day Care Homes shall be permitted in the residential and commercial districts in Town. A Family Day Care Home shall be reviewed by the Planning Board and shall require site plan review.
B. Family Group Day Care Home as defined by RSA 170-E: 2-IV(b): Family Group Day Care Homes shall be allowed in the commercial and industrial districts in Town and shall require a site plan review.
C. Group Child Day Care Center as defined in RSA 170-E: 2-IV(c): Group Child Day Care Centers shall be allowed in the commercial and industrial zoning districts only and shall require a site plan review.
D. Day Care Nursery as defined in RSA 170-E: 2-IV(d): Day care nurseries shall be allowed in the commercial and industrial zoning districts only and shall require a site plan review.
E. Night Care Agency as defined in RSA 170-E: 2-IV(e): Night care agency's shall be allowed in the commercial and industrial zoning districts only and shall require a site plan review.

3. Permits

All applicable State permit and license applications must be in-hand before applying to the Planning Board for review of the child day care facility proposal. Permits for the operation of Family Day Care Home, Family Group Day Care Home, Group Child Day Care Center, Day Care Nursery, or Night Care Agencies are under the purview of the Planning Board. For all categories of child care facilities that require a site plan review (A-E above), the following, in addition to existing site plan review standards must be met:

A. One (1) parking space must be provided for each staff person and one (1) space must be provided for each five (5) licensed capacity slots.

B. Loading and unloading of children from vehicles shall be permitted only on facility property in approved parking areas. No vehicles shall be allowed to back-up on to the travel lane or shoulder of a public right of way **nor shall vehicles queue on any public right of way during drop-off and pick up times**.

C. The exterior play area (fifty square feet per child as per State of NH requirements) shall be fenced.

D. All signage shall conform to the Town regulations for the underlying zone.

ARTICLE IV: DIMENSIONAL REQUIREMENTS
(Amended 2014, 2016)

4.1 GENERAL REQUIREMENTS

The following general requirements shall be met:

4.1.1 No building or structure shall be erected, enlarged or moved nor shall any use be authorized or extended nor shall any existing lot be changed as to size except in accordance with the Table of Dimensional Requirements, Section 4.2.

4.1.2 A lot having frontage or an area less than required by Section 4.2 may be considered to be in compliance therewith provided that the lot had received final subdivision approval prior to the enactment of this Ordinance or was shown on a recorded plan or deed filed before the Planning Board that was granted jurisdiction to control the subdivision of land. (Amended 2016)

4.1.3 Unless as permitted in the table of uses, no residential building lot shall contain more than one residential structure used for living purposes. Structures containing two dwelling units shall have a common interior or garage wall, a common concrete foundation and a contiguous roofline. (Repeal & Replace 2011)

4.2 TABLE OF DIMENSIONAL REQUIREMENTS (Repeal & Replace 2011, Amended 2014, 2016)

The Table of Dimensional Requirements shall apply for all lots, uses of land, and developments within the various districts, unless modified by other sections of this ordinance. *(See Section 4.3, Explanatory Notes)*

DIMENSIONS		ZONES		
		R	CA, CB, CC	I
a	Lot area minimum (sq ft)	60,000 with 45,000 contiguous non-wetland soil	60,000 with 45,000 contiguous non-wetland soil	60,000 with 45,000 contiguous non-wetland soil
b	Lot front minimum (ft)	200 ft	200 ft	200 ft
c	Lot width minimum (ft)	80 ft	80 ft	80 ft
d	Front yard minimum (ft)	30 ft (1, 6, 7)	30 ft (1, 6)	30 ft (1, 6)
e	Rear yard minimum (ft)	20 ft (7)	20 ft (4)	20 ft (4)
f	Side yard minimum (ft)	20 ft (7)	20 ft (4)	20 ft (4)
g	Building height maximum (ft)	35 ft	35 ft	35 ft
h	Lot coverage maximum (footprint)	20% max	50% max	50% max
i	Open space requirement	80% of lot	50% of lot	50% of lot
j	Building footprint		**CA**: 10,000 sq ft maximum for each bldg on site **CB**: 20,000 sq ft maximum for each bldg on site	

4.3 EXPLANATORY NOTES (Amended 2016)

The following explanatory notes shall provide further definition for the footnoted items in Table 4.2 and to clarify dimensional requirements in general.

1. For lots abutting Route 33 between the easterly boundary of Commercial A (CA) to the Stratham town line, the minimum front yard setback shall be 30'; setbacks shall be measured from the State right-of-way. (Amended 1989; Repealed and Re-Adopted 2014)
2. Structures which are not built on foundations of concrete, brick or similar material, and have a total floor area no greater than 64 square feet, shall be set back at least 10 feet from the side and rear lot lines.
3. No appurtenances to commercial or industrial developments (e.g. parking areas, sewerage, etc.) shall be located within the Residential District. (Adopted 1989)
4. When a commercial use abuts a residential district, all buildings shall be set back at least 50' from the side and rear lot lines abutting the residential district. When a commercial use abuts a residential use within the CA, CB and CC Districts, all buildings shall be set back at least 25' from the side and rear lot lines abutting the residential use. (Adopted 1999*; Repealed and Re-Adopted 2014)
5. No owner of any land in any zoning district shall permit any building or other structure of fire ruins to be left unfinished or incomplete thereon but shall finish, complete, or remove the same within one year.
6. Pedestrian-oriented space is permitted within the front yard setback in the CA District. (Adopted 2014)
7. Handicapped access ramps may be exempt from yard (structural) requirements when, shown to the satisfaction of the Building Inspector, said ramp is medically necessary to the occupant. In addition, the ramp shall be removed from the premises when it is no longer necessary. (Adopted 2016)

ARTICLE V: PARKING REQUIREMENTS

March 14, 2007
Moved to Subdivision Section IV, 4.6 and Site Plan Review Section V, 5.11

ARTICLE VI: SIGNS

(Adopted 1975, Amended 1976, 1980, 1986, 1991, rewritten 2002* & 2003, Amended 2013, 2016)

6.1 PURPOSE

The purpose of this Article is to direct the use of signs to promote and protect the public health, safety and welfare, by regulating existing and proposed outdoor advertising, and signs of all types; to protect property values; reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs; provide more open space, enhance and protect the physical appearance of the community; preserve the scenic and natural beauty and provide a more enjoyable and pleasing landscape.

6.2 DEFINITIONS

6.2.1 **SIGN**: Any identification, description, illustration, or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, temporary sign, lights, balloons or other device designed to attract attention, advertise, identify or convey information. For the purpose of removal, signs shall also include all sign structures. The term "sign" shall also mean and include any display of one of more of the following:

A. Any letter, numeral, figure, emblem, picture, outline, character, spectacle delineation, announcement, trademark, logo; or

B. Multiple colored bands, stripes, patterns, outlines or delineation's displayed for the purpose of commercial identification; or

C. Anything specified above in part or in combination by any means whereby the same are made visible from beyond the boundaries of the lot or parcel of property on which the same are displayed for the purpose of attracting attention outdoors to make anything known.

6.2.2 **AREA:** The area shall include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, the frame around the sign, and any "out-outs" or extensions, but not including any supporting structure or bracing. Only (2) two-sided signs are permitted, the area of which will be the larger of any rectangular projection of that sign.

6.2.3 **AWNING SIGN:** Any sign painted, sewn or attached onto any awning.

6.2.4 **BANNER SIGNS:** Any sign constructed of fabric or flexible material.

6.2.5 **BILLBOARD:** A structure designed, intended or used for advertising a product, property, business, entertainment, service, amusement or the like, and not located where the matter advertised is available or occurs.

6.2.6 **DIRECTORY BOARD:** A wall sign permanently attached to a building wall at the ground floor level and containing name identification for more than one activity or business located on a single building or a group of buildings.

6.2.7 **DIRECTORY SIGN:** A sign, which contains listings of two or more commercial uses or users located along the entrance way, for the smooth and safe flow of traffic. A directory sign shall be designed and constructed with provision for traffic. A directory sign shall be designed and constructed with provisions for changes of listing without reconstruction of the entire sign. Directory signs are considered free-standing signs as defined in this Ordinance.

6.2.8 **ELECTRONIC SIGNS:** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign which does not display any other changeable message shall be considered an electronic message board. (Amended 2008)

6.2.9 **FLAG:** A piece of cloth, or other pliable material, of distinctive size, color and design, used as a symbol, standard, signal or emblem.

6.2.10 **FREESTANDING SIGNS:** Any sign structurally separate from the building, being supported on itself, on a standard, or on legs. Freestanding signs shall be non-moveable and permanently anchored.

6.2.11 **GARAGE/YARD SALE SIGNS:** A limited temporary sign intended to advertise a sale of household goods on-site by residents of the property.

6.2.12 **HOME PRODUCTS AND PRODUCTS SIGN:** A sign advertising the sale of agricultural produce grown or produced on-site by residents of the property.

6.2.13 **IDENTIFICATION SIGN:** A sign indicating the location of, or direction to, or separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise any activity.

6.2.14 **POLITICAL SIGN:** A sign that advocates the success or defeat of any party, measure or person at any election.

6.2.15 **PORTABLE BILLBOARD SIGNS:** A sign ordinarily with replaceable letters used to convey a special message advertising a product or service available on the premises. A sign not permanently attached to the ground or designed for permanent installation.

6.2.16 **REMOTE SIGNS:** A sign, advertising a business that is not located on the business property.

6.2.17 **SIGN STRUCTURE:** The supports, uprights, braces and framework to a sign.

6.2.18 **TEMPORARY SIGN:** A sign or advertising display intended to be displayed for no more than thirty (30) days in any 365 day period. The Building Inspector, or other designated Town officials, without any additional fees, may expand the prior up to ninety (90) days. (Amended 2004)

6.2.19 **TIME AND TEMPERATURE UNIT:** A sign or portion of a sign displaying only current time and temperature in an electronic, digital fashion.

6.2.20 **VEHICLE SIGN:** A sign mounted, painted or otherwise placed on a trailer, truck, automobile or other vehicle so parked or placed so that the sign thereon is visible from a public street or right-of-way and is so parked primarily for the purpose of displaying advertising signage.

6.2.21 **WALL SIGN:** A sign attached to, painted upon, placed against, or supported by the exterior surface of any building. (Amended 2008)

6.2.22 **WINDOW SIGN:** Any sign placed on, affixed to, painted on or located within the casement or sill area of a window.

6.3 GENERAL PROVISIONS

The following provisions relating to signs are applicable in all zoning district, unless otherwise stated. The standards of this Sign Ordinance for maximum number and maximum square footage of signage are limits which cannot be exceeded, but which do not create any right or entitlement to the maximums. The standards of this Sign Ordinance apply on a per lot basis. Exception: Wall signs are on a per business basis. All signs are limited to two sides.

6.3.1 All signs, whether temporary or permanent, shall require a sign permit. (see Section 6.5 - EXCEPTIONS AND SIGNS NOT REQUIRING A PERMIT).

6.3.2 **Vehicle signs** larger than four (4) square feet are not permitted.

6.3.3 No **permanent or temporary** sign shall be erected, moved or altered until a permit is issued under the terms of this Ordinance.

6.3.4 Unless permitted under other sections of this Sign Ordinance, **special attracting devices** including but not limited to, banners, pennants, searchlights, balloons or other gas-filled figures, propellers, spinner streamers, reflector, strobe lights, flashing lights, strings of lights and similar devices serving for purposes of attracting attention, promotion or advertising are prohibited. This restriction includes special attention attracting devices placed on, in or behind store-front windows. Traditional barber poles for licensed barber shops are exempt. For special occasions such as grand openings, special promotions or other similar special occasions, signs may be placed for a period not exceeding fourteen (14) days in duration and not occurring more than two (2) times annually for any one lot, banners, pennants streamers and balloons, less two (2) feet in diameter, may be permitted on private property provided that they are not a detriment to the health and safety of the general public.

6.3.5 The **maximum height** of all signs shall be twenty (20) feet above grade, grade to be determined by the grade of the abutting public highway entrance to the lot.

6.3.6 In calculating **allowable signage**, each principle building together with its accessory buildings or structures, if any, shall count as one building.

6.3.7 There shall be permitted in the following zones no permanent or temporary signs larger than:

A. Four (4) square feet, per side, in any Residential District;

B. Forty-eight (48) square feet, per side, in the Commercial District for a single business on a lot. For multiple businesses on a lot, sixty (60) square feet is allowed.

C. Seventy-five (75) square feet, per side, in the Industrial District.

6.3.8 **Wall signs** shall not exceed an area of ¼ square foot of sign for every linear foot of building (or business) facing the street. Wall signs with changeable copy are limited to six (6) square feet. (Amended 2008)

6.3.9 **Awnings** with signs consisting of one (1) line of copy upon the border, fringe, or valance, of the awnings shall not exceed eight (8) square feet. For the purpose of this Ordinance, an awning sign shall be considered a wall sign.

6.3.10 **Window signs** that advertise the business or establishment are limited to 25% of this window area. For the purpose of this Ordinance, a window sign shall be considered a wall sign.

6.3.11 Every sign shall be constructed of durable materials and shall be maintained in good condition and repair at all times. For signs deemed not to be in good repair by the Code Enforcement Official: The Code Enforcement Official will notify the owner to remove the sign at the property owner's expense.

6.3.12 **Remote signs** advertising businesses located in the Town of Greenland and located in the Commercial or Industrial District are permitted, provided that the other provisions of this Ordinance are met. A single business may not have more than two remote signs and may not exceed twelve (12) square feet in each. In the commercial zone abutting State Rt. 33, one (1) remote sign, not exceeding forty-eight (48) square feet, is permitted.

6.3.13 Signs advertising businesses not located in the Town of Greenland are prohibited.

6.3.14 All **newly constructed permanent signs** must be located at least fifteen (15) feet away from the edge of the pavement or the property line; the more restrictive provision shall apply.

6.3.15 **Construction** associated with each sign permit issued must be completed within one (1) year of the date of issuance.

6.3.16 An acceptable **sketch of the proposed sign**, and an indication of the location and dimensions of all existing signs located on the lot or tract shall accompany all applications for sign permits. Each permit shall be for (1) sign only.

6.3.17 One **sign in a residential district** identifying the name, address and profession of a permitted home occupation or a lawfully existing non-conforming home occupation is allowed provided such sign does not exceed four (4) square feet in area.

6.3.18 A **bulletin board** of similar sign in connection with any church, museum, library, school or similar public structure not exceeding twelve (12) square feet is allowed.

6.3.19 **Billboards** are not permitted. Portable billboard signs shall be permitted only as a temporary sign.

6.3.20 **A string of lights** shall not be used for the purpose of commercial advertising or attracting attention unless as an integral part of a permanent sign.

6.3.21 Any sign which no longer advertises a bona fide business conducted, product sold, activity being conducted, or public notice, should be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within thirty (30) days after the activity has ceased.

6.3.22 **Illuminating signs** whose specific purpose is outlining any part of a building, such as a gable, roof, sidewalk or corner, are prohibited.

6.3.23 **Illumination of signs** shall be permitted only during the hours of operation.

6.3.24 In addition to the maximum number and size of signs permitted, signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding five (5) square feet, and not extending higher than four (4) feet above ground level, are permitted with permission of the Building Inspector.

6.3.25 In addition to the maximum number and size of permitted signs, identification signs may be erected over or by the doorway to such portion of the building. The sign area shall not exceed ten percent (10%) of the area of such doorway portion of the building.

6.3.26 **No portable or airborne signs**, with or without images, shall be permitted.

6.3.27 **Subdivision Signs:** Temporary signs pertaining to the sale of lots, tracts or homes within a recorded subdivision are permitted on the site of such subdivision in all zoning districts in conformance with the following:

A. One (1) sign per recorded subdivision per perimeter abutting street up to a maximum of two (2) signs per subdivision. Such signs shall not be transferrable from one street frontage to another.
B. A permit shall be required for the placement of a subdivision sign. Such permit shall be valid for one (1) year or until all lots in the subdivision have permits issued, whichever occurs first. Permit may be renewed at the discretion of the Building Inspector.
C. Signs shall be placed at least ten (10) feet from any public right-of-way and shall be promptly removed upon completion of the sale of the lots, or all building permits issued, or the expiration date specified by the permit, whichever is sooner.
D. Signs shall not exceed forty-eight (48) square feet in area or six (6) feet in height.

6.3.28 **Temporary Signs:** The following temporary signs are permitted and shall conform to standards within the Town, State or federal ordinance, statutes or regulations:

A. **Temporary Signs Giving Notice.** Signs of a temporary nature such as advertisements of charitable functions, notices of meetings and other non-commercial signs of a similar nature, are permitted for a period not to exceed thirty (30) days and shall be removed by the person(s) who posted the signs within forty-eight (48) hours after fulfilling its function.

B. **Temporary Political Signs.** Temporary political signs for State elections shall be in accordance with RSA 664:17 "Placement and Removal of Political Advertising".

"No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. The earliest date on which political advertising may be placed or affixed shall be the last Friday in July prior to a State primary. All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. No person shall remove, deface or knowingly destroy any political advertising which is placed on or affixed to any private property except the owner of the property or a law enforcement officer removing improper advertising; provided, however, that, before a law enforcement officer removes any advertisement, he shall notify the candidate that it is improper, and allow the candidate twenty-four (24) hours to remove the advertisement himself". ***Source:*** *1979, 436:1, 1994, 4:28, effective May 27, 1994*

Temporary Political Signs. Not covered by RSA 664:17 shall be permitted for a period of sixty (60) days before the election date to which the sign refers and must be removed within forty-eight (48) hours after the election has occurred. The maximum size of temporary political signs shall be thirty-two (32) square feet.

C. **Temporary Garage/Yard Sale Signs.** Temporary yard/garage sale signs, and the like, are permitted for a three (3) day period prior to the event and may be no larger than four (4) square feet. Signs are to be removed within twenty-four (24) hours of the event.

D. **Temporary New Business Signs.** New businesses may use temporary signs while awaiting arrival of permanent signage; however, they shall be allowed only until permanent signage is installed or for ninety (90) days, whichever is the shorter period of time, and shall be limited to the same area and size requirements as the permanent signage. The ninety (90) day period of the permit may be extended by the Building Inspector.

6.3.29 The owner, lessee, or manager of a **freestanding sign**, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

6.3.30 No sign in any district shall be illuminated by other than LED, incandescent or fluorescent light; nor shall any illuminated sign or advertising outline any part of a building such as a gable, roof, sidewalk or corner. (Amended 2013)

6.3.31 No sign, illuminated or indirectly lit, shall be permitted within fifty (50) feet of property in any residential zone, or residentially occupied commercially zoned property, unless the illumination of the sign is so designed that it does not shine light directly onto any adjacent property or onto any street. (See Lighting section of the Site Plan Review Regulations.)

