

6. Dimensional Requirements.

a. Height.

It is the intent of these regulations that wireless communication facilities shall not have urbanizing effect upon the rural visual character of Epsom. For that reason, the maximum height of new wireless facilities shall not exceed twenty (20) feet above the average surrounding tree canopy height as measured within a two hundred (200) feet radius of the proposed facility location. Nor shall the height exceed ninety (90) feet. The Planning Board shall have the authority to grant exceptions to the height limitations. The Planning Board may require a lower height than the maximum allowed if, in its judgment, such lower height is necessary at the proposed location to protect the rural and visual character of adjacent properties and the community as a whole. The Planning Board may also, on a case-by-case basis, allow any increase in height of wireless telecommunication facilities to an upper limit of one hundred ninety (190) feet, with the following restrictions:

- i. No telecommunication tower or facility shall exceed ninety (90) feet unless it is surrounded by mature trees that will be protected by easement or other means to assure dense natural screening.
- ii. The Planning Board must make written findings of fact as to why the increase in height is in the best interest of the community and why the increased height will not harm the visual quality and character of adjacent properties and the community as a whole. It is the presumption of this ordinance that heights greater than ninety (90) feet tend to be a disruptive visual element in the Epsom landscape, and that the Planning Board will not normally allow a greater height.

b. Height on Existing Structures.

The height of existing structures may, by site plan approval from the Planning Board, be increased to accommodate wireless communication facilities if the facility is camouflaged, so long as the facility is, in the judgment of the Planning Board, in scale and proportion to the existing structure.

c. Antenna Types.

Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount.

A larger diameter antenna array may be permitted after a finding by the Planning Board that the visual impacts of a larger antenna array are negligible.

d. Setback.

All wireless communication facility buildings shall meet the setback requirements of the underlying zone in which they are to be located.

e. Safety Zone.

All wireless communication facilities towers shall have a safety zone sufficient, in the judgment of the Planning Board, to protect the public and adjacent properties from either a structural collapse or from wind-blown ice. Unless the applicant provides convincing evidence to the contrary, the base of any telecommunication facility shall be set back from all property lines a distance equal to its height. The Planning Board may require a greater setback distance to address wind-blown ice.

7. Design Standard.

a. Engineering Certification.

Wireless communication facilities will require plans certified by a New Hampshire licensed structural engineer. Prior to the issuance of a Certificate of Occupancy, the Zoning Board Compliance Officer shall be provided with a written certification from a qualified New Hampshire licensed engineer, at the expense of the applicant, that the facilities have been constructed and installed in accordance with the approved plans and that the facility is operating in compliance with its federal license.

b. Visual Appearance.

i. All wireless communication facilities shall be camouflaged to the greatest extent possible, using compatible building materials and colors, screening, camouflage techniques, with native species landscaping and/or placement within trees. Existing on-site vegetation shall be preserved to the maximum extent possible.

ii. Every wireless communication facility must blend into its surroundings as much as possible. Each application for wireless communication facilities must demonstrate that there will be minimal visual impact. A photo-realistic simulation and an on-site Crane Test shall normally be required for all new towers and may be required for other new wireless communication facilities.

- iii. The color of equipment sheds should blend in with their surroundings, to be determined by the Board on a case-by-case basis. Landscaping or screening shall normally be required for equipment sheds and may be required for other components of a wireless communication facility.
- iv. All ground-mounted personal wireless service facilities shall be surrounded by a buffer of dense tree growth that extends continuously for a minimum distance of one hundred fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest and screens views of the facility in all directions. These trees must be existing on the subject property, planted on the site, or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate or alter the required buffer based on site conditions. The one hundred fifty (150) feet for vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property.
- v. Communication towers shall normally not be approved in open fields, even if disguised as flag poles. When possible, wireless communication facilities should be placed within existing buildings or structures so as to hide or camouflage them. In rural portions of the Town where existing structures may not exist for camouflaging, the placement of the towers and associated facilities within permanently wooded areas is encouraged so that native species of trees can provide natural camouflage. The Town shall require some form of easement or some other means of assuring that an adequate buffer of trees is maintained until the tower is removed. Facilities shall not be located within two hundred (200) feet of a crest, ridge line, or summit, except that the Planning Board may allow sitting in a minor crest or ridge line if the Board concludes that such sitting will have minimal off-site visual impact and will otherwise meet the purposes of this ordinance.
- vi. Any telecommunications facility located on or within a historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building. Any alternations made to accommodate wireless communication facilities within or on a historic structure must be fully reversible unless otherwise approved by the Planning Board.

c. Equipment Shelters.

Whenever possible, equipment shall be located within existing structures or in underground vaults. When required to be above ground, equipment shelters shall be of materials and colors that blend into the surrounding landscape, and shall be screened, unless otherwise approved by the Planning Board, behind an effective year-round buffer equal to the height of the proposed building.

d. Lighting.

Wireless communication towers and antennas shall not be lighted, except as specifically required by the Federal Aviation Administration. Lighting of equipment structures or other associated facilities is discouraged and shall not be visible beyond the property line. All utility wiring to the facility shall be underground, unless otherwise approved by the Planning Board.

e. Signage.

Signage shall be limited to an identification of the property and owner and warning of dangers. All signage must comply with the Town's sign regulations.

f. Security Fencing.

Unless otherwise specified by the Planning Board, fencing shall be provided to prevent access, except by authorized personnel. This will normally be a locked wall fence, or berm that completely seals off the facility from unauthorized entry or trespass. The appearance of this fencing should blend into the existing setting of the site. Silver-colored galvanized fencing will not normally be accepted.

g. Emissions.

i. All wireless communication facilities must comply with the Radio Frequency Radiation (RFR) standards of the Federal Communications Commission (FCC), and the Town may require periodic inspections by a qualified engineer, at the applicant's expense, to assure compliance with FCC guidelines.

iii. No antenna will be permitted in a location where it will interfere with existing transmittal or reception of radio, television, audio, video, electronic, microwave or other signals.

iv. The applicant must specifically demonstrate to the satisfaction of the Town that the proposed emissions will not interfere with Town of Epsom's Communications (Police, Fire and Public Works).

h. 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 with 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 of the tower or antenna, as abandoned, at the owners expense through the execution of the posted security.

i. 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 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 person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within thirty (30) days, such action shall constitute abandonment and grounds for the removal of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

j. Certification of Safety Standards and Continued Need.