6.3.32 No sign shall be affixed directly to a tree, utility pole, light pole, traffic control device, barn, shed or roof of a building or structure without the owner's permission.

6.3.33 No sign shall be painted directly on the wall of a building or directly on a fence or other accessory structure or directly on any paved surface other than required traffic control information.

6.3.34 No sign shall be located at the rear of the premises facing residential property.

6.3.35 No signs shall be permitted in the public right-of-way, or on Town property. (See Section 6.5 – EXCEPTIONS AND SIGNS NOT REQUIRING A PERMIT)

6.3.36 On a DIRECTORY BOARD, each listing shall be no larger than one (1) square foot. A directory board shall be considered to be a wall sign for each business.

6.3.37 The SIGN SUPPORT STRUCTURE shall not exceed ten percent (10%) of the permitted sign.

6.3.38 Electronic message boards and flashing signs: Signs containing electronic message boards shall be prohibited. Signs that flash, rotate, or otherwise create movement are prohibited; this includes **time/temperature signs.** (Amended 2008)

6.4 NUMBER OF SIGNS

6.4.1 No more than one (1) sign advertising or promoting business activities shall be permitted on any lot in the Residential District.

6.4.2 A single free-standing sign is permitted for each business or industry,

A. Where two or more businesses or industries share a lot or tract, a single free-standing sign listing all tenants and/or occupants shall serve the lot or parcel;

B. In the event of a lot or tract with frontage on more than one right-of-way, the provisions of (A) above shall apply to each right-of-way, but in no case shall the total sign area exceed twice that is described previously in Sections 6.3 and 6.4, not be generally visible from the other right-of-way.

6.4.3 For public safety, an additional directory sign, listing directories to businesses within a complex, may be permitted within a lot. Sign must be, as a minimum, fifty (50) feet from the edge of the right-of-way and not larger than twenty-four (24) square feet. Sign location and associated lighting is to be approved by the Planning Board during the Site Plan Review.

6.4.4 Any traffic, directional or public safety sign owned, installed or required by a government agency shall be permitted. The size and number of such signs shall not be considered in determining the size and number of signs permitted on the lot or parcel.

6.5 EXCEPTIONS AND SIGNS NOT REQUIRING A PERMIT

Signs are permitted for the following uses and purposes without a permit unless otherwise stated.

6.5.1 Signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulation.

6.5.2 **A Name Sign** not exceeding one (1) square foot in area identifying the name(s) of the residents of the premises where such sign is located.

6.5.3 **Garage/Yard Sale Signs** are permitted for seventy-two (72) hours prior to the sale and must be removed within twenty-four (24) hours of the sale.

6.5.4 **Flags** and temporary signs for political or charitable purposes; for public organizations; for State and political subdivisions thereof; and national and international flags.

6.5.5 In any zone, two additional non-illuminated temporary **home produce and products signs**, not to exceed sixteen (16) square feet in each area, are permitted.

6.5.6 One temporary sign, used by **real estate agents**, or property owner, advertising property for sale, or those used by contractors, architects, painters or other artisans advertising work in progress is permitted on any lot or parcel, provided it is unlighted, is located no less than five (5) feet away from the edge of the pavement or off of the right-of-way edge (whichever distance is greater), does not exceed twelve (12) square feet in area, and is removed when the work is completed, or within a six month period, whichever occurs first. A six-month extension may be granted by the Board.

6.5.7 In addition to the maximum number, total square footage and size of permitted signs, one (1) **"Open" flag** is permitted in all districts, subject to the following conditions:

A. The flag shall be flown only during open business hours.
B. The flag area is limited to a maximum of sixteen (16) square feet.

6.5.8 For each permitted or required parking lot/area that has a capacity of more than five (5) cars, one (1) sign, not more than two (2) square feet in area, designating each entrance or exit; and one (1) sign, not more than nine (9) square feet in area, designating the conditions of use of the parking area.

6.5.9 One (1) **"For Sale"** or **"For Rent"** sign per lot, not more than nine (9) square feet in area. Corner lots may have one (1) additional sign. Such signs shall be removed within seven (7) days after the sale, rental or lease have been accomplished.

6.5.10 Signs established by, or by order of, any governmental agency.

6.5.11 For construction on or development of a lot, one (1) sign, not more than twelve (12) square feet in area, indicating the name of the contractors, engineers, or architect, or products being used in the construction of a building, but only during the time that construction or development is actively underway; up to a period of three (3) months no permit is required.

6.5.12 For an event of public interest such as a civic or church affair, one (1) sign, not over forty-eight (48) square feet in area, located upon the site of the event. Such sign shall not be erected more than thirty (30) days before the event and shall be removed within forty-eight (48) hours after the event. Also directional signs, not more than four (4) square feet in area, showing only a directional arrow and the name of the event. Such signs shall not be erected more than seven (7) days before the event and shall be removed within forty-eight (48) hours after the event.

6.5.13 Signs not visible from any public thoroughfare or right-of-way or from beyond the boundaries of the lot or parcel upon which they are located.

6.5.14 Signs within completely enclosed buildings and not visible from the outside of the building.

6.5.15 **Directional and instructional non-electric signs**, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet in each area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephones, parking areas, entrances and exits.

6.5.16 House **numbers and name plates** not exceeding two (2) square feet in area for each residential, commercial or industrial building.

6.5.17 **No trespassing and no dumping signs** not to exceed four (4) square feet in area per sign.

6.5.18 A non-illuminated sign painted or lettered directly on a window for the specific purposes of identifying the proprietor or name of the business to the passerby. Such a sign shall be in addition to all other authorized signs, and shall not exceed twenty-five percent (25%) of total glass area of the window or glass door on which it is located. Such sign shall not be construed to be a window promotional sign.

6.5.19 **Vehicular signs** on a truck, bus, trailer or other vehicle, while operating in the normal course of business, which is not the primary purpose of the vehicle.

6.5.20 **Neighborhood identification signs** in the residential zone including a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.

6.5.21 **Help Wanted**: Businesses seeking to hire employees; maximum sign area shall not exceed 3 sq. ft. (Adopted 2016)

6.6 NON-CONFORMING SIGNS

All signs validly existing prior to the adoption of this Ordinance shall enjoy the status of being valid, non-conforming signs. Existing signs which are rendered non-conforming by this Ordinance shall not be enlarged, expanded, or brought closer than fifteen (15) feet of the pavement's edge or closer than the right-of-way edge (whichever distance is greater). Signs which are replaced (other than the message portion of the sign) shall comply with the provisions of this ordinance to the extent possible. Normal maintenance and repairs are permitted.

6.7 FEES

A fee shall be charged for each sign permit, payable to the Town of Greenland. See Building Permit Fee Schedule at the end of the Building Regulations.

6.8 ADMINISTRATION, ENFORCEMENT AND APPEALS

6.8.1 This Ordinance shall be enforced by the Code Enforcement Official.

6.8.2 If the Code Enforcement Official finds that any provision of this Ordinance is being violated, he shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.

6.8.3 The Town Selectmen or Code Enforcement Official may order the removal of any sign which represents a hazard to public safety or which is found to be in such disrepair so that it fails to perform its function. The owner of a sign ordered removed shall have thirty (30) days to conform with this Ordinance before removal of the sign by the Town.

6.8.4 When any violation of any provision of this Ordinance is found to exist, the Code Enforcement Official is hereby authorized and directed to institute any actions and proceedings that may be appropriate or necessary to enforce the provision of this Ordinance.

6.8.5 Any person aggrieved by a decision of the Code Enforcement Official may appeal to the Board of Adjustment within thirty (30) days.

ARTICLE VII: AQUIFER PROTECTION DISTRICT

(Adopted 1989)

7.1 AUTHORITY AND PURPOSE

Pursuant to RSA 674:16-21, the Town of Greenland hereby adopts an Aquifer Protection District and accompanying regulations in order to protect, preserve and maintain potential groundwater supplies and related groundwater recharge areas within a known aquifer identified by the United States Geological Survey. The objectives of the aquifer protection district are:

7.1.1 To encourage uses that can appropriately and safely be located in the aquifer recharge areas.

7.1.2 To promote future growth and development of the Town, in accordance with the Master Plan, by ensuring the future availability of public and private water supplies.

7.2 DEFINITIONS

7.2.1 **AQUIFER:** For the purpose of this Ordinance, aquifer means a geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies.

7.2.2 **DWELLING UNIT:** A building or that portion of a building consisting of one or more rooms designed for living and sleeping purposes, including kitchen and sanitary facilities and intended for occupancy by not more than one family or household.

7.2.3 **GROUNDWATER:** All the water below the land surface in the zone of saturation capable of yielding water to a well.

7.2.4 **GROUNDWATER RECHARGE:** The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface waters, including lakes, streams and wetlands.

7.2.5 **LEACHABLE WASTES:** Waste materials, including solid wastes, sludge and agricultural wastes that are capable of releasing contaminants to the surrounding environment.

7.2.6 **MINING OF LAND:** Removal of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock to be used as building stone.

7.2.7 **NON-CONFORMING USE:** Any lawful use of buildings, structures, premises, land or parts thereof existing as of the effective date of this Ordinance or amendment thereto, and not in conformance with the provisions of this Ordinance, shall be considered to be a non-conforming use.

7.2.8 **NON-MUNICIPAL WELL:** Any well not owned and operated by the Town of Greenland or its agent.

7.2.9 **RECHARGE AREA:** The land surface area from which groundwater recharge occurs.

7.2.10 **SLUDGE:** Residual materials produced by the sewage treatment process.

7.2.11 **SOLID WASTE:** Any discarded or abandoned material including refuse, putrescible material, septic, or sludge, as defined by New Hampshire Solid Waste Rules He-P 1901.03. Solid waste includes solid, liquid, semi-solid, or contain gaseous waste material resulting from residential, industrial, commercial, mining, and agricultural operations.

7.2.12 **STRUCTURE:** Anything constructed or erected, except a boundary wall or fence, the use of which requires a location on the ground or attachment to something on the ground. For the purpose of this Ordinance, buildings are structures.

7.2.13 **TOXIC OR HAZARDOUS MATERIALS:** Any substance or mixture of such physical, chemical, or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, volatile organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners, and such other substances as defined in new Hampshire Water Supply and Pollution Control Rules, Section Ws 10.04 (1), in New Hampshire Solid Waste Rules He-P 1901.03 (v), and in the Code of Federal Regulations 40 CFR 261. Wastes generated by the following commercial activities are presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Planning Board:

- Airplane, boat and motor vehicle service and repair
- Chemical and bacteriological laboratory operation
- Dry cleaning
- Electronic circuit manufacturing
- Metal plating, finishing and polishing
- Motor and machinery service and assembly
- Painting, wood preserving and furniture stripping
- Pesticide and herbicide application
- Photographic processing
- Printing

7.3 DISTRICT BOUNDARIES

7.3.1 **Location**: The Aquifer Protection District is defined as the primary aquifer shown to be located in Greenland as delineated by the U.S. Geological Survey in the published map entitled *Aquifer Boundaries, Data-Collection Locations, Altitudes of the Water Table, Hazardous Waste Sites, and Concentrates of Major Chemical Constituents for Stratified-Drift Aquifers in the Lower Merrimack and Coastal River Basins, Southeastern New Hampshire* (Stekl and Flannigan, USGS, 1988). This aquifer boundary is hereby adopted as the Aquifer Protection District and incorporated as part of the Official Zoning Map of the Town of Greenland. (Amended 1998*)

7.3.2 **Recharge Areas**: For the purpose of this Ordinance, the primary recharge area for the identified aquifer is considered to be co-terminus with that of aquifer. No secondary recharge area has been identified at the time of enactment.

7.3.3 **Appeals**: Where the bounds of the identified aquifer or recharge area, as delineated, are in doubt or in dispute, any landowner aggrieved by such delineation may appeal the boundary location to the Planning Board. Upon receipt of such appeal, the Planning Board shall suspend further action on development plans related to the area under appeal and shall engage, at the landowner's expense, a qualified hydrogeologist to prepare a report determining the proper location and extent of the aquifer and recharge area relative to the property in question. The aquifer delineation shall be modified with a determination of the edge of the stratified sand and gravel information, subject to review and approval by the Planning Board.

7.4 PERMITTED USES

The following activities may be permitted provided they are conducted in accordance with the purposes and intent of this Ordinance:

7.4.1 Any use permitted by the Greenland Zoning Ordinance, except as prohibited in Section 7.6 of this Article.

7.4.2 Activities designed for conservation of soil, water, plants and wildlife.

7.4.3 Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted.

7.4.4 Normal operation and maintenance of existing water bodies and dams, splash boards and other water control, supply and conservation devices.

7.4.5 Foot, bicycle, and/or horse paths and bridges.

7.4.6 Maintenance, repair of any existing structure, provided there is no increase in impermeable surface above the limit established in Subsection 7.7.2 of this Article.

7.4.7 Farming, gardening, nursery, forestry, harvesting and grazing, provided that fertilizers, herbicides, pesticides, manure and other leachables are used appropriately at levels that will not cause groundwater contamination are stored under shelter and are used in accordance with Best Management Practices (BMPs) for agricultural operations.

7.5 CONDITIONAL USES

The following uses, if allowed in the underlying zoning district, are permitted only after a Conditional Use Permit is granted by the Greenland Planning Board:

7.5.1 Industrial and commercial uses not otherwise prohibited in Section 6 of this Article.

7.5.2 Multi-family residential development.

7.5.3 Sand and gravel excavation and other mining provided that such excavation or mining is not carried out within eight (8) vertical feet of the seasonal high water table and that periodic inspections are made by the Planning Board or its agent to determine compliance.

The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made that all of the following conditions are met:

A. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
B. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer;
C. The proposed use will discharge no waste water on site other than that typically discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined;
D. The proposed use complies with all other applicable sections of this Article;
E. A hydro-geologic study shall be submitted for uses which will discharge more than 2,400 gpd.

The Planning Board may require that the applicant provide data or reports prepared by a qualified hydrogeologist to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires to adequately evaluate such reports and to evaluate in general, the proposed use in light of the above criteria.

7.5.4 Golf Courses, as defined in Article II of this Ordinance, provided that fertilizer and pesticides and other toxic or hazardous materials are used in accordance with Best Management Practices and in such a way as to not cause groundwater contamination are stored in a secured area. (Adopted 1998*)

7.6 PROHIBITED USES

The following uses are prohibited in the Aquifer Protection Zone except where permitted to continue as a non-conforming use. Such prohibited uses shall include, but not be limited to:

7.6.1 Disposal of solid waste (as defined by N.H. RSA 149-M) other than brush or stumps generated on the property on which they are to be disposed.

7.6.2 Storage and disposal of hazardous waste.

7.6.3 Disposal of liquid or leachable wastes except that from one or two-family residential subsurface disposal systems, or as otherwise permitted as a conditional use.

7.6.4 *Subsurface storage of petroleum and other refined petroleum products.* (ZBA Decision 08.11: No longer in effect)

7.6.5 Industrial uses which discharge contact type process waters onsite. Non-contact cooling water is permitted.

7.6.6 Unenclosed storage of road salt or other de-icing chemicals.

7.6.7 Dumping of snow containing de-icing chemicals.

7.6.8 Dry cleaning establishments.

7.6.9 Automotive service and repair shops, and junk and salvage yards.

7.6.10 Laundry and car wash establishments not served by a central municipal sewer system.

7.6.11 All on-site handling, disposal, storage, processing or recycling of hazardous or toxic materials except where incidental to a permitted or conditionally permitted use. (Amended 1998*)

7.7 SUPPLEMENTAL DEVELOPMENT REGULATIONS

7.7.1 **Minimum Lot Size**: The minimum lot size within the Aquifer Protection District shall be the minimum lot size for the zoning district in which the parcel is located. For each dwelling unit over two units, an additional 20,000 square feet of contiguous non-wetland soils shall be required.

7.7.2 **Maximum Lot Coverage**: Within the Aquifer Protection District, not more than 20 percent of a single lot may be rendered impervious to groundwater infiltration for residential uses, and not more than 35 percent for commercial/industrial uses. The use of detention ponds is encouraged.

7.7.3 **Hydro-Geologic Study**: Within the Aquifer Protection District, a hydro-geologic study shall be required for subdivisions of ten (10) lots or greater or development proposals containing a septic system, or series of septic systems, designed for 2,400 gallons per day or greater, contained within one lot. Hydro-geologic studies shall be performed by a qualified hydro-geologist. These studies shall be sufficiently detailed to evaluate the development's impacts to groundwater within both the parcel to be developed and the surrounding land.

All hydro-geologic studies shall include at least the following:

A. An appropriate number of subsurface borings in order to determine the site geology and stratigraphy. For sites up to 30 acres, the parcel shall contain a minimum of one boring per three acres, with a minimum of five borings for a site. For sites greater than 30 acres, additional borings of one per 10 acres is required.

   1. Twenty percent (20%) of the borings shall be sampled utilizing the "split spoon" sampling technique.
   2. At least one boring shall be dug to bedrock.

B. Water table contours and groundwater flow directions, with water table measurements using a series of shallow observation wells screened at the water table. The number of observation wells required shall be the same as the borings above.

C. Water quality sampling and analysis to determine existing conditions, measuring the following parameters: NO_3-N, NH_3-N, pH, and specific conductance.

D. Cumulative impact nitrogen loading analysis employing a saturation build-out model. The analysis shall include verification that the development will not cause the nitrate-nitrogen (NO_3-N) concentration to exceed 10 mg/l in the groundwater at the down-gradient property boundary. (Amended 1993)

7.7.4 **Septic System Design and Installation**: In addition to meeting all local and State septic system siting requirements, all new on-lot waste water disposal systems installed in the Aquifer Protection District shall be designed by a Sanitary Engineer licensed in New Hampshire. These systems shall be installed under the supervision of said engineer.

A designated agent of the Town shall inspect the installation of each new system prior to covering, and shall certify that the system has been installed as designed.

Septic systems are to be constructed in accordance with the most recent edition of the "Chapter Env-Wq 1000, Subdivision and Individual Sewage Disposal System Design Rules" as published by the New Hampshire Department of Environmental Services, Water Division. (Updated 2008)

However, the following more stringent requirements shall apply to all septic system construction:

A. No filling of wetlands allowed to provide the minimum distance of septic systems to wetlands (Ws 1008.04).

B. Standards for fill material: Fill material consisting of organic soils or other organic materials such as tree stumps, sawdust, wood chips and bark, even with a soil matrix, shall not be used. The in-place fill should have less than 15% organic soil by volume.

The in-place fill should not contain more than 25% by volume of cobbles (6 inch diameter). The in-place fill should not have more than 15% by weight of clay size (0.002 mm and smaller) particles. The fill should be essentially homogeneous. If bedding planes and other discontinuities are present, detailed analysis is necessary.

7.8 DESIGN AND OPERATIONS GUIDELINES

Where applicable the following design and operation guidelines shall be observed within the Aquifer Protection District:

7.8.1 **Nitrate Loading**. No development shall cause the nitrate-nitrogen (NO_3-N) concentration to exceed 10 mg/l in the groundwater beyond the site. (Amended 1993)

7.8.2 **Safeguards**. Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage, or vandalism through measures such as: spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.

7.8.3 **Location**. Where the premises are partially outside of the Aquifer Protection Overlay Zone, potential pollution sources such as on-site waste disposal systems shall be located outside the Zone to the extent feasible.

7.8.4 **Drainage**. All runoff from impervious surfaces shall be recharged on the site, and diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells

shall be used only where other methods are not feasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.

7.9 SPECIAL EXCEPTIONS FOR LOTS OF RECORD

Upon application to the Board of Adjustment, a Special Exception shall be granted to permit the erection of a structure on a non-conforming lot within the Aquifer Protection District provided that all of the following conditions are found to exist.

7.9.1 The lot upon which an exception is sought was an official lot of record, as recorded in the Rockingham County Registry of Deeds, prior to the date on which this amendment was posted and published in the Town.

7.9.2 The use for which the exception is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Aquifer Protection District.

7.9.3 Due to the provisions of Aquifer Protection District, no reasonable and economically viable use of the lot can be made without the exception.

7.9.4 The design and construction of the proposed use will, to the extent practical, be consistent with the purpose and intent of this Section.

7.10 NON-CONFORMING USES

Any non-conforming use may continue and may be maintained, repaired and improved, unless such use is determined to be an imminent hazard to public health and safety. No non-conforming use may be expanded, changed to another non-conforming use, or renewed after it has been discontinued for a period of 12 months or more.

7.11 ADMINISTRATION

The provisions of the Aquifer Protection District shall be administered by the Planning Board. All development proposals, other than single or two-family residential construction not involving the subdivision of land, shall be subject to subdivision and/or site plan review and approval in accordance with Planning Board rules and regulations. Such review and approval shall precede the issuance of any building permit by the Town.

ARTICLE VIII: FLOODPLAIN MANAGEMENT DISTRICT

(Adopted 1988, Amended 1989, 2002, 2005, 2015)

8.1 AUTHORITY

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

8.2 DISTRICT BOUNDARIES

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the Town of Greenland County of Rockingham, NH" dated May 17, 2005, or as amended together with the associated Flood Insurance Rate Maps, dated May 17, 2005, which are declared to be a part of this ordinance. (Amended 2000*, 2005)

8.3 DEFINITIONS

8.3.1 **AREA OF SPECIAL FLOOD HAZARD**: The land in the flood plain within Greenland is subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A or AE. (Amended 2000*)

8.3.2 **BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year.

8.3.3 **BASE FLOOD ELEVATION:** The water surface elevation having a one percent chance of being equaled or exceeded in any given year.

8.3.4 **BASEMENT:** Any area of the building having its floor subgrade (below ground level) on all sides.

8.3.5 **BUILDING:** see "Structure" (Article II – Definitions).

8.3.6 **BUILDING INSPECTOR:** The Town Building Inspector or his agent.

8.3.7 **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

8.3.8 **FEMA:** Federal Emergency Management Agency.

8.3.9 **FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.
B. The unusual and rapid accumulation or runoff of surface waters from any source.

8.3.10 **FLOOD INSURANCE STUDY:** An examination evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

8.3.11 **FLOOD INSURANCE RATE MAP (FIRM):** An official map incorporated with this Ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Greenland.

8.3.12 **FLOODPLAIN or FLOODPRONE AREA:** Any land area susceptible to being inundated by water from any source (see definition of "Flooding").

8.3.13 **FLOOD PROOFING:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

8.3.14 **FLOODWAY:** (see "Regulatory Floodway" – Subsection 8.3.26).

8.3.15 **FUNCTIONALLY DEPENDENT USE:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to the water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo and passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

8.3.16 **HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

8.3.17 **HISTORIC STRUCTURE:** Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
C. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
D. Individually listed on a local inventory of historic places in communities

with historic preservation programs that have been certified either:

1. By an approved State program as determined by the Secretary of the Interior, or
2. Directed by the Secretary of the Interior in states without approved programs.

8.3.18 **INLAND WETLANDS:** Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Amended 2005)

8.3.19 **ISOLATED NON-BORDERING WETLANDS:** Those areas of 3,000 sq. ft. or less, that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, but which are not within 100 feet of any other wetlands and do not abut a marsh, pond, bog, lake, river, natural, intermittent or perennial stream. (Amended 2005)

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

8.3.21 **MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

8.3.22 **MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

8.3.23 **MEAN SEA LEVEL:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum of 1988 or other datum, to which base flood elevations shown on Greenland's Flood Insurance Rate Map are referenced.

8.3.24 **NEW CONSTRUCTION:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction*

commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

8.3.25 **RECREATIONAL VEHICLE:** Means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily **not** for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. (Adopted 1994)

8.3.26 **REGULATORY FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

8.3.27 **RIVERINE:** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

8.3.28 **SPECIAL FLOOD HAZARD AREA:** See "Area of Special Flood Hazard" (Subsection 8.3.1). (Amended 2000*)

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

8.3.30 **STRUCTURE:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

8.3.31 **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

8.3.32 **SUBSTANTIAL IMPROVEMENT:** Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the

structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this ordinance, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include any project for improvement of a structure required to comply with existing health, sanitary, or safety codes which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places provided that the alteration will not preclude the structure's continued designation as an historic district. (Amended 2000*)

8.3.33 **TIDAL INFLUENCED LANDS:** All lands submerged by mean high tide and, in addition, those areas which border tidal waters, such as banks, bogs, salt marsh, swamps, meadows, flats or other lowlands subject to tidal action, whose surface is at an elevation not exceeding three and one-half feet above local mean high tide and upon which grow or are capable of growing a variety of tidal plants. The occurrence of saltmarsh peat at the undisturbed surface is also evidence of a tidal influenced land. (Amended 2005)

8.3.34 **VIOLATION:** The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under this ordinance is presumed to be in violation until such time as that documentation is provided.

8.3.35 **WATER SURFACE ELEVATION:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

8.4 PERMIT APPLICATION

All proposed development in any special flood hazard areas shall require a Flood Hazard Development Permit. Applications for the permit shall include the following: general information, site plan, surveyor's certification, building plans, certified flood proofing methods for non-residential structures, etc. Applications for the permit can be obtained from the Town Office. A fee shall be charged for each permit, payable to the Town of Greenland. Fees will be established by the Board of Selectmen at a duly posted public hearing.

8.5 DESIGN CRITERIA

The Town's Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (1) be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects

of buoyancy, (2) be constructed with materials resistant to flood damage, (3) be constructed by methods and practices that minimize flood damage, and (4) be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

8.6 WATER AND SEWER DESIGN

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

8.7 RECORD OF CONSTRUCTION

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

8.8 STATE AND FEDERAL PERMITS

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

8.9 WATERCOURSES

8.9.1 In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector including notice of all scheduled hearings before the Wetlands Bureau.

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

8.9.3 In Zone A the Building Inspector shall obtain, review, and reasonably utilize

any floodway data available from a Federal, State, or other source as criteria for requiring that development meet the floodway requirements of this section:

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

8.9.4 Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

8.10 DISTRICT BOUNDARIES AND DESIGN

8.10.1 In special flood hazard areas the Building Inspector shall determine the base flood elevations. The Building Inspector may require a registered New Hampshire surveyor to delineate the base flood zone, certified in writing. Base flood elevations shall be determined in the following order of precedence according to the data available:

A. In Zone AE refer to the base flood elevation provided in the Greenland's Flood Insurance Study and accompanying FIRM. (Amended 2000*)

B. In Zone A, the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from Federal or State agencies, and/or any development proposals submitted to the community (example subdivision plans, site plans, etc.) or any other available source.

C. In Zone A where a base flood elevation is not available, the base flood elevation shall be at least two feet above the highest adjacent grade.

8.10.2 The Building Inspector's base flood elevation determination will be used as criteria for requiring in Zones AE and A that: (Amended 2000*)

A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation;

B. All new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the base flood elevation; or together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below the base flood elevation the

structure is water-tight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

C. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state anchoring requirements for resisting wind forces;

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

1. The enclosed area is unfinished or flood resistant, useable solely for parking of vehicles, building access or storage;
2. The area is not a basement; and
3. Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. All recreational vehicles placed on sites within zone A and AE shall either: (Amended 2000*)

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use; or
3. Meet all standards of Section 8.4 of this Ordinance and the elevation and anchoring requirements for "manufactured homes" in Subsection 8.10.2 (C) of this Ordinance.

8.11 VARIANCES AND APPEALS (Amended 2000*)

A. Any order, requirement, decision or determination of the Building Inspector made under this Ordinance may be appealed to the Zoning Board of Adjustment as set forth in NHRSA 676:5.

B. If the applicant, upon appeal, requests a Variance as authorized by NHRSA 674:33, I (b), the applicant shall have the burden of showing in addition to the usual Variance standards under State law:

1. That the Variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
2. That if requested, the Variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
3. That the Variance is the minimum necessary, considering the flood hazard, to afford relief.

C. The Zoning Board of Adjustment shall notify the applicant in writing that: (1) the issuance of a Variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all Variance actions.

D. The Town of Greenland shall (1) maintain a record of all Variance actions, including their justification for their issuance, and (2) report such Variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

ARTICLE IX: BIO-SOLIDS ORDINANCE

9.1 PURPOSE AND INTENT

The purpose of this Section is to promote and insure the public health and safety of the citizens of the Town of Greenland by imposing additional requirements for the land application and surface disposal of sewage sludge, "bio-solids", and residential septic as well as requirements which are more stringent than the requirements set forth in 40 CFR 503.1 et seq. See 40 CFR 503.5(b). Furthermore, it is the intent of this section to promote the continued use and viability of agricultural farm land and protect aquifer areas and their recharge areas while simultaneously promoting the economic and responsible management, handling and disposal of sewage sludge, "bio-solids" and residential septic via land applications. If at any time the Federal Government and or the State of New Hampshire, adopts more stringent requirements than the corresponding requirements of this Ordinance, the more stringent requirements shall control.

9.2 DEFINITIONS

The words and terms of this Section shall be defined as set forth in the 1994 edition of 40 CFR 503.1 et seq. The following additional terms shall be incorporated into this ordinance:

9.2.1 **Class B** refers to a specific classification and level of pathogen reduction in sewage sludge and residential septic.

9.2.2 **Land Application**: The application of septic or sludge directly to the ground surface, whether or not the material is incorporated into the surface soil.

9.2.3 **Owner**: The owner of land on which septic and/or sludge is placed.

9.2.4 **Priority Pollutant**: An analysis performed in accordance with test.

Scan: method 8240 of "Test Methods for Evaluating Solid Waste", Volume IB, Laboratory Manual, Physical/Chemical Methods, identified as EPA SW846, dated November 1986.

9.2.5 **Stockpiling**: The placement of sludge on land for storage prior to land application.

9.3 USES

9.3.1 Prohibited

The use and disposal of sewage sludge and residential septic, including, but not limited to, the stockpiling, treatment, and land application of sewage sludge, bio-solids and/or septic is hereby prohibited in Aquifer/Water Supply Districts within the of the Town of Greenland, except as otherwise noted in this ordinance.

9.3.2 Exemptions

The following operations or activities shall be exempt from this section:

A. The hauling and/or transportation of sewage sludge and residential septic over municipal roads;

B. The use of composted materials for residential lawn and garden applications. For the purposes of this Ordinance, sewage sludge, residential septic and/or " bio-solids" shall not be used for residential lawn and garden applications.

9.3.3 **Allowed Uses**

Within all other zoned districts except those listed in Subsection 9.3.1 above, Class B sewage sludge and residential septic may be stored, stock piled, treated, applied and/or transported to a specific site. This permitted use is subject to site plan review and meeting the requirements which are set forth in this Section, as well as any and all State and Federal standards or requirements, including the applicable requirements of 40 CFR 503.1 et seq.

In order to safeguard against adverse water quality and public health effects, all sludge and residential septic transported into, stock piled within, or land applied must meet the Class B pathogen requirements of 40 CFR 503.32(a) and the vector control requirements of 40 CFR 503.33(a)(1) before it is transported into the Town of Greenland.

9.3.4 **Uses by Conditional Permit**

Within permitted zoned districts, Class B sewage, sludge and residential septic may be stored, stockpiled, treated, applied and transported to a specific site, which was formerly used or is presently being operated for the excavation of gravel, as permitted under RSA 155:E. The application shall be completed in accordance with the Best Management Practices, dated June 1995, as written by the University of New Hampshire Cooperative Extension. Said uses shall be subject to a conditional use permit and site plan approval from the Town of Greenland Planning Board.

9.4 APPLICATION, NOTIFICATION AND REPORTING REQUIREMENTS

In addition to complying with all record keeping and reporting requirements imposed by the State and Federal Government, any person planning to transport to, stockpile on, treat, or land apply sewage sludge or residential septic shall submit all of the following information to the Planning Board for Site Plan Review.

The applicant shall receive Planning Board approval, with any conditions as the Planning Board deems necessary, and shall, at a minimum, wait until the appeal period has lapsed prior to the receipt of the sewage sludge and/or residential septic. The following information shall be supplemental information required in conjunction with the Site Plan Review requirements for Planning Board review of proposed use, transport, stock piling and/or land application of sewage sludge and/or residential septic:

9.4.1 **Site Plan Requirements**

A site plan which illustrates the following with respect to any area in which sludge/septic is to be stockpiled, treated or applied to land:

A. A plan, prepared at a scale not to exceed the scale of 1"=100', with 2' topographic contours and all relative property boundaries;
B. A plan, prepared at a scale not to exceed the scale of 1"=100' which includes Order One Soil Survey information for the land application area and for the areas within 100' of the land application area;
C. The location and size of the stockpiling area(s);
D. The location, limits, and acreage of the land application area;
E. The quantities of sewage sludge to be land applied and/or stockpiled and a storm water management plan for the stockpile area. Stockpiles are not to be located less than 500' from a property boundary/line;
F. All areas of hydric soils, streams and open bodies of water within 100 feet of the stockpiling, treatment and land application area(s);
G. All adjacent wells, including the wells of all abutters, within 300 feet of the stockpiling, treatment and land application area(s);
H. All roads within the Town of Greenland to be used for the transport of septic/sewage sludge, the frequency of use of these roads and the maximum quantities to be hauled on a daily/weekly/monthly basis;
I. An on-the-ground delineation of the application area.

9.4.2 Written Reports for Site Plan Review Application

A. The name, address, telephone number, and NPDES permit number of the Sludge Generating Facility.
B. The name, address, telephone number, and NPDES permit number of any and all Sewage Sludge Treatment Facilities, if different from the Generating Facility;
C. The name, address, telephone number, date of birth and license number of the Sewage Sludge and/or Septic Hauler.
D. The name, address, date of birth and telephone number of the land owner.
E. The name, address, date of birth, mailing address, business and telephone number of the person stockpiling and applying the sewage sludge and/or residential septic to the land.
F. The name, address, date of birth and telephone number of the applicant.
G. Laboratory Reports of all test results in accordance with the Best Management Practices as written by the University of New Hampshire Cooperative Extension.
H. The planned delivery date or delivery dates.
I. The planned stockpiling time period(s), the location of said stockpiles and the management measures proposed to minimize storm water run-off and odor.
J. A narrative description of the treatment method used to meet Class B Sewage Sludge and/or Residential Septic requirements.
K. The total surface area of the planned application.
L. The total sludge volume to be applied.
M. Previous land application data, including the cumulative site loading to date, and the site loading from the previous 2 years.
N. The number of land applications that can be performed without exceeding the cumulative pollutant loading rate set forth in Table Two (2) of 40 CFR 503.13.
O. A description of the intended capacity and life of the site and whether septic, sludge or both will be applied.

P. A certification prepared by a licensed soil scientist that the soil limits shall not exceed standards as stated in the Best Management Practices as written by the University of New Hampshire Cooperative Extension as applicable.

Q. Written permission and/or executed contracts that any owner of land in a residentially-zoned district consents to the stockpiling and/or application of sewage sludge and/or residential septic to their land by the applicant.

R. A list of all local and state permits or approvals which are required and whether the permits/approvals have been obtained or are pending.

S. A history of the site use covering 20 years immediately prior to submission of the application.

T. Site or facility design plans and specifications in accordance with Part Env-Ws 806.

U. Operating plans in accordance with Part-Env-Ws 806.

V. Whether the applicant or any person participating in the septic/sludge generation or application process has been convicted of a+ criminal misdemeanor charge under any statute implemented by the State of New Hampshire Department of Environmental Services within five years prior to the date of application or on a criminal felony charge under any statute implemented by the Department of Environmental Services within ten years prior to the date of application.

W. If the above information raises questions relative to the adequacy of protection of the environment and public health or safety, such other information as the Planning Board determines necessary to assure compliance with these rules and to protect the public health and safety of the environment.

X. If the applicant is not the owner, the application shall be accompanied by a written statement signed by the owner that the owner is aware that the application is being filed and has given permission to the applicant to file the application and to enter upon the land for the purposes of site investigation and construction and operation of the septic/sludge disposal site in the event that the Town of Greenland issues the permit.

Y. Each application shall be submitted in quadruplicate and shall be accompanied by a fee, the amount to be set by the Board and included in the Site Plan Review Regulations.

9.4.3 Site Plan Review Approval Conditions

At a minimum the following conditions shall be imposed under the Planning Board's Site Plan Review process:

A. **Written Approval:** No applicant shall take delivery of any sewage sludge and/or residential septic until such time as the Planning Board, or their duly authorized representative, has provided the applicant with approval in writing. Such approval shall not be automatically given by the Board, but rather shall only be given once the Board has been fully satisfied that the applicant has met and will continue to meet the reporting requirements of this section, and has demonstrated to the Board that the proposed application will not present a threat to the health or public safety risk of the applicant, the property owner, the abutters of the land receiving sewage sludge and/or residential septic and any parcels which will be subject to or adjacent to land application.