The owner of a tower or antenna shall provide an annual certification to the Zoning Compliance Officer verifying compliance with building codes and safety standards. The certification shall also verify that the structure is still needed for the operation of the owner's network. Said certification shall be submitted to the Zoning Compliance Officer prior to December 31<sup>st</sup> of each year. Failure to submit an annual certification shall constitute abandonment and be grounds for removal.

8. Exemptions.

a. Government Use.

Antennas or towers owned, performing federal, state, county or town functions, or otherwise controlled by the respective governments shall be exempt from the requirements of this Telecommunications Facility Ordinance.

b. Amateur Radio, Receive-Only Antennas.

This ordinance shall not govern any tower or the installation of any antenna that is less than seventy (70) feet in height and is owned and operated by a federally licensed amateur or citizens band station operator and/or is used exclusively for receive-only antennas. This section adopts the provisions and limitations as referenced in NH RSA 674:16, IV.

c. Essential Services and Public Utilities.

Henceforth, from the date of adoption of this ordinance, telecommunications facilities shall not be considered as infrastructure, essential services, or public utilities, as defined or used elsewhere in the laws or ordinances and regulations. Siting for telecommunications facilities shall be considered a use of land is addressed by this ordinance.

9. Bonding and Security and Insurance.

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board 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. Bonding and surety shall be consistent with the provisions of the Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering casualty and liability.

10. Removal of Abandoned Antennas and Towers.

Any antenna or tower that is not operated for a continuous period of twelve (12) months or is no longer needed for the operation of the network shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned structure within ninety (90) days of receipt of a declaration of abandonment from the Zoning Compliance Officer 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 ninety (90) days, the Town may execute the security and have the tower removed. If there are two (2) or more users of a single tower, this provision shall not become effective until all users cease using the tower.

#### **S. Kennels and animal boarding facilities**

Kennels and animal boarding facilities shall be permitted in all zones, subject to a site plan review approval and so long as such facilities operate humanely and in sanitary conditions consistent with all current applicable laws and regulations. Such facilities may not operate so as to create a public or private nuisance.

#### **T. Small Wind Energy Systems**

##### **A. 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.

##### **B. Definitions**

1. **Blade Height.** The vertical distance from ground level to the tip of the wind generator blade when it is at its lowest point.
2. **Meteorological tower** (met tower). Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.
3. **Modification.** Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.
4. **Net metering.** The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.
5. **Power grid.** The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

6. **Shadow flicker.** The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.
7. **Small wind energy system.** A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.
8. **System height.** The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.
9. **Tower.** The monopole, guyed monopole or lattice structure that supports a wind generator.
10. **Tower height.** The height above grade of the fixed portion of the tower, excluding the wind generator.
11. **Wind generator.** The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

### C. 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 or met tower shall be erected, constructed, or installed without first receiving a building permit from the zoning compliance officer.
2. **Application:** Applications submitted to the zoning compliance officer shall contain a site plan with the following information;
  - a. Property lines and physical dimensions of the applicant's property
  - b. Location, dimensions, and types of existing major structures on the property.
  - c. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
  - d. Tower foundation blueprints or drawings.
  - e. Tower blueprints or drawings.
  - f. Setback requirements as outlined in this ordinance.
  - g. The right-of-way of any public road that is contiguous with the property.
  - h. Any overhead utility lines.
  - i. Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity
  - j. Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider



- k. Sound level analysis prepared by the wind generator manufacturer or qualified engineer
  - l. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.
  - m. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
  - n. List of abutters to the applicant's property
3. Abutter and Regional Notification: In accordance with RSA 674:66, the zoning compliance officer shall notify all abutters and the local governing body by certified mail, upon application for a building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the zoning compliance officer prior to the issuance of the building permit. The zoning compliance officer shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the zoning compliance officer shall follow the procedures set forth in RSA 36:57, IV.
4. Application for temporary met towers shall provide the following information;
- a. Location on property
  - b. Estimated time to be in place
  - c. Tower description
  - d. Abutter list

#### D. Standards

1. The zoning compliance officer shall evaluate the application for compliance with the following standards;
- a. Setbacks: The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

**Minimum Setback Requirements**

Occupied Buildings on Participating Landowner Property	Minimum Setback Requirements	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

- i) Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
  - ii) Guy wires used to support the tower are exempt from the small wind energy system setback requirements.
- b. Tower: The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the tower height exceed 150 feet.
- c. Blade: The minimum blade height shall be no less than 18 feet
- d. Sound Level: The small wind energy system shall not exceed 60 decibels using the A scale (dba), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.
- e. Shadow Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.
- f. Signs: All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.
- g. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.
- h. Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C>F>R> part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.
- i. Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.
  - i) The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.
  - ii) 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.

Approved colors include but are not limited to white, off-white or gray.

- iii). 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.
- j. Approved Wind Generators: The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by Underwriters Laboratories (UL), or a similar list approved by the state of New Hampshire, if available.
- k. 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.
- l. Access: The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- m. 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.
- n. Foundation: The tower's foundation shall be constructed according to the manufacturer's recommendation or as designed by a New Hampshire licensed professional engineer.
- o. Batteries: Any battery installation shall be inspected by the fire department for safety prior to use.

#### E. Abandonment:

1. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the zoning compliance offices by certified US mail of the proposed date of abandonment or discontinuation of operation.
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 zoning compliance officer. "Physically remove" shall include, but not be limited to:
  - a. Removal of the wind generator and tower and related above-grade structures.