B. **Stockpiling:** The stockpiling of all Class B sewage sludge and/or residential septic shall be done in conformance with all State and Federal requirements, including the requirements of 40 CFR 503.1 et seq and Best Management Practices for Bio-Solids,

except as noted below. In addition, Class B sewage sludge and/or residential septic may only be stockpiled on site if it is properly secured to limit airborne dispersal of sludge and/or residential septic from the pile, storm water transportation of the sludge and/or residential septic and infiltration of leachate from the sewage sludge and/or residential septic into the ground water. Sewage sludge and/or residential septic shall not be stockpiled for more than ninety (90) days from the first date of receipt. Storage of the sewage sludge and/or residential septic shall comply with the Best Management Practices. No stockpiling shall occur within 500 feet from any property line and 300 feet from on-site dwellings and private water supplies.

C. **Minimum Level of Materials:** Any and all sewage sludge and/or residential septic must arrive on site in a Class B condition. No treatment will be permitted on the site, except for that treatment which has been pre-approved by the Planning Board or their duly authorized representative.

D. **Best Management Practices:** The land application of all sewage sludge and/or residential septic shall be done in accordance with the general requirements and management practices set forth in 40 CFR 503.12 and 503.14 respectively and the Best Management Practices for Bio-Solids. In addition to meeting State and Federal Vector Attraction Reduction Requirements (VARRS), including those set forth in 40 CFR 503.33, (including at least one of the VARRS in Section 503.33(b)(1) through 503.33(b)(8) which must have been conducted at the generation site), all sewage sludge applied to the land must be incorporated into the soil within twenty-four hours of the application, unless a specific exemption has been granted by the Planning Board.

E. **Testing:** All testing shall be conducted in accordance with the Best Management Practices, State requirements 40 CFR 503.1 et seq. and local requirements (Including the total recoverable analysis of the metals listed in Table 3, Section 503.13). These test results shall be completed by a certified laboratory and submitted to the Board of Selectmen with a certification from the applicant that the applications have not exceeded the above noted standards. Test results shall be submitted on a per load basis and before the applicant takes delivery of any sewage sludge in the Town of Greenland. These tests shall be conducted for each and every generation site and any and all testing costs shall be borne by the applicant.

F. **Record Keeping**

1. Every hauler permit holder shall maintain records of each load of septic hauled, including identification of the date hauled, the name and address of the client, the source of the septic hauled, and the disposal site or wastewater treatment facility at which the load was discharged.
2. Every septic/sludge disposal site permit holder shall maintain records of each load of septic or sludge received at the site, including identification of:

    a. The date received;
    b. The hauler delivering the load;
    c. The source of the material;
    d. The volume received; and
    e. The town municipality(ies) from which the material originates.

3. Every person whose land applies or stockpiles sludge shall maintain records of each load of sludge received at each site, including identification of:
   a. The date received;
   b. The hauler delivering the load;
   c. The source of the material;
   d. The sludge quality certification number, if applicable;
   e. The volume received;
   f. The municipality(ies) from which the material originates.

4. Records shall be maintained by the permit holder or the person undertaking the activity, as applicable, and shall be provided to the local municipality for review on an on-going basis.
5. Records shall be maintained for a minimum of three years. Prior to disposing of any records, the permit holder or the person undertaking the activity, as applicable, shall submit a written request to the Board of Selectmen for permission to dispose of the records. If the Boards determine that no enforcement actions are pending or contemplated for which the records are or would be necessary, the Board of Selectmen and the Planning Board shall authorize the applicant to dispose of the records.

G. **Site and Management Plan Requirements**

1. Each operating plan for a land application site shall include the following:

   a. Normal hours of operation of the site;
   b. Proposed route(s) of access to the site;
   c. Method of application and incorporation;
   d. Storage or stockpiling provisions;
   e. Anticipated source of material and anticipated service area;
   f. Quantity of material expected on a periodic basis, such as daily, weekly or monthly, and quantity of material expected over the entire life expectancy of the site, if applicable;
   g. The type of treatment required by 40 CFP 503 before application;
   h. Record keeping procedures;
   i. Measures to be taken to control vectors;
   j. A detailed odor control plan explaining the type of odors that will be generated by the activity and the procedures that will be used to address and resolve any odor complaints;
   k. Procedures for monitoring soil ph by UNH Analytical Services or by a method which produces results comparable to UNH Analytical Services' results and analysis of the sludge by a laboratory certified by the New Hampshire Department of Environmental Services or other appropriate agency, to analyze wastewater for VOCs and metals;
   l. If to be applied to an agricultural field, the applicant shall provide the following: a list of crops to be grown; the agronomic uptake rate calculations prepared in accordance with Best Management Practices (BMPs), the disposition of crops grown and the annual nitrogen loading and annual and lifetime heavy metals loading calculations; and any other

specific management practices designed to ensure compliance with this ordinance.

H. **Minimum Operating Standards for Land Application**

1. The operation of all facilities which manage septic and/or sludge through land application shall comply with federal regulations as specified in 40 CFR 503, in accordance with an operating plan per ENV-Ws 806.02 and in accordance with the requirements specified in this ordinance.
2. No spreading shall be done on frozen or snow covered ground or when the ground is wet due to precipitation or flooding.
3. No spreading shall be done on land which has a slope greater than 8 percent, that is, an 8 foot rise in 100 feet.
4. No spreading shall be done on any hydric soils as defined in Env-Ws 1014.02 or in areas exhibiting seasonal ponding.
5. Stockpiling shall not be permitted on the 100-year flood plain.
6. No person shall land apply septic or sludge in the following areas:

    a. Within 500 feet of any off-site dwelling, off-site well or any surface drinking water supply;
    b. Within 300 feet of any on-site dwelling or on-site well;
    c. Within 100 feet of any public road or property boundary; or
    d. In areas where stockpiling of manure or keeping of farm animals is prohibited;
    e. No sewage sludge or residential septic shall be placed within 150 feet of streams, tributaries, ponds, lakes, seeps or wetland areas.

8. Sludge shall be incorporated into the soil within 24 hours of spreading unless an exemption is granted by the Planning Board under 6.4.3.d of this section.

I. **Sludge Management Requirements**

1. Transportation

    a. Any person transporting sludge shall ensure that all vehicles are covered so as to not create odors or a public health hazard.
    b. Sludge being transported to a land application or stockpiling site shall meet Class B pathogen requirements prior to being transported.

2. Stockpiling

    a. No person shall stockpile sludge which has not met Class B pathogen reduction requirements.
    b. No person shall stockpile sludge at a land application site for longer than ninety (90) days.
    c. Any person stockpiling sludge for longer than 7 days shall cover the stockpile with an odor control material, such as lime, wood ash or cement kiln dust, to minimize odors.

d. Sludge shall be stockpiled as far as possible from any dwelling or well, but in no case closer than 500 feet.

3. **Sludge Quality Certification**

a. Prior to stockpiling or land application of any sludge, the person proposing to undertake the activity shall obtain a sludge quality certification as specified in this section.

b. To apply for a sludge quality certification, the person shall submit the following to the appropriate State or Federal Agency as applicable:

1. Name and address of the treatment facility which has generated or will generate the sludge;
2. Name, title, and telephone number of the person who is responsible for the operation of the treatment facility;
3. Description of all wastewater contributors and the chemical constituents of their wastewater;
4. The volume of sludge generated monthly by the treatment facility for the last two years;
5. The discharge monitoring reports from the treatment facility for the last two years;
6. A description of the process to achieve Class A and B pathogen reduction requirements;
7. A priority pollutant scan of the sludge from the treatment facility taken within the last six months;
8. An analysis of at least three representative samples of sludge from the treatment facility, taken at least 30 days apart within the last 6 months, for the following:

    a. Arsenic, measured as mg/kg;
    b. Cadmium, measured as 25mg/kg;
    c. Chromium, measured as mg/kg;
    d. Copper, measured as mg/kg;
    e. Percent dry solids;
    f. pH;
    g. Lead, measured as mg/kg;
    h. Mercury, measured as mg/kg;
    i. Molybdenum, measured as mg/kg;
    j. Nickel, measured as mg/kg;
    k. Percent ammonia nitrogen;
    l. Percent nitrate-nitrite;
    m. Percent total nitrogen;
    n. Percent organic nitrogen;
    o. Selenium, measured as mg/kg; and
    p. Zinc, measured as mg/kg.

9. Each application shall be submitted in compliance with applicable State and Federal regulations.

J. **Testing**

The Town of Greenland reserves the right to require security in accordance with RSA 674:44 to insure the proper management and application of septic and sludge. In the event that the Board of Selectmen question the accuracy and authenticity of the materials being stockpiled and/or applied, they shall have the authority to have an independent consultant review any or all aspects of the septic and/or sludge operation at the owner's sole expense.

ARTICLE X:
QUARRIES AND GRAVEL, SAND, LOAM AND BORROW PITS
(Adopted 1970)

10.1 APPLICABILITY

No person shall hereafter open or extend the use of any quarry, gravel, sand, loam, or borrow pit, or the like, without first obtaining from the Board of Selectmen a written permit.

10.2 EXCAVATION STANDARDS

10.2.1 **Depth of Excavation:** The maximum depth of excavation shall be a minimum of four feet above the seasonal high water table existing at the location in question before commencement of excavation, and a minimum of ten (10) feet above any rock formation or other strata impervious to water; the provision of ten (10) feet above any rock formation does not apply to a stone quarry. The subsurface information described above shall be derived from test pits, and verified by the Town's Engineer or Agent. (Amended 1990)

The Zoning Board of Adjustment shall grant a Special Exception for excavations which propose to dig within the four feet above seasonal high water table, provided the following conditions are met:

A. Demonstrate that the proposed excavation will not adversely affect water quality by directly contributing pollution, or by increasing the long-term susceptibility of groundwater or surface water to potential pollutants;
B. Provide a plan which depicts the proposed depth of excavation and its relation to the seasonal high water table; and
C. Provide an enforceable restriction (e.g., covenant or easement) prohibiting: any future on-site subsurface sewage disposal or any other use which could contaminate groundwater, including those uses prohibited in Article VIII, Section 6, of this Ordinance.

10.2.2 **Lateral Clearance:** No excavation shall be permitted within 50 feet of the boundary of a disapproving abutter; or within 10 feet of the boundary of an approving abutter unless approval of a lesser distance is requested by the abutter; or within 150 feet of an existing dwelling or to a dwelling for which a building permit has been issued at the time the excavation is begun. (Amended 1990)

10.2.3 **Recovering:** All land denuded by excavation shall be covered with three (3) inches of topsoil originally removed, and seeded with suitable cover crops approved by the Selectmen or specified in the permit, and suitable mulched with mulch hay in sufficient amount to prevent erosion.

10.2.4 **Slopes:** No slope shall be left steeper than a ratio of three horizontal units of measurement to one vertical unit of measurement and the slopes shall be maintained at a two-to-one ratio during the progress of the work, following within a reasonable distance from the working fact of the quarry or pit; the purpose of this provision is: that the proper grading of the slopes to prevent erosion shall be accomplished properly in a planned progressive manner as the gravel or other material is removed and not left to be done at some indefinite time in the future when digging may have ceased, and to ensure a slope on which topsoil will remain after being

replaced until vegetation can take root and permanently hold the topsoil in place. (Adopted 1988)

10.2.5 **Drainage:** Proper drainage of the excavated area shall be provided at all times.

10.2.6 **Erosion and Pollution:** No quarry or borrow pit shall be left in such condition that erosion of it after completion of work may result in water pollution by silt or other deleterious substances.

10.2.7 **Screening by Vegetation:** Any vegetation which screens the area of excavation from roadways and views of adjacent property owners shall be replaced upon completion of the operation and shall be maintained until such time as suitable cover crops have matured.

10.2.8 **Combustible Trash:** All stumps, brush, or similar trash resulting from the area shall be burned or otherwise disposed of. Burning shall be by permit only. Any request for a burning permit shall be made in writing by the owner or operator to the Fire Warden. No materials shall be brought onto the premises from elsewhere for burning or rubbish disposal. The burning permit, if granted, shall specify in writing the conditions under which burning is permitted, i.e., hours of day, days of week, fire watches, and etc.

10.2.9 **Incombustible Trash:** No piles of rock, rubble, or other such materials shall be left on the premises; all such material shall be removed from the premises, buried or otherwise disposed of.

10.2.10 **Dust:** Roads and access routes leading to and from authorized area shall be wetted down or spread with Calcium Chloride as frequently as necessary in order to eliminate dust nuisance to any resident of the Town.

10.3 PERMIT REQUIREMENTS

The request for the permit shall be in writing and signed by the title owner of the property upon which excavation is requested to take place and must include:

10.3.1 A detailed written statement of the proposed work, and the condition in which the area will be left upon expiration of the permit.

10.3.2 A written statement from the Tax Collector, Town of Greenland, stating that all current taxes levied against the property have been paid in full and that there are no tax liens encumbering such property.

10.3.3 A plan or map prepared by a professional engineer registered in New Hampshire to a minimum scale 1" = 50 feet, showing the boundary line of the property, the present names of abutters, the bounds of the area upon which it is proposed to work for the duration of the request permit, and the locations of all man-made features, vegetative cover, topography by five-foot contour intervals, public roads, access routes, brooks and waterways passing through the property and within a distance of 50 feet outside the total contiguous area owned by the applicant.

10.3.4 Said plan or map shall also show:

A. Temporary and permanent drainage and the proposed topography at two-foot contour intervals upon completion of the excavation.
B. The estimated quantity of loam or topsoil to be stripped, stockpiled, and replaced.

10.3.5 A report certified by a professional engineer registered in New Hampshire showing:

A. The elevation of the highest ground water table existing at the location in question before commencement of excavation, and
B. The contours and elevations of all rock formations and other strata impervious to water percolation in the area to be covered by the permit.

10.4 PERMIT CONDITIONS

Such permits may be granted by the Board of Selectmen in the exercise of its sound discretion having regard to any possible consequences detrimental or injurious to the neighborhood or to the Town. No such permit shall cover a period of more than one year for actual excavation operations. Unless a given permit is consecutively renewed, the permittee shall be allowed an additional consecutive six month period in which to comply with clean-up and rehabilitation requirements. No such permit shall be transferable or assignable. Each such permit shall be conditioned upon leaving the quarry or pit in good condition, in compliance with the requirements of RSA 155-E and not dangerous, and may include such other conditions as the Board of Selectmen in its sound discretion may deem necessary to the future well-being of the Town and to insure compliance with the provisions of this Ordinance.

10.5 PROCEDURE

10.5.1 **Application:** The requirements of this Article apply only to those quarry or pit operations, or the like, conducted for Commercial sale of mineral substances or causing more than 50 cubic yards of mineral substances to be removed in any 12 month period from the parcel in which they are found. All excavations shall, at a minimum, comply with RSA 155-E. (Amended 1974 and 1990)

10.5.2 **Hearing:** Upon receiving a request for permit in compliance with the requirements hereinafter set forth, the Board of Selectmen shall set the matter for public hearing on a date not less than eight (8) nor more than thirty (30) days after receipt of such request by the Board. Notice of the hearing shall be mailed, postage prepaid, return receipt requested, to the applicant at his address as shown on the request not less than eight (8) days before the date set for hearing. Notice shall be published once in a newspaper having a circulation within the Town, which publication shall be not less than seven (7) days before the date set for said hearing. Such notice shall also be posted continuously during such seven (7) days period in not less than two (2) conspicuous public places in the Town.

10.5.3 **Decision:** Within three (3) weeks after the hearing, the Board of Selectmen shall grant a permit, or in writing, deny the request.

10.5.4 **Appeals:** Any party of interest aggrieved by a decision of the Board of Selectmen under this Article may take an appeal to the Board of Adjustment, which shall give notice in the same

manner as provided in Section 5-B above, shall hold a public hearing, and shall thereafter within three (3) weeks render its decision in writing.

10.6 APPLICATION AND RENEWAL

10.6.1 Where the entire area covered by a permit has not been excavated by the time such permit expires, such permit may upon application by the permittee at least six weeks before expiration of the permit, be renewed by the Board of Selectmen in the exercise of its sound discretion for one year at a time, consecutive with the last previous permit. Failing a consecutive renewal, however, or if there has been no application for a consecutive renewal at least six weeks from the date of actually receiving an application for renewal in which to consider and decide upon such application.

10.6.2 Renewal of permits shall be contingent upon compliance with all requirements of this Ordinance and of any previously issued permit. Non-compliance with previous permit requirements or requirements of this Ordinance or of any other applicable laws shall be sufficient indication of unsatisfactory performance for the Selectmen, in the exercise of their sound discretion, to deny a renewal request.

10.7 BOND

The person requesting such a permit shall furnish a bond binding both the owner and the operator of the quarry or pit and made payable to the Town of Greenland in a minimum amount of $1,000 per acre to insure compliance with the requirements of this Ordinance as well as the requirements contained in the permit. The applicant must be the title owner of the quarry or borrow pit, and the performance of the conditions of the permit shall constitute a lien on the property.

10.8 FEES

The request for a permit shall be accompanied by the appropriate fee, to ensure to the General Funds of the Town. Fees shall be established by the Board of Selectmen at a duly posted public hearing for initial permit fee per acre, minimum application fee and renewal permit fee.

10.9 INSPECTION

The Building Inspector, the Health Inspector, the Selectmen, and the Fire Warden shall have the right to enter and inspect at any time the premises authorized by the permit. It is the duty of the Building Inspector to inform the Selectmen promptly of any non-conformance with the requirements of any applicable laws, ordinances, or requirements of the authorizing permit.

10.10 VIOLATION

The Board of Selectmen may, upon any well-founded information of violation of any provisions of this Ordinance or of any permit issued hereunder or of any other applicable laws, revoke such permit for a period of two weeks provided a public hearing is held not less than 8 and no more than 14 days after written notice of such revocation is mailed as required below. Such revocation shall be effective immediately upon any actual notice to the permittee by registered mail, postage prepaid, return receipt requested to the last known address of the permittee and that such notice shall be published once in a

newspaper having a circulation within the Town, which publication shall be not less than 7 days before the date set for the hearing. Such notice shall also be posted continuously during such 7 day period in not less than two conspicuous public places in the Town. Following such hearing, the Selectmen may in the exercise of their sound discretion and on such terms as they deem to be in the best interests of the Town continue the revocation or reinstate the permit.

ARTICLE XI: TELECOMMUNICATIONS ORDINANCE

(Adopted 1997)

11.1 AUTHORITY

This Ordinance was adopted by the Town of Greenland on March 11, 1997 in accordance with the authority as granted in New Hampshire Revised Statutes Annotated 674:16 and 674:21 and procedurally under the guidance of 675:1, II.

11.2 PURPOSE AND GOALS

This Ordinance is enacted in order to establish general guidelines for the siting of telecommunications towers and antennas and to enhance and fulfill the following goals:

11.2.1 Preserve the authority of the Town of Greenland to regulate and to provide for reasonable opportunity for the siting of telecommunications facilities, by enhancing the ability of providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

11.2.2 Reduce adverse impacts such facilities may create, including but not limited to: impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through protection of property values.

11.2.3 Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future available locations, innovative siting techniques, and siting possibilities beyond the political jurisdiction of the Town.

11.2.4 Permit the construction of new towers only where all other reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

11.2.5 Require cooperation and co-location, to the highest extent possible, between competitors in order to reduce cumulative negative impacts upon the Town of Greenland.

11.2.6 Provide constant maintenance and safety inspections for any and all facilities.

11.2.7 Provide for the removal of abandoned facilities that are no longer inspected for safety concerns and code compliance. Provide a mechanism for the Town of Greenland to remove these abandoned towers to protect the citizens from imminent harm and danger.

11.2.8 Provide for the removal or upgrade of facilities that are technologically outdated.

11.3 DEFINITIONS

11.3.1 **Alternative Tower Structure:** Innovative siting techniques that shall mean man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

11.3.2 **Antenna:** Shall mean any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

11.3.3 **FAA:** An acronym that shall mean the Federal Aviation Administration.

11.3.4 **FCC:** An acronym that shall mean the Federal Communications Commission.

11.3.5 **Height:** Shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

11.3.6 **Board:** Shall mean the Town of Greenland Zoning Board of Adjustment and the regulator of this ordinance.

11.3.7 **Pre-Existing Towers and Antennas:** Shall mean any tower or antenna lawfully constructed or permitted prior to the adoption of this ordinance. Shall also mean any tower or antenna lawfully constructed in accordance with this ordinance that predates an application currently before the Board.

11.3.8 **Telecommunications Facilities:** Shall mean any structure, antenna, tower, or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier wireless exchange access services.

11.3.9 **Tower:** Shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

11.4 SITING STANDARDS

11.4.1 General

The uses listed in this section are deemed to be permitted uses that may require further review under this ordinance in accordance with Section 15.1.3 Special Exceptions. However, all such uses must comply with other applicable ordinances and regulations of the Town of Greenland (including Site Plan Review). The following tables represent the siting standards for the listed uses as delineated by the districts in which they are located in Town of Greenland.

11.4.1.1 Principal or Secondary Use

Subject to this Ordinance, an applicant who successfully obtains permission to site under this ordinance, the Zoning Ordinance as a second and permitted use may construct telecommunications facilities in addition to the existing permitted use. Antennas and towers may be considered either principal or secondary uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the

installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance, shall not be deemed to constitute the expansion of a nonconforming use or structure. Nor shall such facilities be deemed to be an " accessory use".

11.4.2 Use Districts

	New Tower Construction[1]	Co-Location on Pre-Existing Tower[2]	Co-Location on Existing Structure[3]
Industrial District	X	P	P
Commercial District	X	P	S
Residential District	X	P	S
Telecom District [4]	S	P	S

P = Permitted Use without Special Exception X= Prohibited
S = Permitted Use with Special Exception

[1]An antenna may be located on a tower, newly constructed, under this Ordinance.
[2]An antenna may be located on a preexisting tower, constructed prior to the adoption of this ordinance.
[3]An antenna may be located on other existing structures with certain limitations (See §IV,B below) .
[4]The Telecom District is delineated by the following textual description or as depicted on the Official Zoning map as Telecom District or "TD".
The Telecom District is an area delineated 1000 feet to the east and to the west from the center line of Interstate 95 in Greenland and running from the North Hampton town line to the Portsmouth town line. This area is also delineated on the Zoning Map of the Town of Greenland.

11.4.3 Height Requirements

These requirements and limitations shall pre-empt all other height limitations as required by the Town of Greenland Zoning Ordinance and shall apply only to telecommunications facilities.

	New Tower Construction	Co-Location on Pre-Existing Tower	Co-Location on Existing Structure
Industrial District	300'	Current Height + 15% maximum	Current Height + 30'
Commercial District	N/A	Current Height	Current Height + 30'
Residential District	N/A	Current Height	Current Height
Telecom District	300'	Current Height + 20% maximum	Current Height + 40'

11.5 APPLICABILITY

11.5.1 **Public Property**

Antennas or towers located on property owned, leased, or otherwise controlled by the Town may be exempt from the requirements of this ordinance, except that uses are only permitted in the zones and areas as delineated in § IV, B. This partial exemption shall be available if a license or lease authorizing such antenna or tower has been approved by the governing body and the governing body elects subject to state law and local ordinance, to seek the partial exemption from this Ordinance.

11.5.2 **Amateur Radio; Receive-Only Antennas**

This ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. This application adopts the provisions and limitations as referenced in RSA 674:16, IV.

11.5.3 **Essential Services & Public Utilities**

Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the Town's ordinances and regulations. Siting for telecommunication facilities is a use of land, and is addressed by this Article.

11.6 CONSTRUCTION PERFORMANCE REQUIREMENTS

11.6.1 **Aesthetic and Lighting**

The guidelines in this subsection (A), shall govern the location of all towers, and the installation of all antennas.

11.6.1.1 Towers shall either maintain a galvanized steel finisher, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.

11.6.1.2 At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and built environment. These buildings and facilities shall also be subject to all other Site Plan Review Regulation requirements.

11.6.1.3 If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

11.6.1.4 Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review

the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

11.6.1.5 Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

11.6.2 Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with Section 11.10, of the tower or antenna, as abandoned, at the owners expense through the execution of the posted security.

11.6.3 Building Codes: Safety Standards

To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, such action shall constitute an abandonment and grounds for the removal, in accordance with Section 11.10, of the tower or antenna, as abandoned, at the owners expense through execution of the posted security.

11.6.4 Additional Requirements for Telecommunications Facilities

These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.

11.6.4.1 Setbacks and Separation

A. Towers must be set back a distance equal to 125% of the height of the tower from any off-site residential structure.
B. Tower, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
C. Towers over 90 feet in height shall not be located within one-quarter mile of any existing tower that is over 90 feet in height.

11.6.4.2 Security Fencing: Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

11.6.4.2 Landscaping

A. Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. Natural vegetation is preferred.
B. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived entirely.
C. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.

11.7 SPECIAL EXCEPTION

11.7.1 General

All applications under this ordinance shall apply to the Planning Board for Site Plan Review, in accordance with the requirements as provided for in the Town's Site Plan Review Regulations. In addition, applications under this ordinance shall also be required to submit the information provided for in this Section.

11.7.2 Issuance of Special Exceptions

In granting the Special Exception, the Zoning Board of Adjustment may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties, and preserve the intent of this Ordinance.

11.7.2.1 Procedure on Application

The Zoning Board of Adjustment shall act upon the application in accordance with the procedural requirements of the Site Plan Review Regulations and RSA 676:4.

11.7.2.2 Decisions

Possible decisions rendered by the Zoning Board of Adjustment, include Approval, Approval with Conditions, or Denial. All decisions shall be rendered in writing, and a Denial shall be in writing and based upon substantial evidence contained in the written record.

11.7.2.3 Factors Considered in Granting Decisions

A. Height of proposed tower or other structure.
B. Proximity of tower to residential development or zones.
C. Nature of uses on adjacent and nearby properties.
D. Surrounding topography.
E. Surrounding tree coverage and foliage.
F. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

G. Proposed ingress and egress to the site.
H. Availability of suitable existing towers and other structures as discussed in § VII, C, 3.
I. Visual impacts on view sheds, ridgelines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
J. Availability of alternative tower structures and alternative siting locations.

11.7.3 **Information Required**

Each applicant requesting a Special Exception under this ordinance shall submit a scaled plan in accordance with the Site Plan Review Regulations and further information including: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses (up to 200' away), and any other information deemed necessary by the Zoning Board of Adjustment to assess compliance with this ordinance. Furthermore, the applicant shall submit the following prior to any approval by the Board:

11.7.3.1 The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.

11.7.3.2 The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIA to the Board prior to the beginning of the federal 30 day comment period, and the Town process, shall become part of the application requirements.

11.7.3.3 Each applicant for an antenna and or tower shall provide to the Zoning Board of Adjustment an inventory of its existing towers that are within the jurisdiction of the Town and those within two miles of the border thereof, including specific information about the location, height, design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers. The Zoning Board of Adjustment may share such information with other applicants applying for approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of:

A. Substantial Evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.
B. Substantial Evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements, and why.
C. Substantial Evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

D. Substantial Evidence that applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

E. Substantial Evidence that the fees, costs, or contractual provisions required by the owner in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

F. Substantial Evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.

11.7.3.4 The applicant proposing to build a new tower shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a Condition to any Approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the Town of Greenland and grounds for a Denial.

11.7.3.5 The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with 676:4(g).

11.8 VARIANCES

11.8.1 **General**

Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these regulations. The purpose of granting variances under provisions of these regulations shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The Board shall not approve any variance(s) unless a majority of those present and voting shall find that all of the following apply:

11.8.1.1 The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

11.8.1.2 The variance will not, in any manner, vary the provisions of the Greenland Zoning Ordinance, Greenland Master Plan, or Official Maps.

11.8.1.3 Such variance(s) will substantially secure the objectives, standards and requirements of these regulations.

11.8.1.4 A particular and identifiable hardship exists or a specific circumstance warrants the granting of a variance. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:

A. Topography and other site features
B. Availability of alternative site locations
C. Geographic location of property
D. Size/magnitude of project being evaluated and availability of co-location.

11.8.2 **Conditions**

In approving variances, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.

11.8.3 **Procedures**

A petition for any such variances shall be submitted in writing by the applicant with the application for Board review. The petition shall state fully the grounds for the variance and all of the facts relied upon by the applicant. Failure to submit petition in writing shall require an automatic denial.

11.9 BONDING AND SECURITY AND INSURANCE

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Zoning Board of Adjustment shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable and unwilling to remove the tower in accordance with Section 11.10. Bonding and surety shall be consistent with the provision in the Subdivision Regulations. Furthermore, the Zoning Board of Adjustment shall require the submission of proof of adequate insurance covering accident or damage.

11.10 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of quarterly inspections. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Town notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days the Town may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

ARTICLE XII: RESIDENTIAL DEVELOPMENT PHASING

(Adopted 2016; Replacing: Growth Management Regulations – Repealed 2016)

12.1 AUTHORITY

Pursuant to the provisions of the New Hampshire RSA 674:21, the Town of Greenland adopts the following phasing standards for residential development, to be administered by the Planning Board in conjunction with the Greenland Subdivision Regulations.

12.2 PURPOSES

The purposes of this article of the Zoning Ordinance are as follows:

A. To guide efforts by the Town to monitor, evaluate, plan for and guide residential growth in Greenland that is consistent with the Town's capacity for planned, orderly, and sensible expansion of its services to accommodate such development without establishing absolute limits on the overall growth rate of the community;
B. To provide for the current and future housing needs of existing residents and their families;
C. To phase in or control the implementation and development of tracts of land and future subdivisions thereon, at a rate which will be compatible with the orderly and gradual expansion of community services, including but not limited to education, fire protection, road maintenance, waste disposal, police protection and recreation; and
D. To provide a mechanism to allow for phased development of residential projects to manage the impact on municipal services.

12.3 PHASING OF DEVELOPMENTS

A phasing plan, if deemed necessary by the Planning Board, shall be submitted for Planning Board approval for all residential developments. The exact phasing schedule shall be determined by the Planning Board based upon the specific impacts associated with the proposed residential development. Specific phasing schedule guidelines shall be outlined in Subdivision Regulations.

12.4 EXEMPTIONS FROM PHASING

The Planning Board shall grant an exemption to the phasing requirements under the following condition: the proposed project is for Age Restricted (Senior) Housing as defined in Article XIX. The owner of record shall enter an agreement, to be filed in the Rockingham County Registry of Deeds, certifying that the project will be utilized and restricted to 100% elderly occupants (age 55 and older).

ARTICLE XIII: OCCUPANCY USE/PERMIT

(Adopted 1975, Amended 1991, 1992, 1993, 1995)

13.1 PERMIT PROVISIONS

All land uses within Greenland are subject to the following provisions:

13.1.1 Residential Occupancy/Use Permits will be required for all newly constructed and substantially reconstructed residential units. An Occupancy/Use Permit will not be required for occupancy changes within existing residential units, unless the residential use is being changed to a non-residential use. In such cases, a Non-Residential Use Permit will be required.

13.1.2 Non-Residential Occupancy/Use Permits will be required for all home occupations, newly constructed or substantially reconstructed non-residential units, as well as for occupancy changes or changes of use within existing non-residential units. Changes to non-residential occupancy or use require Site Plan Review. See Site Plan Review Regulations 3.3. (Amended 2002*)

13.1.3 The Non-Residential Occupancy/Use Permit must be prominently displayed at all times and be available for inspection by any citizen of Greenland. (Amended 2002*)

13.2 PROCEDURE

13.2.1 Occupancy/Use Permits shall be granted after the applicant has demonstrated to the Building Inspector that all of the regulations of the underlying zoning district have been complied with.

13.2.2 Applications for a Residential Occupancy/Use Permit shall be accompanied by a fee, payable to the Town of Greenland. Fees will be established by the Board of Selectmen at a duly posted public hearing. See posted Fee Schedule. (Amended 2002*)

13.2.3 Applications for a Non-Residential Occupancy/Use Permit shall be accompanied by two (2) fees, the first payable to the Town of Greenland and the second payable to the Greenland Fire Department. Fees will be established by the Board of Selectmen at a duly posted public hearing.

13.2.4 As part of obtaining a Non-Residential Occupancy/Use Permit, the applicant must demonstrate to the Fire Department that the Town's Fire Safety Code has been complied with.

13.2.5 Non-Residential Occupancy/Use Permits must be signed by both the Fire Chief and the Greenland Police Chief (or their designated representatives).

ARTICLE XIV: NON-CONFORMING USES/LOTS

14.1 EXISTING USE

Any building or use of premises or part thereof which does not conform to the requirements of this Zoning Ordinance at the time of its adoption may continue in such use (1952-). (Amended 1958)

14.2 RESTORATIONS (removed 03.2008)

14.3 ABANDONMENT

A non-conforming use which has become non-operative, vacant, or is not used for such use for the period of one year shall be construed to have been abandoned and the premises may thereafter be used only for those uses for which the premises are zoned. (Amended 1958)

14.4 DEVELOPMENT OF NON-CONFORMING LOTS

The Building Inspector may issue a building permit for construction on a non-conforming lot of record existing as of November 1974, provided the following conditions have been satisfied: (Adopted 1994)

14.4.1 The applicant obtains a WSPCD-approved septic design for the lot in question.

14.4.2 The applicant obtains a driveway permit from the Town or State, whichever entity is applicable.

14.4.3 The structure(s) to be built on the lot in question must meet the setback requirements of the underlying zoning district.

14.4.4 Does not fall within the provisions of lot merger, noted in Section 15 of this Ordinance.

ARTICLE XV: MISCELLANEOUS PROVISIONS

15.1 CONVERSIONS

Repealed March 08, 2011

15.2 LOT MERGING

Unless protected by the provisions of RSA 674:39, contiguous lots or parcels in common ownership, which are of record on the effective date of this Ordinance or amendments thereto, shall be combined to create a lot or lots most nearly consistent with the frontage, width, and minimum lot size requirements of this Ordinance. No portion of said merged parcel shall be used or sold in a manner which diminishes compliance with lot width, frontage, and area requirements established by this Ordinance. (Adopted 1989)

15.3 UNDERGROUND INJECTION WELLS

Underground injection wells (as defined by Underground Injection Control regulations of the US Environmental Protection Agency) of any classification shall not be permitted on any parcel of land within the Town of Greenland. (Adopted 1992)

15.4 FIREWORKS (Removed entire section 2009)

15.5 EXPLOSIVES (Amended 2009)

15.5.1 The storage of explosives, as defined in NH Code of Administrative Rules Saf-c 1602.13, not otherwise permitted by ordinance, shall be prohibited in the Town of Greenland.

15.5.2 No person shall perform or cause to be performed any blasting in the Town of Greenland unless a Blasting Permit is obtained from the Building Inspector. This permit shall not be issued until the following terms and conditions have been satisfied by the applicant.

A. A properly executed application form will be submitted to and approved by the Building Inspector. The application form shall be developed by the Building Inspector and approved by the Board of Selectmen.
B. Evidence of general liability and property insurance issued by a carrier authorize by the State of New Hampshire Insurance Commissioner to do business in New Hampshire.
C. The Applicant shall submit a completed application to the Building Inspector at least two weeks prior to commencing drilling and/or blasting operations.
D. The Applicant shall submit evidence, at the time of application, that a pre-blast survey has been completed by the blasting company for an area within five hundred (500) feet of the proposed blasting.
E. Any reports or measurements made in conjunction with this pre-blast survey or with the subsequent blasting shall be made available upon request to all abutters within five hundred (500) feet of the area. Videotapes of individual homes shall be made available to the owner of the home videotaped upon request by the owner.
F. The cost of the pre-blast survey shall be borne by the blasting company.

G. The Applicant shall submit evidence, at the time of application, that all residents within five hundred (500) feet of the blasting area have been notified of the blasting activities and the warning signals to be used prior to detonation of the explosives.
H. Seismic monitory shall be required within five hundred (500) feet of the blast area. The Building Inspector may require additional seismic monitoring beyond this radius and such additional requirements may be prerequisites to obtaining permit approval.
I. The applicant shall insure that any blasting in an Aquifer Protection District does not alter water quantity or quality.
J. The applicant is liable for any and all damages resulting from the blasting operation.

15.5.3 Blasting shall only take place between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Blasting on holidays is prohibited.

15.5.4 The use and handling of all explosives, blasting materials and blasting shall conform to NHDOT Standards, NFPA 495 Explosive Materials Code and NH Code of Administrative Rules Saf-C1600 (State Police regulations).

15.5.5 One hour prior to detonation the Rockingham County Sheriff's Dispatch Center will be notified. The Dispatch Center will also be notified when blasting operations have ceased for the day.

15.5.6 Prior to detonation all appropriate audible-warning signals will be given.

15.5.7 Immediately following any detonation of explosives the Blasting Contractor shall insure that all charges have detonated properly and then an appropriate audible "all clear" signal shall be sounded.

15.5.8 After detonation the printed report from the site seismograph shall be turned over to the Building Inspector or a representative of the Town of Greenland.

15.5.9 The Blasting Contractor shall insure that all explosives and blasting material have been removed from the Town of Greenland at the end of each workday.

15.5.10 Blasting permits are required based on the cubic yards of materials to be blasted and the length of time to complete the blasting operations.