- b. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the zoning compliance officer 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 zoning compliance officer 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 zoning compliance office 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 zoning compliance office, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense with 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 zoning compliance office may pursue legal action to have the small wind energy system removed at the owner's expense.

#### F. 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.

#### G. 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 the NH Revised Statutes Annotated Chapter 676:17.

## **ARTICLE IV FLOOD DAMAGE PROTECTION**

In Accordance with the Minimum Requirements of  
Section 60.3(d) of the National Flood  
Insurance Program Regulations

A. General Provisions.

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Epsom Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Epsom Zoning Ordinance, and shall be considered part of the Zoning Ordinance for 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.

The following regulations in this ordinance 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 County of Merrimack, New Hampshire", dated April 19, 2010, together with the associated Flood Insurance Rate Maps dated April 19, 2010, which are declared to be a part of this ordinance and are hereby incorporated by reference.

B. Statement of Purpose.

The purpose of this Article is to minimize public losses due to flood conditions in specific areas by:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, heights, or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other developments which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

C. Definition of Terms.

The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Epsom.

1. “Area of Special Flood Hazard” is the land in the floodplain within the Town of Epsom subject to a one percent (1%) or greater chance of flooding in any given year. The area is designated as Zone A and AE on the Flood Insurance Rate Map.
2. “Accessory Structure” means a small, detached structure that is incidental and insubordinate to the principal structure.
3. “Base Flood” means the flood having a one percent (1%) possibility of being equaled or exceeded in any given year.
4. “Basement” means any area of a building having its floor subgrade on all sides.
5. “Building” – see “Structure”.
6. “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation or storage of equipment or materials.
7. “FEMA” means the Federal Emergency Management Agency.
8. “Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land area from:
  - a. the overflow of inland or tidal waters
  - b. the unusual and rapid accumulation or runoff of surface waters from any source.
9. “Flood Elevation Study” means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards.
10. “Flood Insurance Rate Map” (FIRM) means an official map incorporated with this ordinance on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Epsom.
11. “Flood Insurance Study” – see “Flood Elevation Study”
12. “Floodplain” or Flood-Prone Area” means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

13. “Flood Proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.
14. “Floodway” – see “Regulatory Floodway”.
15. “Functionally Dependent Use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.
16. “Highest Adjacent Grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
17. “Historic Structure” means any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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 contribution 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:
    - i. By an approved state program as determined by the Secretary of the Interior, or
    - ii. Directly by the Secretary of the Interior in states without approved programs.
18. “Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lower floor; provided that such an enclosure is not built so

as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

19. “Manufactured Home” means a structure, transportable in one (1) 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 floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) days. This includes manufactured homes located in a manufactured home park or subdivision.
20. “Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
21. “Mean Sea Level” means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.
22. “New Construction” means, 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. The 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.
23. “100-Year Flood” – see “Base Flood”
24. “Recreational Vehicle” is defined as:
  - a. built on a single chassis;
  - b. four hundred (400) square feet or less when measured at the largest horizontal projection;
  - c. designed to be self-propelled or permanently towable by a light duty truck; and
  - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
25. “Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood



without cumulatively increasing the water surface elevation more than a designated height.

26. “Special Flood Hazard Area” means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E. (See – “Area of Special Flood Hazard”).
27. “Structure” means for floodplain management purposes a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
28. “Start of Construction” includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of pikes, the construction of columns, or any work beyond the state of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.
29. “Substantial Damage” means damages of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
30. “Substantial Improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should equal:
  - a. the appraised value prior to the start of the initial repair or improvement, or
  - b. in the cause of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage regardless of actual repair work performed. The term does

not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

31. “Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in sections D(3d), D(3eiibb), D(daiii) or D(3aiv) is presumed to be in violation until such times as that documentation is provided.
32. “Water Surface Elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

#### D. Administration.

1. Establishment of Development Permit.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a Development Permit shall be made on forms furnished by the Selectmen.

2. Designation of the Selectmen/Zoning Compliance Officer (ZCO).

The Selectmen/ZCO is hereby appointed to administer and implement this ordinance by granting or denying Development Permit applications in accordance with its provisions.

3. Duties and Responsibilities of the Selectmen/ZCO.

The duties of the Selectmen/ZCO shall include, but not be limited to:

- a. Review Permit Applications.
  - i. Review all Development Permits to determine that the permit requirements of this ordinance have been satisfied.
  - ii. Review all Development Permits to determine 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.

- iii. Review, prior to issuing building permits, all Development Permits to insure that along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other developments are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge. In Zone A, the Selectmen/ZCO shall obtain, review and reasonably utilize any floodway data available from federal, state or other sources as criteria for requiring that development meet the floodway requirements of this section.
- iv. Review, prior to issuing building permits, all Development Permits to insure that until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

b. Review Permit Applications.

The Selectmen/ZCO shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

- i. 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;
- ii. be constructed with materials resistant to flood damage;
- iii. be constructed by methods and practices that minimize flood damage;
- iv. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c. Review Location of Water and Septic Systems.

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Selectmen/ZCO with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the system 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.

d. Ensure that applicants for Development Permits for all new or substantially improved structures located in Zones A, and AE, furnish the following information to the Selectmen/ZCO:

- i. the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement;
- ii. if the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed;
- iii. any certification of floodproofing.

The Selectmen/ZCO shall maintain for public inspection and shall furnish such information upon request.

e. Determine Flood Elevation and Maintain the following General Requirements:

- i. In special flood hazard areas, the Selectmen/ZCO shall determine the 100 year flood elevation in the following order of precedence according to the data available:
  - aa. In Zones AE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
  - bb. In Zone A, the Selectmen/ZCO shall obtain, review and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approval).
- ii. Selectmen/ZCO's 100 year flood elevation determination will be used as criteria for requiring in Zones A and AE that:

- aa. all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;
- bb. that all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
  - (i.) be floodproofed so that below the 100 year flood elevation the structure is water tight with walls substantially impermeable to the passage of water;
  - (ii.) have structural components capable of resisting hydrostatic and hydrodynamic loads that effects of buoyancy; and
  - (iii.) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
- cc. all manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist 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 and local anchoring requirements for resisting wind forces;
- dd. for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
  - (i.) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
  - (ii.) the area is not a basement;

- (iii.) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. 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 (2) openings having a total net area of not less than one (1) 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 (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
    - ee. no encroachments, including fill, new construction, substantial improvements, and other development shall result in any net increase of flood elevation in a special flood hazard area and a net decrease of flood elevation is encouraged.
    - ff. the applicant shall submit to the Selectmen/ZCO certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
    - gg. maintained for public inspection all records pertaining to the provisions of this ordinance.
  - f. 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 Selectmen/ZCO, in addition to the copies required by the RSA 482-A: 3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Selectmen/ZCO, including notice of all scheduled hearings before the Wetlands Bureau.
4. All recreational vehicles placed on sites within Zones A and AE shall either:
- a. be on the site for fewer than one hundred eighty (180) consecutive days;
  - b. be fully licensed and ready for highway use; or

- c. meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in Paragraph (c)(6) of Section 60.3.
- 5. Accessory Structures, as defined in C. Definition of Terms, located within Zones A or AE, shall be exempt from the elevation criteria required in D., Administration, Section 3, e, ii, aa above, of all other requirements of D. Administration and all the following requirements are met. Accessory Structures shall:
  - a. be 150 square feet or less;
  - b. have unfinished interiors and not be used for human habitation;
  - c. have hydraulic openings in at least two (2) different walls of the accessory structure;
  - d. be firmly anchored to resist flotation, collapse, and lateral movement, which may result in damage to other structures;
  - e. be located outside the floodway;
  - f. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and
  - g. have mechanical and utility equipment elevated above base flood elevation or dry flood proofed. Electrical service will have only ground fault interrupt electrical outlets. The electrical service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.
- E. Variances and Appeals.
  - 1. Any order, requirement, decision or determination of the Selectmen/ZCO made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
  - 2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
    - a. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
    - b. that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result;
    - c. that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. The Zoning Board of Adjustment shall notify the applicant in writing that:
  - a. the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
  - b. 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.
4. The community shall:
  - a. maintain a record of all variance actions, including their justification for their issuance; and
  - b. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.
5. The board of Adjustment may, on an appeal, grant a variance from the provisions of this ordinance, provided it conforms with the provisions of RSA 674:33, and if all the following facts are found by the Board of Adjustment and such findings are specified in its decisions:
  - a. No diminution in value of surrounding properties would be suffered;
  - b. Granting the appeal would be of benefit to the public interest.
  - c. The denial of appeal would result in unnecessary hardship to the owner seeking the variance if the following three (3) conditions are true:
    - i. The zoning restrictions as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment;
    - ii. No fair and substantial relationship exists between the general purposes of the zoning ordinances and the specific restriction on the property;
    - iii. The variance would not injure the public or private rights of others.
  - d. By granting the variance substantial justice would be done; and
  - e. The use must not be contrary to the spirit and intent of the ordinance.



**ARTICLE V  
BOARD OF ADJUSTMENT**

A. Appointments.

The Board of Selectmen shall appoint a Zoning Board of Adjustment as provided under New Hampshire law; and shall appoint up to five (5) persons to serve as alternates as the need may arise.

B. Appeals.

Any person aggrieved by any decision under the ordinance made by any administrative officer of the Town may appeal to the Board of Adjustment as provided in RSA 676:5.

**ARTICLE VI  
ADMINISTRATION AND ENFORCEMENT**

A. Zoning Compliance Permit.

1. Written application for a Zoning Compliance Permit must be filed by the owner, or his agent, or lessee with written consent of the owner. Until a Zoning Compliance Permit has been obtained from the Zoning Compliance Officer, none of the following shall be commenced:
  - a. The erection or use of any new building, exterior sign, other structure, or addition to any existing building or structure.
  - b. Any use of premises which is not provided for in this ordinance, including, but not limited to, a change in the nature of the use of any building or premises to a non-conforming use for any lawful prior use, the expansion of any existing lawful non-conforming use, or any change in lot size or shape which would result in a violation of area or dimensional requirements.
2. Application for a Zoning Compliance Permit shall be upon an appropriate form to be prescribed by the Town and shall be accompanied by:
  - a. Plans, drawn to scale, showing the actual shape, dimensions, and location of the lot to be used, of existing buildings upon it, of alterations proposed for existing buildings, and of proposed new buildings.
  - b. Information as to the existing and extended use of each building, lot, or part thereof, as to the number of families, lodgers, or other occupants which any building upon the premises is designed to accommodate.

3. Zoning Compliance Officer shall determine whether an application for permit is in compliance with a permitted use as defined in the ordinance. If the Zoning Compliance Officer determines that it is, the application for permit shall be approved and a Zoning Compliance Officer shall act upon any application within thirty (30) days after it has been filed.
4. Issuance of a Zoning Compliance Permit pursuant to this ordinance constitutes approval by the Town of the proposed use only under the requirements of this zoning ordinance.
5. The Zoning Compliance Officer shall not issue a Zoning Compliance Permit until the applicant has received a Certificate of Compliance in accordance with the New Hampshire Energy Code from the Governor's Council on Energy.
6. A Zoning Compliance Permit shall become void if construction is not begun within twelve (12) months from the date of issuance. Permits may be extended once for no more than an additional twelve (12) months by the Zoning Compliance Officer on receipt of a written request for extension at least fourteen (14) days prior to the expiration of the original permit.
7. No Zoning Compliance Permit issued shall be transferable to a subsequent owner.
8. On approval by the Board of Adjustment of a variance or Special Exception, the Zoning Compliance Officer shall issue a Zoning Compliance Permit as of the date of approval of the Board.