1. A 30-day permit where a total aggregate of five hundred (500) to four thousand (4,000) cubic yards will be removed. Such permit will expire at the end of 30 days from issuance unless otherwise revoked.
2. A 60-day permit where a total aggregate of four thousand (4,000) to fifteen thousand (15,000) cubic yards will be removed. Such permit will expire at the end of 60 days from issuance unless otherwise revoked.
3. A 90-day permit where a total aggregate of more than fifteen thousand (15,000) cubic yards will be removed. Such permit will expire at the end of 90 days from issuance unless otherwise revoked.
4. For a total aggregate of less than five hundred (500) cubic yards, a 1-day permit may be granted by the Building Inspector and conditions set forth in paragraph 15.5.2, C, D and H may be waived at the discretion of the Building Inspector.

5. Successive or renewed permits are permitted, provided application information is updated and a new application fee is paid.
6. After a second renewal, submission of a written impact evaluation of the site and potentially affected properties may be required by the Building Inspector, dependent on the type of the original permit issued.

15.5.11 An application fee as outlined in the fee schedule is required at the time the application is submitted.

15.5.12 A blast permit issued may be revoked by the Building Inspector for just cause including, but not limited to, a violation of any of the above, violation of the conditions of the Blasting Permit, damage to surrounding property or unsafe operations.

An applicant who has had a permit revoked may apply for re-issuance to the Board of Selectmen who will hold a public hearing on such request to determine if said request should be granted.

15.5.13 This ordinance does not apply to the use of blank cartridges for use in show or theater, or for signal or ceremonial purposes in athletic or sports or for use by veteran or military organizations.

15.6 MANDATORY PRELIMINARY SUBDIVISION REVIEW

In accordance with RSA 674:35, I, the Planning Board is authorized to require preliminary subdivision review. The subdivision regulations regarding the requirements of such review are to be prepared and adopted by the Planning Board. (Adopted 2006)

15.7 MANDATORY PRELIMINARY SITE PLAN REVIEW

In accordance with RSA 674:43, I, the Planning Board is authorized to require preliminary site plan review. The Site Plan Regulations regarding the requirements of such review are to be prepared and adopted by the Planning Board. (Adopted 2006)

ARTICLE XVI: ENFORCEMENT

16.1 SELECTMEN

It shall be the duty and within the authority of the Board of Selectmen to enforce the provisions of this Ordinance.

16.2 BUILDING INSPECTOR

There shall be an Inspector of Buildings who shall be the same as the Inspector of Buildings for the Town Building Regulations.

16.3 ISSUANCE OF PERMITS

The Building Inspector shall issue any and all building permits requested when such permit is in accordance with the provisions of this Ordinance.

16.4 BUILDING PERMITS

Removed 2010

ARTICLE XVII: BOARD OF ADJUSTMENT
(Amended 1958)

17.1 ELECTION OF BOARD OF ADJUSTMENT MEMBERS

Within thirty (30) days after the adoption of this Ordinance, and thereafter as terms expire or vacancies occur, the citizens of Greenland shall elect persons, at Town Meeting, to a Board of Adjustment of five (5) members conforming in duties to the provisions of Chapter 31 of the Revised Statutes Annotated of New Hampshire, 1955, as amended. The Board of Adjustment hereafter provided shall conform in membership and term of office to the Board of Adjustment appointed to hear appeals from Building Regulations. In addition to the general powers granted said Board by said Chapter 31, it may, in harmony with and subject to its provisions: (Amended 2005)

17.1.1 **Permit in a Commercial District** manufacturing which is incidental to retail business where articles are sold at retail on the premises and where not more than five (5) operators are employed in such manufacturing.

17.1.2 **Applications for a Variance or Special Exception** from the terms of this Ordinance shall be made in writing to the Secretary of the Board and shall be accompanied by an application fee in a check or money order made out to the Town of Greenland, N.H. Application fees and fees for legal notices, abutters notices and any other costs in the review of the proposed application shall be established by the Board of Selectmen, at a duly noticed public hearing. Fees shall be reasonable and established to cover the costs of advertising, notification and technical review of the proposed submission. (Amended 1976, 1980, and 1997)

17.1.2.1 If the Board of Adjustment grants an application for a Variance(s) and/or Special Exception(s), application for any and all building permits associated with the execution of such Variance and/or Special Exception must be made within five years for the residential district and two years for the commercial and industrial districts, from the date upon which the Board of Adjustment granted the Variance(s) or the Special Exception(s); if such application is not made within these noted time periods, then such Variance(s) and/or Special Exception(s) will be deemed nullified. (added March 2008)

17.1.3 **Special Exceptions:** The Board shall hear and decide requests for Special Exceptions as provided for in this Ordinance. The Board shall grant requests for Special Exceptions which are in harmony with the general purpose and intent of this Ordinance. (Adopted 1994)

17.1.3.1 Special Exceptions shall meet the following standards:

A. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.
B. No detriment to property values or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.
C. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.

D. No excessive demand on municipal services, including, but not limited to, water, waste disposal, police and fire protection, and schools.
E. No significant increase of storm water runoff onto adjacent property or streets.

17.1.3.2 Special exceptions may be subject to conditions including the following:

A. Front, side, or rear yards in excess of the minimum requirements of this Ordinance.
B. Screening of the premises from the street or adjacent property by walls, fences, or other devices.
C. Modification of the exterior features or buildings or other structures.
D. Reasonable limitations on the number of occupants and methods and times of operation.
E. Grading of the premises for proper drainage.
F. Regulation of design of access drives, sidewalks, and other traffic features.
G. Regulation of the number, size, and lighting of signs more stringent than the requirements of this Ordinance.

17.1.3.3 Additional Criteria for Golf Courses (Adopted 1998*)

A. All applications for a Special Exception for a golf course shall submit a Site Plan for review and approval by the Planning Board, in accordance with the requirements of the Greenland Site Plan Review Regulations.
B. Golf courses and their affiliated structures may be subdivided in whole or in part for ownership purposes.
C. The minimum aggregate area of contiguous land or land separated by roads or utility rights-of-way for a golf course shall be 50 acres for each nine holes.
D. All principal structures shall maintain a minimum front, side and rear yard of two hundred feet from any non-affiliated residential structures or property lines. These dimensional requirements are minimum standards which may be increased by the Zoning Board of Adjustment if a determination is made that noise, light, and/or odors may constitute a nuisance to the abutting property owners using the minimum dimensional requirements as a standard.
E. The Zoning Board of Adjustment shall, in addition to the general standards and conditions for Special Exceptions, consider the following:

1. The general suitability of the land for the intended use;
2. The design of principal and accessory structures;
3. Site access and egress, and off-street parking requirements to accommodate patrons of the facility;
4. Specific impacts of surface alterations on drainage to abutting properties;
5. Potential hazards to surface and groundwater and to abutting landowners from the application of pesticides (including insecticides, herbicides and fungicides) and fertilizers.

F. In cases where all or a portion of a proposed golf course is to be located within the Aquifer Protection District, the following additional criteria shall apply:

1. Proposed golf courses must receive a Conditional Use Permit from the Planning Board in accordance with Section 7.5 of the Zoning Ordinance (Aquifer Protection District);
2. Proposed golf courses shall observe the applicable design and operation guidelines established in Section 7.8 of the Zoning Ordinance (Aquifer Protection District);
3. The on-site handling and application of pesticides, fertilizers and other toxic or hazardous materials shall be done in accordance with applicable Best Management Practices.

G. Special Exceptions Granted by the Zoning Board of Adjustment – See Section 18.10.

17.1.3.4 Dog Day Care shall be permitted by Special Exception in the Residential District provided the applicant resides on the property and can demonstrate that the following conditions are met: (Added 2003)

A. Dog Day Care shall be located upon a lot of no less than 3 acres;
B. That the number of animals present for Dog Day Care at any one time shall be no greater than 15;
C. That the hours of operation shall not exceed 7 a.m. to 6 p.m., Monday through Friday;
D. That the applicant shall demonstrate that suitable fencing and indoor containment for dogs is provided on site at all times for the control of the dogs;
E. That the applicant provide to the Board of Adjustment rules and regulations satisfactory to the Board;
F. That there be a minimum of 75 feet between any outdoor containment area and any abutting residence; and
G. That the applicant meet the Home Occupation criteria set forth in Section 3.7.2 of the Zoning Ordinance.

ARTICLE XVIII: WETLANDS PROTECTION ORDINANCE

(Adopted 2002, Amended 2013, 2014)

18.1 PURPOSE

1. To maintain, and where possible improve, the quality of surface waters and ground water, preserving the ability of wetlands to filter pollution, trap sediment, retain and absorb chemicals and nutrients, and produce oxygen.
2. To prevent the destruction of, or significant changes to, wetlands, related water bodies and adjoining land which provide flood protection, and to protect persons and property against the hazards of flood inundation by assuring the continuation of the natural or existing flow patterns of streams and other water courses and water bodies within the Town of Greenland.
3. To preserve, protect, and where possible improve, potential water supplies and aquifers and aquifer recharge areas.
4. To preserve, protect, and where possible improve, wildlife populations and its access to habitats and maintain ecological balance.
5. To preserve, protect, and where possible improve, unique or unusual natural areas and rare and endangered plant and animal species.
6. To preserve, protect, and where possible improve, shellfish and fisheries.
7. To prevent the expenditure of municipal funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.
8. To require the use of best management practices and low impact development in and adjacent to wetland areas.
9. Prevent damage to structures and properties caused by inappropriate development in and adjacent to wetlands.
10. To provide a single and consistent approach for identifying and delineating wetlands based on the most advanced professional standards and scientific analysis.
11. To reduce the potential of impacts from non-point source pollution.

18.2 JURISDICTIONAL WETLAND AREAS

Greenland's Jurisdictional Wetlands are defined per RSA 674:55. The following are specifically included as part of Greenland's Jurisdictional Wetland Areas:

18.2.1 **Tidal Wetland:** A Jurisdictional Wetland Area whose vegetation, hydrology and soils are influenced by regular and periodic inundation of tidal waters. These include, but are not limited to, salt marshes, tidal flats and tidal creeks.

18.2.2 **Inland Jurisdictional Wetland Areas:** Freshwater Jurisdictional Wetland Areas as defined above that are not considered to be tidal wetlands.

18.2.3 **Man-made** non-tidal drainage ditches, culverts, catch basins, and ponds that have been legally constructed to collect or convey storm water and spring run-off, fire ponds and intake areas of dry hydrants that have been legally constructed to provide water for municipal firefighting purposes as approved by a local fire chief, and man-made water conveyance systems that are used for the commercial or industrial purpose of collecting, conveying, storing, and recycling water shall not be considered part of the Jurisdictional Wetland Area.

18.3 IDENTIFICATION AND DELINEATION REQUIREMENTS OF WETLANDS AND VERNAL POOLS

18.3.1 Jurisdictional wetlands and wetland boundaries shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the "Corps of Engineers Wetland Delineation Manual, Technical Report Y87-1", January 1987 as amended. Wetlands shall be delineated by on-site inspection of soil types, vegetation, and hydrology by a New Hampshire certified wetland scientist. A certified New Hampshire wetland scientist shall mean a person who is qualified in wetland delineation and who is certified by the State of New Hampshire Joint Board of Licensure.

18.3.2 For delineation purposes, vernal pools shall be identified according to ENV-WT 101.106.

18.4 APPEAL OF WETLANDS BOUNDARIES

In the event that a Jurisdictional Wetland Area and or associated boundary is in dispute between an applicant and a Greenland Local Land Use Board as defined by New Hampshire RSA 672:7, the Local Land Use Board may call upon the services of an independent New Hampshire certified wetlands scientist to examine said area and report findings to the Local Land Use Board for their determination of the boundary. The costs to the Town of such dispute shall be borne by the applicant.

18.5 PERMITTED USES IN THE JURISDICTIONAL WETLAND AREA

The following uses, to the extent permitted in the underlying zoning district, shall be permitted in Jurisdictional Wetlands Areas, associated wetland buffers and setbacks as specified, provided that the proposed use will not cause a degradation of the jurisdictional wetland area, violate State or federal laws and will utilize State and federal Best Management Practices (BMP's).

A. Agriculture, including grazing, hay production, truck gardening and silage production provided that such use is shown not to cause significant increases in surface or groundwater contamination by pesticides, fertilizers or other toxic or hazardous substance, and that such use will not cause or contribute to soil erosion;
B. Forestry and tree farming;
C. Wildlife habitat development and management;
D. Non-motorized recreational uses consistent with the purpose and intent of this article and within the restrictions outlined in RSA 215-A;
E. Conservation area and nature trails;
F. The erection of fences (no greater than 6' tall), footbridges, catwalks and wharves provided such structures are built on posts or pilings and permit the unobstructed flow of the water or tide and preserve the natural contours of the wetland;
G. Non-invasive plantings;
H. Removal of invasive plant species.

18.6 CONDITIONAL USES

18.6.1 **Conditional Use Permit**: Under the enabling authority granted by New Hampshire RSA 674:21 II, the following uses are only permitted in Jurisdictional Wetland Areas, Wetland Buffers and Wetland Setbacks pursuant to the issuance of a conditional use permit by the Planning Board provided that all of the conditions listed in Section 18.6.2 below are met. Construction of:

A. Roads;
B. Driveways/access ways;
C. Fire protection systems;
D. Utilities;
E. Drainage and stormwater management systems (shall not include septic systems or parts thereof);
F. Fill extensions for raised septic systems.

18.6.2 **Conditions**

A. That the proposed use is permitted in the underlying zoning district;
B. That the use for which the permit is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Jurisdictional Wetland Area, buffer or setback;
C. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the Jurisdictional Wetland Area, buffer or setback and that no alternative design which does not impact a Jurisdictional Wetland Area, buffer or setback or which has less detrimental impact on the Jurisdictional Wetland Area, buffer or setback is feasible;
D. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, that the landowner agrees to restore the site as nearly as possible to its original grade, surface condition, and vegetative condition following construction;
E. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of the Jurisdictional Wetland Area, contamination of the Jurisdictional Wetland Area and/or groundwater, or other reasons;
F. There will be no adverse impact on the Jurisdictional Wetland Areas functional values of the site or surrounding properties as it relates to water quality, flood storage capacity and wildlife habitat;
G. That all required permits shall be obtained from the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under New Hampshire RSA §485-A:17, the New Hampshire Wetlands Board under New Hampshire RSA §483-A, and the United States Army Corps of Engineers under Section 404 of the Clean Water Act;
H. The applicant develop a stormwater management plan meeting the requirements of the Town's Stormwater Management regulations to document that no adverse impacts will occur unless this requirement is waived by the Planning Board for good cause shown;
I. That the impact is not contrary to the public interest (an example might be the construction of utility services and that no reasonable alternative exists);
J. That economic considerations alone are not sufficient reasons for granting a permit;

K. The proposed construction is essential to the productive use of land not within the jurisdictional wetland area, buffer or setback;
L. The proposed construction permits the unobstructed flow of water and preserves the functionality of the jurisdictional wetland.

18.7 PROHIBITED USES AND STRUCTURAL SETBACKS TO JURISDICTIONAL WETLANDS AREAS

18.7.1 The following **specific uses** are prohibited within Jurisdictional Wetland Areas and shall be setback 75' from all Jurisdictional Wetland Areas.

A. Septic systems, or on site disposal systems;
B. Road salt storage or stockpiles;
C. Automobile junkyards;
D. Solid or hazardous waste storage and/or facilities;
E. Regulated substances as defined in NH Administrative Rule-WQ 401;
F. Bulk storage of gasoline and fuel oil other than for use of heating a residential structure;
G. Automotive repair and fueling stations;
H. Storage of pesticides, fertilizers, hazardous agricultural and other materials;
I. Snow storage, unless it can be demonstrated that the use of the property for snow storage purposes will have no adverse impact on water quality or the quality of the wetlands.
J. Directly discharging of untreated water.

18.7.2 Structure Setback Requirements

The following setbacks to Jurisdictional Wetland Areas shall be observed in order to protect the integrity and function of the Jurisdictional Wetland Area resources below.

Jurisdictional Wetland Area	Size, Relationship to Surface Waters and Perennial Streams	Minimum Structural Setback Requirement
Tidal Wetlands	-	100'
Inland Jurisdictional Wetland Areas	-	50'
Inland Jurisdictional Wetland Areas	Contiguous with surface waters	75'

18.8 WETLAND BUFFERS

18.8.1 The **purpose of a wetland buffer** is to reduce erosion and sedimentation into the adjacent wetland, or water body, to aid in the control of point and non-point source pollution, to provide a vegetative cover for filtration o runoff, to protect wildlife habitat, and to help preserve ecological balance.

18.8.2 The **required wetland buffers**, including vegetated buffer strips and limited cut areas, shall be parallel to and measured from the defined Jurisdictional Wetland Area boundary as defined in this Ordinance. The following vegetative buffer requirements and limited cut areas shall be observed in order to protect the functionality of the wetlands resources as referenced in the table below:

Jurisdictional Wetland Area	Vegetated Buffer Strip	Limited-Cut Buffer Area
Tidal Wetlands	25'	25' – 100'
Inland Jurisdictional Wetland Areas	25'	25' – 50'
Inland Jurisdictional Wetland Areas Contiguous with Surface Waters	25'	25' – 75'

"Limited-Cut" buffers cited above refers to a healthy, well-distributed stand of trees, saplings, shrubs and ground cover that must be maintained and which leaves an intact vegetated buffer. Tree-cutting shall be limited to 50% of the basal area of trees greater than 6" diameter at breast height (dbh), and 50% of the basal area of trees lesser than 6" dbh.

18.8.3 **Making Buffer Zones Known**: Vegetated Buffer Strip boundaries and limited cut areas shall be printed on all development and construction plans and be delineated on site prior to any construction activity.

18.8.4 **Enforcement**: Violators may be served with civil fines and required, at their own expense, to regenerate the section of the buffer encroached upon by instructions of the Board of Selectmen and/or New Hampshire Department of Environmental Services.

18.9 CONDITIONAL USE PERMIT FOR OVERBURDENED GROUNDWATER PUMPING

18.9.1 A conditional use permit will only be granted by the Planning Board for overburden groundwater pumping at a rate in excess of 20,000 gallons per day, if such pumping is conducted in such manner as to assure no net loss of wetlands within the adjacent area of Jurisdictional Wetland.