B. Certificates of Occupancy.

1. It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure after the effective date of this regulation, until a Certificate of Occupancy is issued by the Zoning Compliance Officer stating that the proposed use of the structure or land conforms to the requirements of these regulations. A Certificate of Occupancy shall not be needed for the normal repair or redecorating of structures.
2. Applications for a Certificate of Occupancy shall be made to the Zoning Compliance Officer on forms provided by them for that purpose, by the owner, his agent, or lessee.
3. Prior to the issuance of any Certificate of Occupancy, the Zoning Compliance Officer shall first satisfy himself that the proposed use of the structure or land conforms to the requirements of this ordinance.

4. The fee for a Certificate of Occupancy shall be established by the Selectmen. Said fee shall accompany each application for a Certificate of Occupancy.

C. Zoning Compliance Officer.

1. The administrative and enforcement officer for this ordinance shall be known as the Zoning Compliance Officer who shall be appointed by the Board of Selectmen. The Zoning Compliance Officer shall administer the Zoning Ordinance literally and shall not have the power to permit any use of and/or buildings which is not in conformance with this ordinance.
2. The Zoning Compliance Officer may withhold the issuance of a Zoning Compliance Permit or a Certificate of Occupancy when he/she determines that the issuance of such permit is contrary to the public good or against the general welfare. The determination of the Zoning Compliance Officer may be appealed to the Zoning Board of Adjustment as provided under New Hampshire law.

D. Enforcement and Penalty.

1. This ordinance shall be enforced by the Zoning Compliance Officer if any building or use of land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or use in violation of this ordinance. The Zoning Compliance Officer shall institute, in the name of the Town, any appropriate action, injunction, or other proceeding to prevent in or about the premises any act, conduct, business, or use constituting a violation.
2.
  - a. No owner of any land, or any person managing or controlling any land may allow, or cause the use of any land contrary to the provisions of these ordinances; nor in violation of any conditions imposed by the Epsom Planning Board or Epsom Zoning Board of Adjustment.
  - b. No person may put any land to any use contrary to the provisions of these ordinances; or in violation of any conditions imposed by the Epsom Planning Board or Epsom Zoning Board of Adjustment.
  - c. An exemption or exception from the restrictions, requirements or provisions of these ordinances shall be an affirmative defense.
  - d. A person who violates any provision of these ordinances may be fined up to the limits allowed by RSA 676.

E. Board of Adjustment.

1. There shall be a Board of Adjustment as provided by the statutes (RSA 673:1, IV) of the State of New Hampshire, whose members and alternates shall be appointed by the Board of Selectmen.

2. Powers of Board.

The Board of Adjustment shall have the following powers, as well as any other power conferred upon such Board by the Statutes of the State of New Hampshire:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Compliance Officer in enforcement of this ordinance.
- b. To hear and decide Special Exceptions to the terms of this ordinance.
- c. To authorize upon appeal in specific cases such variances from the terms of this ordinance as will be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. In so doing, the Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and community.
- d. In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the powers granted to it under RSA 674:33, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the Zoning Compliance Officer from whom the appeal is taken.
- e. The concurring vote of three (3) members of the Board shall be necessary to reverse any action of the Zoning Compliance Officer or to decide in favor of the applicant on any matter with which the Board is required to pass under this ordinance.

3. Rules Governing Proceedings.

- a. All appeals and applications to the Board of Adjustment shall be in writing, on forms prescribed by that Board. Every appeal or application shall refer to the specific provisions of the ordinance involved, and shall set for the interpretation the Special Exception or the variance for which application is made. The cost of advertising and mailing shall be payable by the applicant prior to the required public hearing.

- b. Whenever a notice of appeal is filed for a variance or an application is made for a Special Exception, the Board of Adjustment shall hold a public hearing and notice shall be given as follows:

The applicant and all the abutters shall be notified of the hearing by certified mail, return receipt requested, stating the time and place of the hearing, and such notice shall be given not less than five (5) days before the date fixed for the hearing of the appeal. A public notice of the hearing shall be placed in a newspaper of general circulation in the Town not less than five (5) days before the hearing of the appeal. The public hearing shall be held within thirty (30) days of the receipt of the notice of appeal. Any person may appear in person or by agent or attorney at the hearing of an appeal. In addition to the notice to the Zoning Compliance Office, the Planning Board and the Board of Selectmen, and either board shall be a proper party to appear and to be heard upon any such appeal or application. Upon the entry of any decision, report, or order in such a proceeding, the Board of Adjustment shall cause a copy to be sent to the Planning Board. In those proceedings before the Board of Adjustment at which the Planning Board submits its recommendations, such recommendations shall be in the same format as that required of the Board of Adjustment in reporting its decision. The Board of Adjustment shall state in writing in sufficient detail its reason as to the granting or denial of a Special Exception or variance with particular reference to the standards or conditions applicable thereto.

- c. The Board of Adjustment shall adopt rules in accordance with the provisions of this ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Adjustment and the Selectmen's Office and shall be a public record.

#### 4. Variances.

- a. The Board of Adjustment may, on an appeal, grant a variance from the provisions of this ordinance, provided it conforms with the provisions of RSA 673:33,4 and if all the following facts are found by the Board of Adjustment and such finding is specified in its decisions:
  - i. That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot, size or shape or exceptional topographic or other physical conditions

peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the ordinance in the neighborhood or district in which the property is located.

- ii. That because of such physical circumstances or conditions, there is no possibility that the property can be used in strict conformity with the provisions of this ordinance for a permitted use of the applicant's choice and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
- iii. That the variance, if authorized, shall not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
- iv. That the variance, if authorized, shall represent the minimum variance that will afford reasonable relief; and
- v. That the spirit of the ordinance shall be observed and substantial justice done.

- b. In authorizing a variance, the Board of Adjustment may attach such conditions and safeguards, as it deems necessary to protect the neighborhood and the community, including, but not limited to a time limit when the variance will expire if not utilized.

## 5. Special Exceptions.

- a. The Zoning Board of Adjustment shall have the power to hear and decide on application for Special Exceptions as specifically granted by this ordinance. In applying for a Special Exception, the applicant need not demonstrate hardship since the basis for the action is of general benefit to the Town as a whole. In granting a Special Exception, the Board with due regard to the nature and condition of all adjacent land, structures and uses, shall find all the following general conditions to be fulfilled:
  - i. A complete plan for the proposed development shall be submitted with the application showing location of all buildings, parking areas, access, open space, landscaping and any other pertinent information.
  - ii. The requested use is essential or desirable to the public convenience and general welfare.

- iii. The requested use will not impair the integrity or character of the immediate area or adjoining areas.
- iv. That the specific site is an appropriate location for the proposed use and the proposed use will not be detrimental to the health, morals, or general welfare of the immediate or adjoining areas.
- v. That no factual evidence is found that property value in the area will be adversely affected by such use.
- vi. That no undue traffic, nuisance or unreasonable hazard will result.
- vii. That adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.
- viii. That all valid objections presented at the public hearing are given full consideration.
- ix. That the proposed use has an adequate water supply and sewage system and meets all applicable requirements of the State.

b. Other Requirements.

The granting of any appeal by the Board shall not exempt the applicant from any portion of this ordinance not specifically ruled upon by the Board or specifically set forth as exception in this particular case from a provision of this ordinance. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Board in authorizing a Special Exception or variance without appealing to the Board as a new case over which the Board shall have complete administrative power to deny, approve or modify.

c. Public Hearing.

The Board shall within thirty (30) days hold the hearing of an appeal and before any hearing is given either on an appeal or an application for variance or Special Exception of the Zoning Ordinance, notice shall be given to all the abutting owners or their representatives of interest as recorded in the office by the Board of Selectmen, either in hand or by notice sent by registered mail and also notice in a newspaper of general circulation. Said notice shall be sent or delivered in hand and published at least five (5) calendar days before the date and time of meeting. If the notices are sent by mail, they shall be mailed to the last known address of the abutting owners or representatives of interest if on record aforesaid.

The costs of notices shall be paid by the appellant or applicant to the Board. Said costs shall be paid before the notices can be sent and placed in the paper and action taken by the Board on any appeal or application for variance or Special Exception.

d. Decision.

Following public hearing of an appeal, the Board shall within thirty (30) days notify the applicant, the Selectmen, the Planning Board and the Zoning Compliance Officer, in writing, of its decision.

6. Fees.

The fee for any permit issued under this ordinance shall be established by the Board of Selectmen.

F. Driveways.

A driveway permit shall be issued by the Road Agent before any new use or expanded use which utilizes any town road, excluding state highways. A driveway permit shall be obtained before any construction of any driveway. Decisions regarding issuance of a driveway permit, by the Road Agent, shall be appealable to the Planning Board in accordance with the public hearing procedure. A single driveway may service more than a single lot only if:

1. Sufficient evidence is presented to assure that the driveway will remain open and adequately maintained for use by each lot to be served, as well as, all emergency vehicles, and
2. The proposed driveway is consistent with the general character and appearance of its surroundings.

## **ARTICLE VII CONFLICTING PROVISIONS**

When the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulations, the provision which imposes the greater restriction or higher standard shall govern.



**ARTICLE VIII  
SEXUALLY ORIENTED BUSINESSES**

A. Purpose and Intent.

It is the purpose of this article to establish reasonable and uniform regulations to prevent the concentration of sexually orientated businesses within the Town of Epsom; and it is the intent to promote the health, safety and general welfare of the citizens of the Town of Epsom; and it is the intent of this article that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually orientated businesses; and the provisions of this amendment have neither the purpose nor the effect of imposing limitation or restriction on the content of any communicative materials, including sexually oriented materials; and it is not the intent nor effect of this article 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 article to condone or legitimize the distribution of obscene material.

B. Definitions of Sexually Oriented Business.

A sexually oriented business is any place of business at which any of the following activities is conducted:

1. Adult Bookstore or Adult Video Store.

A business that devotes more than fifteen percent (15%) of the total display, shelf, rack, table, stand or floor area, utilized for the display and sale of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videos cassettes, slides, tapes, records, CD-ROMS other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1; or
- b. Instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in 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 FIFTEEN PERCENT (15%) OF THE TOTAL FLOOR AREA OF THE ESTABLISHMENT TO THE SALE OF BOOKS AND PERIODICALS.**

2. Adult Motion Picture Theater.

An establishment with a capacity of five (5) or more persons, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1, for observation by patrons. For subsections c, d, e, f, and g, a “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 thirty (30) consecutive day period.

3. 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 five (5) or fewer persons per machine at any one (1) 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 RSA 571-B:1.

4. 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 RSA 571-B:1.

5. Adult Cabaret.

A nightclub, bar, restaurant, or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1 and/or feature films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion 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 RSA 571-B:1.

6. 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 portion of the total presentation time of which are distinguished or characterized by an emphasis upon the depiction or description of materials which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1.

7. 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 RSA 571-B:1.

C. Allowed Locations and Location Restrictions of Sexually Oriented Businesses.

1. Sexually oriented businesses, as defined above shall be permitted only in the Residential/Commercial (R/C) Zone by Special Exception, provided that all other regulations, requirements and restrictions for the zone in which the sexually oriented business is to be located are met, and no sexually oriented business shall be permitted within fifteen hundred (1500) feet of another existing sexually oriented business or one for which a building permit has been applied for.
2. No sexually oriented business shall be permitted within seven hundred fifty (750) feet of any residence, apartment or manufactured housing.
3. No sexually oriented business shall be permitted within seven hundred fifty (750) feet of any church, place of worship, parish house, convent, public, parochial or private school, kindergarten, state approved day care center or public sports/recreation parks, and no sexually oriented business shall be permitted within seven hundred fifty (750) feet of the Town boundaries.
4. No sexually oriented business shall be permitted within fifteen hundred (1500) feet of another existing sexually oriented business on the date of the passage of this amendment; and no sexually oriented business shall be permitted within a building, premise, structure or other facility that contains a sexually oriented business as defined in Paragraphs 19.02(a) through (i) above.