18.10 SPECIAL EXCEPTIONS GRANTED BY THE ZONING BOARD OF ADJUSTMENT FOR RESIDENTIAL USES

18.10.1 Upon application to the Board of Adjustment, a special exception may be granted to permit the erection of a new structure on vacant approved building lots of record or the expansion of an existing structure located within the Jurisdictional Wetland Area, buffer zones, or setbacks provided that all of the following conditions are met:

A. The lot upon which an exception is sought is an official lot of record, as recorded at the Rockingham County Registry of Deeds; (Amended 2005, 2013)
B. The new structure or expansion is not otherwise prohibited under the Zoning Ordinance;
C. The use for which the exception is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Jurisdictional Wetland Area, wetland buffer, or wetland setback;

D. Due to the provisions of the Wetlands Protection Ordinance, no reasonable and economically viable use of the lot can be made without the exception;
E. For disturbances greater than 3,000 square feet, an erosion control/stormwater management plan with drainage computations meeting the requirements of the Greenland Stormwater Management Regulations be submitted; and
F. The design and construction of the proposed use will, to the (maximum) extent practicable, be undertaken in such a manner as to be consistent with the purposes and spirit of this ordinance.

18.11 OTHER PERMITS

Nothing in the above Ordinance shall preclude the need to obtain any other necessary local, State or federal government permits.

ARTICLE XIX:
AGE RESTRICTED (SENIOR) HOUSING ORDINANCE
(Added 2004, Amended 2015)

19.1 PURPOSE

The regulations in this section have been established for the purpose of encouraging construction of Age Restricted Housing (ARH) cluster developments, which are designed and constructed to meet the unique needs of Senior citizens, while ensuring compliance with local planning standards, land use policies, good building design, and the requirements for the health, safety and general welfare of the inhabitants of Greenland.

19.2 DEFINITIONS

A. **Active Adult Community:** A community or living facility designed specifically for the interests of persons age 55 and older, which typically contains recreational amenities and support services for older adults who are healthy, active and capable of completely independent living.

B. **Age Restricted Housing (ARH):** A dwelling building with each dwelling unit restricted to occupancy by households with active senior persons living independently, age 55 and over.

C. **Dwelling Unit:** A living area of two or more rooms designed to be occupied by one or more individuals as private living quarters.

D. **Independent Living Facilities:** Housing, which groups seniors for the purpose of social interaction and mutual support in a common interest community. Group facilities may be provided on the premises for recreation and social interaction, but only limited support services are typically provided.

E. **Open Space:** Open Space is that portion of a lot open and unobstructed from its lowest level to the sky. It shall not include land occupied by buildings and structures as well as all roads and driveways, parking areas or service areas. Private yards, patios or gardens for residents shall qualify as open space. Where no separate right-of-way is delineated for private streets, only the pavement areas of the streets, curbs and sidewalks are excluded. Walkways integral to the open space area that are not curbside sidewalks shall qualify as open space. Flagpoles, sculptures, benches, swimming pools, tennis courts, atriums, trees, and similar objects shall not be considered obstructions.

F. **Resident:** A person occupying a dwelling for 45 days within a 365 day period or fewer as defined by the organization set up by each Age Restricted Housing (ARH) development.

G. **Senior:** A person whose age is 55 years or older.

H. **Service Areas:** Any structure or area that services or maintains the needs of Age Restricted Housing, to include but not be limited to, dumpsters, air conditioners, loading docks.

19.3 GENERAL STANDARDS

All ARH developments shall conform to the following:

A. ARH shall be permitted in any zoning district approved by the Planning Board.

B. All applicable site, design, building and construction elements must conform to the Town of Greenland's Zoning Ordinances, and Building, Subdivision and Site Plan Review Regulations, unless otherwise noted.

C. Uses:

All ARH development projects will be subject to a conditional use permit provided the requirements and conditions of this ordinance are met. All ARH facilities developers and operators may apply for a conditional use permit for the defined senior uses. The Planning Board shall have the sole authority for approval of a proposed project for a particular site based on suitability, density of the project and number of current ARH/Senior facilities existing in the Greenland community. In the Planning Board's deliberation to allow any non-residential use of support facilities, the Planning Board shall give strong consideration to the needs of seniors, not the applicant. The following uses shall be permitted:

1. A variety of housing types exclusively addressing the needs of Senior citizens, including but not limited to: active adult homes, independent living facilities.
2. Facilities which support Senior services, to include, but shall not be limited to the following:

    a. Indoor/outdoor recreational facilities (i.e., card rooms, swimming pool, meeting room, video room, music room, etc.)
    a. Medical substation (i.e., first aid, pharmacy, circuit health care, etc.)
    b. Limited service facilities, such as chapel, library, postal station, general supply store, etc.)
    c. Temporary senior activities as authorized by municipal agencies having jurisdiction.
    d. Public parks and outdoor senior recreational facilities.
    e. Private, non-profit community service centers, serving Senior citizens.
    f. Private, non-profit social service centers, serving Senior citizens.

D. The minimum lot area for any ARH development shall be fifteen (15) acres, of which no less than ten (10) acres shall be contiguous upland, and shall have at least 50 feet of frontage on a public road.
E. A minimum of 30% of the total land area shall be dedicated for passive and/or active recreation purposes.
F. Minimum areas between dwelling and minimum setback between the building and the edge of the right-of-way for the internal road system shall not be counted toward the required thirty percent (30%) of useable uplands counted for passive/active recreational purposes.
G. Adequate on-site space must be provided for off-street parking, water and sewage disposal systems, regardless of maximum allowable densities.
H. Open Space shall constitute no less than fifty percent (50%) of the gross track area of the lot.
I. Each ARH Development shall contain a minimum of 10 dwelling units.
J. Density: Maximum density shall be determined using the following formula:

1. From Gross Track Area *subtract*:

    a. Soils classified as poorly and very poorly drained
    b. Areas of slopes greater than fifteen (15%) percent
    c. Wetlands
    d. Bodies of standing water
    e. Setbacks and buffers

2. The resulting calculation shall be called henceforward "**net track area**".

K. Dwelling unit density shall not be greater than two point five (2.5) dwelling units per net track acre. (Amended 2006, 2008)

L. Each ARH may not exceed thirty-five feet (35') in height and may be either one or two stories.

M. A maximum of five bedrooms per net track acre shall be allowed. (Amended 2006, 2008)

N. Each ARH building shall have a maximum of two (2) dwelling units and shall have a maximum of two (2) bedrooms per dwelling unit. (Added 2015)

O. Each ARH unit shall be separated by a minimum distance of thirty-five feet (35') and be specifically designed to provide housing for senior residents.

P. The design and layout of such ARH developments shall complement and harmonize with the Town of Greenland, and shall maximize the privacy of dwelling units, preserve the natural character of the land and meet the specifications as defined in Section 2, Design and Architectural Specifications.

Q. Adequate on site space shall be provided for off-street parking and meet specifications as defined in Section 2, Design and Architectural Specifications.

R. All ARH developments shall provide for pedestrian access within the development and, to the greatest extent possible, to off-site facilities. The adequacy of pedestrian access within the development shall be evaluated by both the location of sidewalks as well as the location of residential units/amenities within the development.

S. The perimeter of all such ARH housing developments shall be treated with a landscaped buffer zone of a minimum of twenty-five feet (25') which may consist in whole or in part of existing natural growth.

T. ARH developments shall be landscaped to enhance compatibility with surrounding areas with emphasis given to natural features and meet specifications as defined in Section 2, Design and Architectural Specifications.

19.4 DESIGN AND ARCHITECTURAL SPECIFCIATIONS

All such ARH developments shall be designed and constructed to compliment and harmonize with the surrounding areas, particularly in regard to the size and scale of the development and its prominence and visibility to the community and surrounding neighborhoods. (Refer to Subdivision and Site Plan Review Regulations for all applicable design and construction details.)

A. **Massing and Style.** Building massing and style must be distinctively residential in character, drawing on the historical design elements that are contextually consistent with regional New England architecture. Historical and traditional design elements are encouraged. Front yards which use boxwood hedges, evergreen hedges, traditional style picket fences, stone walls, or iron picket fences with granite curb and pilasters are encouraged.

B. **Fences or hedges** should not exceed three feet (3') in height at the fronts of buildings. Fences and landscaping to screen service areas may exceed this height, consistent with the intent and use of the space.

C. **Roofs.** Preference shall be given to roof pitches consistent with single family, residential design. New England traditional or vernacular styles are preferred. Material must be consistent with the architecture of the building.

1. Composition shingle material is acceptable, providing that it is of high quality and provides architectural definition to the tab shingle to emulate traditional wood shingle styles.
2. Tile, slate, or metal roofing is permitted, provided it is consistent with the architectural style of the building.
3. Gutters and downspouts are encouraged to provide drainage away from foundations, but must be consistent with the other architectural elements of the building.
4. The installation of chimneys on the roofs of all buildings is encouraged to convey the look and feel of residential use.

D. **Entrances.** Building entrances must comply with all current accessibility regulations; however, the use of ramps and lifts is discouraged. Buildings should be designed with entrances that are barrier free for the intended residential or commercial uses. The use of sloped entry walks, covered entryways, porticos, arcades, and covered porches is encouraged.

E. **Door and Window Openings.** Door and windows form the transition from public to private space, and should reflect residential detailing in design and placement. The use of cornices, architectural moldings, sidelights, transom lights, and raised panels in doors is encouraged. The use of shutters consistent with the architecture of a building is encouraged.

F. **Materials and Design Elements.** Material chosen for exterior elements should be consistent with the intent and use of materials traditionally found in residential design in New England. Siding materials such as clapboard and shingle are preferred, and the use of new materials, which reduce maintenance, but emulate the look and feel of transitional materials, is encouraged. The use of a variety of trim materials to provide detail at the eaves, corners, gables, pediments, lintels, sills, quoins, and balustrades is encouraged. The color palette chosen for any building should be consistent with traditional residential colors.

G. **Landscaping**

1. The development shall be landscaped to enhance its compatibility with the Town, given with emphasis to the use of existing natural features where possible.
2. Whenever possible it shall leave undisturbed the special environmental and historical features of the development site including woodlands, ponds and streams, hilltops, important biological habitats and areas of special significance. Indigenous trees and shrubs and other elements such as stone walls and earth berms shall be used to create effective screening.
3. Applicant must submit a landscaping plan prepared by a registered architect or landscape architect which must be reviewed and approved by the Planning Board.
4. A broad range of foundation plants and general landscape planting is encouraged. The intent is to provide an intensity of landscaping that creates a residential character for any project.

H. **Paving and Curbing**

1. Curbing, as required by the Planning Board, shall be granite.
2. Paving which provides a non-skid surface and is contrasting in design, materials, or color is encouraged at all pedestrian crosswalks and walkways.

I. Road Construction

1. All roads and drives in a site shall be privately owned and maintained. Street design and construction is subject to the approval of the Planning Board and must be built to Town specifications as set forth in the Subdivision Regulations. (Amended 2015)
2. Easements for emergency access and relief from liability shall be given to the Town in a form acceptable to the Board of Selectmen.
3. Recognizing the potential physical limitations of seniors, the Board may permit a vehicular drop-off area to the building within the required front yard area.

J. Parking

1. Two (2) parking spaces plus one (1) visitor space shall be provided per dwelling unit in reasonable proximity to the dwelling. Side or rear units are encouraged.
2. The Planning Board shall carefully consider the location of all parking areas and the parking area access to the unit it serves in keeping with its intended use by seniors.
3. Additional parking in proximity to any additional facilities serving residents in common or guest parking shall be added with the following:

    a. Required number of spaces shall be determined by facility use.
    b. Parking lot interiors shall be landscaped to provide shade and relief.
    c. In parking areas of eleven or more parking stalls, at least one tree of three-inch or greater caliper shall be planted for every six parking places. Adequate tree wells and irrigation shall be provided for all parking lot landscaping.

4. Pedestrian access is to be taken into consideration in parking lot design. The use of separate walkways is encouraged. Textured paving or grade separated (elevated) walkways are desired on all pedestrian access ways.

K. Signs

Permitted signs are as specified in Zoning Ordinance, Article VI - Signs.

L. Lighting

1. Multi-handle lighting of color corrected sodium lighting is encouraged. Street lighting, except as required for vehicle entrances and public rights-of-way should be pedestal mounted or mounted on adjacent buildings at pedestrian scale heights between 10 and 14 feet.
2. Lighting shall be only to provide security, safety and landscaping amenities as needed and designed so that direct rays of light will not shine off site. That is, lights should not illuminate adjacent properties and caps or cutoffs must be provided to prevent direct lighting on abutting or adjacent properties.
3. The use of porch lights, gate post lights, and bollard lighting to illuminate walkways is encouraged.

19.5 SPECIAL REQUIREMENTS

The Town of Greenland Building Inspector shall oversee the implementation of ARH developments.

A. Any person having legal interest in the subject land may submit to the Planning Board an application for Conditional Use for ARH Developments, subject to the provisions of this article and applicable Town of Greenland Ordinances and Regulations.

B. Conditional Use Permit shall lapse within one (1) year from its approval if substantial usage or construction has not commenced by such date except for good cause by the applicant. Further that such construction once begun shall be actively and continuously pursued to completion based upon the proposed schedule submitted with the application.

19.6 RESTRICTIONS

A. Residential facilities designed for exclusive occupancy by senior citizens, as a minimum, must meet federal regulations for such facilities.

B. It shall be the responsibility of the developer/builder of each such ARH development to establish a Home Owner's Association and to prepare and adopt appropriate Articles and By-Laws which are to be submitted in advance to the Planning Board and Town Council for their review and approval.

C. In preparing the Articles and By-Laws, particular consideration shall be given by accommodating the unique needs of the senior citizens and ensuring that residents of such developments are guaranteed adequate and appropriate services.

D. If rental fees are required, the Articles shall contain a clause restricting increased rental fees to adequately service and maintain the properties only.

E. Any association formed for the purpose of ARH must have stipulated in their By-Laws and Declaration of Covenants that the Association will, at all times, be in compliance with current Town of Greenland ordinances governing ARH.

F. Residency restrictions for residential projects within the ARH District recorded in Articles and By-Laws, Declarations, Restrictive Covenants, or other documents shall be recorded in the Rockingham Registry of Deeds.

G. The creation of the Home Owner's Association and the Articles and By-Laws shall be the sole expense of the developer/builder as well as the costs of the review by the Planning Board and Town Counsel.

H. No site on a plan for which approval is granted under ARH may be subdivided so as to create additional buildable lots and a notation to this effect shall be shown on the plan.

I. All dwellings constructed under ARH shall not be eligible for conversion to conventional apartments or be used for other than age restricted citizen housing.

19.7 OTHER REQUIREMENTS

A. Site Ownership – At the time of application, the entire site shall either be under one owner, or documents shall be submitted with the application that show that all owners of record have applied to the Planning Board for consolidation, pending approval of the site plan.

ARTICLE XX: AMENDMENTS

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting and when amended pursuant to the Revised Statutes Annotated (RSA) of the State of New Hampshire as amended.

ARTICLE XXI: PENALTY

21.1 FINES

Every person, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than $100 upon conviction for each day such violation may exist. (Amended 1958 and 1975)

21.2 MUNICIPAL ACTION

The Board of Selectmen may institute, in the name of the Town of Greenland, any appropriate action or proceedings to prevent, restrain, correct, or abate violations of this Ordinance.

ARTICLE XXII: SAVING CLAUSE

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

ARTICLE XXIII: REPEAL

(Adopted 1958)

All Zoning Ordinances and amendments thereto inconsistent herewith are hereby repealed, but such repeal shall not in any case affect any act done or any right accrued or accruing, acquired or established, or any suit or proceeding had or commenced in any case before the time when this Ordinance shall take effect.

ARTICLE XXIV: LIGHTING

(Adopted 2005)

24.1 PURPOSE

It is the intent of this ordinance to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, protect the quality of the New Hampshire night sky, Greenland's rural character, and conserve energy and resources while maintaining safety, security and productivity.

24.2 GENERAL LIGHTING REQUIREMENTS

24.2.1 Illumination levels at property boundaries will not exceed 0.2 foot-candles for industrial or commercial properties and 500 lumens for residential properties.

24.2.2 No artificial lighting shall shine directly or indirectly upon any neighboring property or shine directly on or into any room or rooms, porches, patios of any neighboring structure or property as to be a nuisance.

ARTICLE XXV: WHEN EFFECTIVE

This Ordinance shall take effect upon its passage.

ARTICLE XXVI:
RESIDENTIAL OPEN SPACE-CONSERVATION SUBDIVISION DEVELOPMENT
(Adopted March 2008, Amended 2014)

Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for a Conservation Subdivision Development in accordance with the restrictions and requirements of this section. The Planning Board is further authorized to adopt amendments to the Subdivision Regulations in order to further administer the requirements of this ordinance.

26.1 PURPOSE

The purpose of this ordinance is to (1) encourage environmentally sound planning to protect open space and natural resources and create attractive living environments, and (2) through creative placement of dwelling units, discourage consumption of scenic, forested, agricultural, and recreational land for development, thus maintaining the rural character and advancing the goals stated in the master plan. The Planning Board shall consider the following purposes and balance them accordingly during review of individual applications.

A. Maintain and preserve rural character of the Town of Greenland by allowing an alternative residential development option which preserves large areas of open space, provides for visual buffers from existing roads and residential development, and permits farming opportunities on parcels of open space.
B. Preserve large, contiguous parcels of open space throughout the Town.
C. Provide for a diversity of housing types, opportunities, and styles.
D. Encourage flexible road design that will contribute to and enhance a rural atmosphere, and maintain minimal safety design.
E. To provide for connected corridors of open land throughout Town for preservation of habitat, environmental resources, and public enjoyment.
F. As part of an alternative for residential development, to require the clustering of homes in a manner that includes proximity in physical locations while minimizing confusion over issues of property ownership.

26.1.2 **Conditional Use Permits**

All Conservation Subdivision developments shall obtain a Conditional Use Permit from the Planning Board. The Conditional Use Permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings, and other submittals that are part of the approved use. Everything shown or otherwise indicated on a plan or submittal that is listed on the Conditional Use Permit shall be considered to be a condition of approval. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board. All developments seeking a Conditional Use Permit shall be administered by the Planning Board to insure that Conservation Subdivision development opportunities do not adversely impact neighboring properties or the citizens, and Town of Greenland.

26.1.3 **Application Procedure**

Applications for Conditional Use Permits for a Conservation Subdivision development shall be made in accordance with the procedures set forth in the relevant sections of the Subdivision Regulations of the Greenland Planning Board.

26.1.4 **Approval of Applications**

Prior to issuance of a building permit, the applicant shall acquire a Conditional Use Permit as well as any other necessary Planning Board approval. A Conditional Use Permit shall be issued only if a Conservation Subdivision development complies with all of the requirements of this section. The Planning Board may grant its approval on reasonable conditions necessary to accomplish the objectives of this section or of the Greenland Master Plan, Zoning Ordinance, or any other federal, State, Town resolution, regulation, or law, including but not limited to: a reasonable reduction in allowed density, a reasonable increase in required frontage, setbacks, or any other requirement if necessary to accomplish said objectives. The Conditional Use Permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant to prepare a development that is consistent with this Ordinance, regulations, and the Master Plan for the Town of Greenland.