D. Measure of Distance.

The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures from the closest exterior structural wall or temporary or permanent physical divider between each business.

E. Additional Reasonable Regulations.

The Planning Board is empowered hereunder to review and approve permit applications for sexually oriented businesses and impose reasonable restrictions for buffering, outdoor lighting, parking, adequate ingress and egress from the site off of and onto public roads, pedestrian movement, and to provide for appropriate landscaping and building aesthetics in the “Site Plan Review Regulations of the Town of Epsom, New Hampshire,” and to avoid site development layout which may result in negative environmental impacts.

F. Special Exception Required.

Every sexually oriented business as defined under this ordinance, proposed to be operated, constructed or erected with the R/C Zone and meeting the further restrictions imposed under this ordinance shall require a Special Exception from the Epsom Zoning Board of Adjustment.

G. Severability.

The invalidity of any section or provision of this article shall not invalidate any other section or provision thereof.

## **ARTICLE IX AMENDMENT**

The provisions of this ordinance may be amended or changed at any special town meeting by a majority of the voters present as provided by public law.

## **ARTICLE X EFFECTIVE**

A. This ordinance shall take effect upon its passage.

B. Severability.

Should any section, part, portion or article of these ordinances be deemed illegal, unconstitutional or otherwise unenforceable by a court or tribunal of competent jurisdiction, all other parts, portions, sections or articles shall be severed and thereby remain in full force and effect.

## ARTICLE XI GROWTH MANAGEMENT

### A. Authority.

This section of the zoning ordinance is enacted in accordance with RSA 674:22.

### B. Purpose.

The purpose of the Growth Management section of the zoning ordinance is as follows:

1. Manage orderly growth in Epsom in coordination with the Master plan and Capital Improvements Program.
2. Determine, monitor, evaluate and establish a rate of residential growth in the Town that does not unreasonably interfere with the Town's capacity for planned, orderly, and reasonable expansion of its services to accommodate such growth.
3. Provide a temporary mechanism when municipal services are strained or overloaded to reduce the rate of residential growth to allow the Town time to correct any deficiencies that have developed.

### C. Findings.

The Town hereby finds that:

1. Epsom's population grew from 4,021 in 2000 (U.S.Census) to 4,680 in 2015 (NH Office of Energy & Planning estimate), an increase of 659 or 16.4% over the sixteen (16) year period.
2. The number of residential building permits issued in Epsom has been relatively steady since 2010. There were eighteen (18) permits issued in 2010, fifteen (15) issued in 2011, twelve (12) issued in 2012, fourteen (14) issued in 2013, thirteen (13) issued in 2014, eighteen (18) issued in 2015, and seven (7) issued in 2016. In comparison fifty-two (52) were issued in 2000 and fifty-seven (57) were issued in 2001.
3. The 2010 Epsom Master Plan Update contains the following recommendation: *Continue to monitor population growth to ensure that the Town is growing in proportion to abutting communities and consider extending the Growth Management Ordinance at Town Meeting.*
4. Municipal operating expenditures increased from \$1,349,045 to \$3,205,316 between 2000 and 2015. This was an increase of \$1,856,271 or 137% over the

period. Annual school expenditures increased by \$4,761,495 over the same period, from \$4,275,236 to \$9,036,731.

5. According to the *Feasibility Study for Epsom Central School*, the school “is presently utilized beyond its functional capacity.” Additionally, “most ‘core’ spaces are overcrowded, and some have been eliminated to accommodate the increased number of students and teaching methodology.”

#### D. Application.

1. This section applies to building permits for new residential dwelling units, as well as repair, replacement, reconstruction, or alteration of any existing seasonal dwelling units if the proposed work will convert the unit for year-round occupation.
2. This ordinance does not apply to non-residential building permits for expansion or alteration of existing year-round residential units and their ancillary structures.
3. For the purpose of this ordinance, one (1) building permit shall be required for each dwelling unit (e.g. one permit for a single family home, two permits for a duplex, etc.)

#### E. Indicators of Growth Impact.

The Town of Epsom hereby determines that the presence of any of the following conditions constitutes an indicator of growth. Abutting communities are Allenstown, Chichester, Deerfield, Northwood, Pembroke and Pittsfield.

1. The annual percent increase in building permits for dwelling units in Epsom for the past calendar year exceeds the same combined average of the six (6) abutting communities.
2. The number of public students enrolled or projected for the coming year at the Epsom Central School exceeds ninety percent (90%) of its stated capacity as stated by the Epsom School Board.
3. The annual full value tax rate of Epsom, as reported by the New Hampshire Department of Revenue Administration, exceeds the combined average rate of the six (6) abutting communities for the most recent reporting year.
4. The number of dwelling units of all projects combined for which approval is being sought and the plans have been accepted by the Planning Board, at any time of reporting, if approved could result in conditions defined by either 1., 2., or 3.

F. Administration.

1. Data.

The baseline data for developing housing unit counts in Epsom and in the six (6) abutting communities in the 2000 U.S. Census Summary Tape File 1. Building permits issued by each community are to be used in the Planning Board's annual reporting as described in Section F.2. Below.

2. Annual Reporting.

The Planning Board at its first regular February meeting each year will report on the number of building permits issued for the previous calendar year for all residential dwelling units in Epsom and the six (6) abutting communities. In addition, the Planning Board will report on the overall annual average percent increase in residential dwelling units (based upon building permits issued) for the six (6) abutting communities, as well as Epsom, for the previous calendar year. The Planning Board shall also prepare the analysis of building permit data as required in Section H.1.