26.1.5 **General**

The Conservation Subdivision development provisions of this Ordinance provide applicants with an alternative development approach intended to promote flexibility and innovation in land planning. Within this context, the ordinances that are established are intended to be a minimum consideration of allowable impacts. Each tract of land possesses different, unique development characteristics and limitations, and the Conservation Subdivision development use allowed on any particular tract will be a function of innovative land planning and subdivision design interacting with the special characteristics and limitations of the site. The following definitions specifically apply to this section of the Zoning Ordinance:

Buffer: Land area maintained in either a natural or landscaped state and used to visibly separate or screen one use from another or to minimize potentially negative impacts on surrounding areas (e.g., shield or block noise, light or other nuisances, reduce water pollution).

Common Leaching System: A system for the collection and processing via leach fields, the effluent from more than two (2) septic tanks, including all the pipes, valves and other equipment, land and easements necessary for operating such a system. All of the leaching equipment will be in a single common ownership, though the septic tanks may not.

Common Area: Any parcel or area of land and/or area of water set aside as a result of a Conservation Subdivision plan. The common area is designed for the benefit and enjoyment of the residents of a Conservation Subdivision development. These areas may contain accessory structures and improvements necessary and appropriate for the educational, recreational, cultural, social or other non-commercial/non-residential /non-industrial uses, plus any utility services utilized by the owners of the common area.

Conservation Easement: A permanent legal restriction against future development and other activities as specified in the conservation easement deed. An easement may be worded to permit or restrict public access, allow or disallow recreational uses, allow or disallow other uses, such as limited development, agriculture, or forestry. Easements are tied to the title of the land, regardless of subsequent ownership.

Conservation Land: Land given to a public body dedicated to conservation of forests, park land, etc., or to a private conservation trust, with the intent of preserving in its original ecological condition, safeguarding water supplies, or diminishing flood danger.

Farm/Agriculture: Any land, buildings or structures on or in which agriculture and farming operations are carried out as the principal use, including all operations outlined in RSA 21:34:a II.

Mandatory Home Association: A private non-profit corporation, association, or other non-profit legal entity organized in accordance with State law and established by the developer or the member individuals for the benefit and enjoyment of the residents of the Conservation Subdivision development, including oversight and management of common open space facilities. Membership in said association shall be mandatory for property owners and made a required covenant in any deed issued or passed. It shall provide voting and use rights in the common area when applicable and may charge dues to cover expenses, which may include tax liabilities of the common area, recreational or utility facilities. Articles of Association or Incorporation must be acceptable to the Planning Board and by the Town Counsel and any other municipal, county or State agency, body, commission or department required by law to approve of the same.

Open Space Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and/or the Town and may include such complimentary structures and improvements as are necessary, appropriate and approved by the Planning Board.

Open Space Easement: Land whose development rights have been legally restricted, either by deed or by public purchase of those rights. The easement may be so worded as to permit or restrict public access, to allow or disallow recreational development, and similar provisions. Easements are tied to the title of the land, regardless of its subsequent ownership.

Public Open Land: Land purchased by or given to the Town of Greenland for parks, playgrounds, or an undeveloped open space, generally with the intention of making it accessible for public use.

Restricted Covenant: A restriction on the use of land usually set forth in the deed for the property.

Yield Plan: A plan or plan set that shows the maximum number of conforming building lots that is reasonably achievable under a conventional subdivision following the requirements of the Zoning Ordinance and Subdivision Regulations.

26.1.6 **Strict Adherence**

These provisions shall not be construed as establishing a legal right to a Conditional Use Permit for a Conservation Subdivision development. Those who wish to pursue their "development rights" to a certain use or development of land should consider developing their land with the permitted conventional subdivision approaches, or through the variance procedure as provided for by New Hampshire law.

26.1.7 **Lot Size and Frontage**

The minimum lot size for a Conservation development is 20 acres. The minimum frontage for the development shall be a contiguous 100 feet and of sufficient length to provide safe access for a right-of-way of at least 50 feet. At least one access shall be within the minimum frontage. The minimum frontage and access shall be within the Town of Greenland. If, however, the subject parcel has only 50 feet of frontage and was legally created prior to the date of adoption of this Ordinance under ordinances and regulations that required at least a 50 feet minimum right-of-way, 50 feet shall be the minimum required frontage for such pre-existing lots. Frontage lands on roads existing at the time of application shall be preserved as buffers to the maximum extent possible in addition to all required setbacks. After the passage of this Ordinance, any parcel that subdivides more than 50% of the frontage away from the parent parcel shall not be eligible for a Conservation Subdivision development for a period of four (4) years from the date of the subdivision approval. Merging the required parcels with the parent parcel to achieve the 50% original required frontage shall nullify this restriction.

26.1.8 **Density**

Maximum density for a conservation subdivision development shall be determined by use of a yield plan. The purpose of a yield plan is to show the maximum number of conforming buildable lots that are reasonably achievable under a conventional subdivision following the requirements of the zoning ordinance and subdivision regulations. The Planning Board may adopt regulations that provide for the generation of a yield plan in accordance with this section.

26.1.9 **Density Bonus** (Amended 2009, 2014)

The Planning Board shall award a development an additional number of conforming buildable lots as a density bonus, if the required criteria as performance standards are met. Additional density allowances are based on the number of conforming buildable lots achievable under the yield plan baseline. The allowances shall be allowed based on the following performance standards:

1. A density bonus of 15% above that indicated by the yield plan will be allowed for developments that will guarantee: 20% of the total number of units proposed within the development (including all units allowed by density bonuses) shall meet the requirements of the definition of workforce housing per RSA 674 as amended.

    A. Such designated workforce housing units shall be incorporated within the development as a whole (not clustered contiguously) and shall match the architectural characteristics of such development.
    B. Workforce housing units will be sold with deed restrictions and a recorded housing agreement that limit:

        1. For a period of **15** years renewable upon sale or transfer, the resale value of the unit is limited to not more than the purchase price plus two (2) times the accumulated consumer price index;
        2. Any workforce housing units will ensure that any purchasers of these units shall meet the income requirements of a median family income for the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA as published by the US Department of Housing and Urban Development.

2. Every development seeking such bonuses shall provide the Planning Board with easements, covenants, or deed restrictions, which shall provide for the perpetual continuation of the performance standards, which are used in the granting of any bonus. Said easements, covenants, or deed restrictions shall be reviewed by qualified legal counsel on behalf of the Town (at the developer's expense) and approved by the Planning Board prior to the issuance of any final approval.

3. Where a final number is greater than .5, the density number may be rounded up to the next whole number.

26.1.10 **Standards for Approval**

All standards below must be met or impacts mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit.

A. The permit is in compliance with this ordinance and is in the public interest;
B. There will be no greater diminution of neighboring property values than would be created under any other use or development permitted in the underlying zone;
C. There are no existing violations of the Greenland Zoning Ordinance on the subject property;
D. The character of the area shall not be adversely affected. This determination, to be made by the Planning Board, shall be made by considering the following aspects of the surrounding area:

1. Consistency of Architecture: Except for single-family detached development, determined through analysis of the following:

   a. Roof pitches
   b. Siding types
   c. Architectural styles of residential structures
   d. Proportional aspects of facades, building locations on lots
   e. Streetscape appearance and beautification

2. Transportation: Determined through analysis of the following:

   a. Access for safety vehicles onto the site, within the site, and to individual houses
   b. Capacity of nearby and affected intersections, and transportation corridors
   c. Cost for municipality to maintain roadways
   d. Layout, width, and construction of roadways on the site

3. Protection of Natural Resources: Determined through analysis of the following:

   a. Protection of environmentally sensitive areas, including but not limited to: wetlands, shore land buffers, wildlife corridors, significant groundwater resources, etc.
   b. Maintenance of view sheds and other visually appealing aspects of the site.

4. Protection of Cultural Resources: Determined through analysis of the following:

   a. Establishment of new, and protecting existing, trail ways for travel.
   b. Protection of historic buildings or significant historical landscapes.
   c. Establishment, protection, and promotion for agricultural uses of the site.

E. Granting the permit will not result in undue municipal expense;
F. The proposed development will be constructed in a manner compatible with the spirit and intent of the Greenland Master Plan and Zoning Ordinance;
G. The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted. Mitigation of these impacts by the developer can be properly considered in granting of a conditional use permit;
H. The general welfare of the Town will be protected;

1. Landscaping or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.

26.2 OTHER REGULATIONS APPLICABLE

The Planning Board shall adopt sections of the Subdivision Regulations not pre-empted by this Ordinance which shall apply to the Conservation Subdivision development, including the right to waive such regulations. Where not specifically pre-empted by the provisions of this Ordinance, the requirement that is more restrictive shall apply. The Planning Board shall determine if pre-emption is intended by the provisions of this Ordinance, and/or what requirement that is to apply, is more restrictive.

26.3 MINIMUM OPEN SPACE REQUIREMENTS

In addition to the requirements of this section, the Planning Board may adopt regulations that prescribe additional criteria for open space parcels.

26.3.1

The parcel must contain a minimum of fifty (50%) percent of the total land in the parcel dedicated as open space/conservation land. Forty (40%) percent of the minimum fifty (50%) percent of the open space/conservation land shall be contiguous.

26.3.2

No less than eighty-five percent (85%) of the required fifty percent (50%) minimum of total land in the parcel that shall be dedicated as open space/conservation land may be uplands, non-wetland, as defined in the Town of Greenland's Zoning Ordinance.

26.3.3

The minimum required open space is land not built upon, which must be permanently kept in that condition, and cannot be subjected to current use taxation or discretionary easements. However, actively operated farmland, classified as "prime" or "unique" by the Rockingham County Conservation District will be entitled to current use taxation or discretionary easements.

A. A common water well servicing an entire Conservation Subdivision development shall be permitted in the dedicated open space/conservation land.

B. Water wells located on individual building lots within a Conservation Subdivision may have a well radius that lies within the dedicated open space/conservation land.

C. Stormwater control devices that are Low Impact Design (LID) treatment facilities shall be permitted in the dedicated open space/conservation land.

26.3.4

The open space and/or common area within a Conservation S ubdivision development shall be owned by and bound by one or more of the following:

A. **Homeowners Association:** May use it for common recreational facilities, designate it as open space, or grant a public body an Open Space Easement.

B. **A Public Body:** Shall use it as conservation land or public open land. Such designation must be made prior to approval of the subdivision application by the Planning Board; such lands shall be held in such type of legal entity as the Planning Board deems appropriate.

26.3.5

Such land shall be preserved in perpetuity through deed restriction or conservation easement, and designated on the approved and recorded plat. Such restriction shall be approved by the Planning Board and Town Counsel.

26.4 GENERAL REQUIREMENTS

26.4.1 **Uses**

Only residential uses, not including cottage industries, shall be permitted in Conservation Subdivision developments.

A. Single family detached homes are permitted.

B. Two family dwelling units (duplexes): Shall be permitted up to a unit count of 15% of the total allowable lots under the conventional subdivision yield plan. These are units that are structurally joined and share walls with no yard between units.

26.4.2 **Setbacks and Other Dimensions**

A. All buildable lots within the Conservation Subdivision shall contain at least a ½ acre (21,780 square feet) of contiguous upland (non-wetland) area, and be able to contain an individual septic system within each lot.

B. The following frontage requirements shall apply:

1. Each single family lot or unit shall have 100' of frontage on interior roadways.
2. Duplex units sharing a common wall shall have 150' of frontage.

C. All developments shall contain some form of lot delineation or lines that designate a reasonable amount of land attributable to each particular structure.

D. The following setbacks shall apply to all residential structures within the development:

1. Setbacks from exterior property lines of the entire parcel shall be 25' for single-family detached units, with an additional 15' per unit for two family dwelling units (e.g. 2 unit attached = 40');
2. 30' setback from the edge of pavement for roadways within, and part of, the development;
3. 40' structural separation for all single-family unit structures within the development;
4. 50' structural setback for duplex units from all other structures;
5. 10' structural setback from all lot lines exclusive of Section 26.4.2 , Items D 2 and 3.

E. Frontage land on roads existing at the time of application shall maintain at least a 50' four (4) season natural buffer to minimize potential impacts on abutting properties and the street. The natural vegetation shall be retained and maintained. No dwelling, accessory structure, street or parking area shall be permitted within the designated buffer area. Streets that serve as access to the development, walls, underground utilities, and drainage structure may be located within this buffer.

26.4.3. **Utilities**

All utilities serving the development shall be underground. The Planning Board may waive the requirement for underground utilities along lengthy entrance roads that are visually separated from the clustered housing units. The Planning Board may not waive this requirement within the network of the development.

26.5 EXPIRATION

Any Conditional Use Permit shall expire if active and substantial development or building has not begun on the site by the owner or the owner's successor in interest in accordance with the approved plat within 12 months after recording the approved plan with the Rockingham Registry of Deeds. As part of its approval of a plat or plan, the Planning Board may, with due regard to the scope and details of a particular project, specify the threshold level of work which shall constitute "active and substantial development or building" for purposes of fulfilling this paragraph. In such cases, a new application for a Conditional Use Permit must be completed.

26.6 CONDITIONS

The Planning Board may impose higher standards than allowed by this section when they determine that because of special site and land conditions, an adverse impact would be created by allowing the development to be built to the standards delineated in this section.

ARTICLE XXVII: SMALL WIND ENERGY SYSTEMS ORDINANCE
(Adopted 2009)

27.1 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.

27.2 DEFINITIONS

Fall Zone: The potential fall area for the small wind energy system. It is measured by using 110% of the total height as the radius around the center point of the base of the tower.

Flicker: The moving shadow created by the sun shining on the rotating blades of the wind turbine.

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 is to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

Net Metering: The difference between the electricity supplied over the electric distribution system and the electricity generated by the small wind energy system which 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: The outline created on the surrounding area by the sun shining on the small wind energy system.

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for on-site consumption.

Tower: The monopole or guyed monopole structure that supports a wind turbine.

Total Height: The vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.

Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine.

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

27.3 PROCEDURE FOR REVIEW

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. 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 3 years from the date the building permit was issued.
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. Setback requirements as outlined in this ordinance.
    e. The right-of-way of any public road that is contiguous with the property.
    f. Any overhead utility lines.
    g. Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type (freestanding or guyed), nameplate generation capacity.
    h. If the small wind energy system will be connected to the power grid, documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a small wind energy system.
    i. Tower foundation blueprints or drawings.
    j. Tower blueprint or drawings.
    k. Sound level analysis prepared by the wind turbine 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.

27.4 STANDARDS

The Building Inspector shall evaluate the application for compliance with the following standards;

1. Setbacks: Small wind energy system shall be set back a distance equal to 110% of the total height from:

    a. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
    b. Any overhead utility lines.

c. All property lines, unless the affected land owner provides written permission through a recorded easement allowing the small wind energy system's fall zone to overlap with the abutting property.
d. Any travel ways to include but not be limited to driveways, parking lots, nature trails or sidewalks.
e. Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
f. The setback shall be measured to the center of the tower's base.
g. Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

2. Tower

a. Wind turbines may only be attached to freestanding or guy wired monopole towers. Lattice towers are explicitly prohibited.
b. The tower height shall not exceed 150 feet.
c. The applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.

3. Sound Level: The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the property line, except during short-term events such as severe wind storms and utility outages.
4. Shadowing/Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses, either through siting or mitigation.
5. Signs: All signs, both temporary and permanent, are prohibited on the small wind energy system, except as follows:

a. Manufacturer's or installer's identification on the wind turbine.
b. Appropriate warning signs and placards.

6. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.
7. Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration 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.
8. Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the wind resources.

a. The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information

regarding site selection, turbine design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground.

b. The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.

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.

9. 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.
10. Access:

    a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
    b. The tower shall be designed and installed so as to not provide step bolts, lattice, or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

11. Approved Wind Turbines: The manufacturer and model of the wind turbine 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.
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.

27.5 ABANDONMENT

1. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
2. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:

    a. Removal of the wind turbine 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 the after-conditions.

3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of

Abandonment within 30 days from notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the Building Inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

4. If the owner fails to respond to the Notice of Abandonment or if after review by the Building Inspector it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind turbine and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

27.6 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.

27.7 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.

APPENDIX A: ZONING DISTRICT DESCRIPTIONS

(Repeal & Re-adopt 2011)

3.2.1.1 The Commercial and Industrial Districts outlined on the Official Town Zoning Map are defined below using 2010 property tax map and parcel numbers. All properties not listed below, or depicted on the Official Zoning Map shall be considered to be located within the Residential District:

3.2.1.2 **Commercial District A** is defined using 2010 Property Tax Map and Lot numbers for each property located within this district. The following is a list of properties located within **Commercial District A**. Also included is a strip of land that abuts the Greenland/Rye Town Boundaries, Breakfast Hill Road and is measured 400 feet from the centerline of Route 1 (Lafayette Road).

TAX MAP	LOTS
R-10	8, 9, 25
R-17	2, 3, 59, 60, 61, 62, 62A, 62B, 63, 64, 65, 66, 67
R-18	37, 38, 39, 41, 42
R-21	1, 1A, 4, 5, 6, 8, 9, 10, 10 B-H, 10J-10T, 12, 13, 14, 57, 59, 60, 61, 62, 63, 64
U-4	1, 2, 2A, 3, 4, 5, 5A, 5B, 6, 8, 8A, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 23A, 24, 25, 27, 29
U-5	5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 26A
U-6	1, 2, 3, 4, 5, 47, 48, 49, 50, 62, 64, 65, 66, 67, 68
U-7	10, 10A

3.2.1.3 **Commercial District B** is defined using 2010 Property Tax Map and Lot numbers for each property located within this district. The following is a list of properties located within **Commercial District B**.

TAX MAP	LOTS
R-20	10, 13, 14A, 14B

3.2.1.4 **Commercial District C** is defined using 2010 Property Tax Map and Lot numbers for each property located within this district. The following is a list of properties located within **Commercial District C**.

TAX MAP	LOTS
R-21	43, 44, 44A, 44B, 45, 46, 47, 48, 49, 50, 51, 54, 55, 55A, 56, 58, 65, 65A, 66, 67

3.2.1.5 **Industrial District** is defined using 2010 Property Tax Map and Lot numbers for each property located within this zone. The following is a list of properties located within the **Industrial District**.

TAX MAP	LOTS
R-20	1, 3, 4, 5, 6, 6A, 8, 16
R-21	52

APPENDIX B: FLOOD INSURANCE RESOLUTION

GREENLAND ZONING MAP FOLLOWS ON NEXT PAGE