In addition, the Planning Board shall report on the status, as appropriate, of any permit limitations currently in place.

All reports prepared by the Planning Board relative to growth management shall remain on file at the Town Office for as long as the reports are in effect.

3. Indicator of Growth Declaration.

The planning Board may, at any time, issue an Indicator of Growth Declaration if it has determined that any of the conditions in Section E exist. In the case of this determination, the Planning Board shall make appropriate findings of fact and notify the Board of Selectmen, the Zoning Compliance Officer, and the general public of that finding by posting a notice in two (2) public places and publishing the notice in a newspaper of general circulation in Epsom.

4. Interim Permit Limitation.

Once an Indicator of Growth Declaration is issued, no building permits as described in Sections D.1., D.2. and D.3. may be approved by the Zoning Compliance Officer until after the hearing in Section G.1. is held and a decision is issued by the Planning Board, as described in Section G.2.

G. Procedures for Permit Limitations.

Following an Indicator of Growth Declaration and formal notification of the declaration as described in Section F.3., the following procedures will be observed:

1. Notice of Permit Limitation.

The Planning Board will publish a Notice of Permit Limitation that delineates the number of permits that will be allowed as calculated in Section H.1. This notice may be combined with the Indicator of Growth Declaration. The Notice of Permit Limitation will also describe the date and location of a public hearing to seek input from the general public. All notices shall be in conformity with the requirements of RSA 675:7.

2. Determination of Action.

After the public hearing in section G.1., the Planning Board shall deliberate and decide whether the Notice of Permit Limitation should be confirmed or not confirmed, and issue its decision. Any decision shall be issued within fifteen (15) days of the issuance of a Notice of Permit Limitation. A confirmed Notice of Permit Limitation shall remain in effect until rescinded by the Planning Board.

3. Annual Review.

The operation of this article shall be reviewed by the Planning Board at its first regular February meeting each year to insure that the annual maximum growth rate has not become inconsistent with Epsom's responsibility and capability of planning, developing and implements the necessary municipal systems and facilities to serve the growing town and to insure that Epsom is assuming its fair share of housing growth.

If it is deemed by the Planning Board that a Notice of Permit Limitation shall be rescinded, the Planning Board shall prepare a Declaration of Growth Indicator, provide appropriate notice of such finding, hold a public hearing and issue a decision following the same process as outlined in Sections H.3., G.1., and G.2.

H. Equitable Allocation of Available Permits.

1. Upon publishing a Notice of Permit Limitation and its confirmation by the Planning Board, the number of building permits available for the calendar year for the Town of Epsom shall be determined by multiplying the previous year's overall average percent increase in building permits in the six (6) towns abutting the Town of Epsom by the Town's housing unit base at the conclusion of the immediate past calendar year. This number shall be rounded up to the next whole number.

The allowable number of building permits available per year shall not be greater than either:



- a. the average number of permits issued in Epsom over the previous five (5) years, or
- b. the average number of permits issued in the six (6) abutting towns over the previous five (5) years.

All numbers shall be rounded up to the next whole number.

2. To ensure equitable distribution of available permits, no partnership, corporation, or other legal entity or its related or affiliated entities, or in the case of real persons, their immediate relatives or persons associated in business, may receive more than twenty percent (20%) of the permits, or permits for seven (7) units whichever is less, available during any given calendar year.
3. In order to be complete, building permit applications must be for lots approved by the Epsom Planning Board and registered in the Merrimack County Registry of Deeds. Lots must meet all applicable state and local regulations.
4. Twenty percent (20%) of the available permits shall be reserved for owners of single lots, that are not part of a subdivision of three (3) lots or more, and are not created within one (1) year from the date of the building permit application.
5. Permits issued shall lapse and be returned to the pool of available permits if construction on the dwelling has not begun within one (1) year. Site preparation work shall not be considered construction. The validity of a permit issued under this paragraph may be renewed in the same manner and under the same terms defined in Article VI.A.6.
6. In the event that more permits are requested than are available, the earlier application shall prevail based upon the date and time of receipt of the completed application at the Town Office. The Zoning Compliance Officer may maintain a waiting list in the event that another permit becomes available during that calendar year, or it can apply to the next calendar year. The waiting list shall not extend beyond the next calendar year.
7. In the event that any available permits for the year are not issued, they shall be carried forward and applied to only the following year's available permits. No more than fifty percent (50%) of a previous year's permits may be carried forward to the next year.

#### I. Exceptions.

1. Proposals for elderly housing may be excluded from this Article upon a finding by the Planning Board that the proposed project does provide such housing and provided said proposed housing complies in all other regards to the Epsom Zoning Ordinance and other applicable regulations.

2. In the event of damage, destruction or demolition of any dwelling, the dwelling may be rebuilt, provided that construction is started within one (1) year of its damage, destruction or demolition and construction is completed within two (2) years.
3. In each September and December in a period of Notice of Permit Limitation, the Planning Board shall review the number of permits issued to date during that calendar year, determine the number of available permits and consider the issuance of additional permits (within the available permits) to applicants that had previously received their maximum number of permits as calculated in Section H.2.

J. Sunset.

This ordinance shall expire at the Annual Town Meeting in 2022 unless re-adopted at that meeting. The Planning Board shall make recommendations as to the necessity and desirability of re-adopting this ordinance prior to said Annual Town Meeting.

## GLOSSARY

Certain words contained in this ordinance shall be defined as follows:

**Accessory Building or Use:** A building or use subordinate and customarily incidental to the main building or use on the same lot.

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

**Agriculture, farm, farming:** Shall have the same meaning as those contained in RSA 21:34-an as amended on July 6, 1999 to be effective on September 4, 1999.

**Appeal:** Required in writing to amend or overturn a decision relative to enforcement of this ordinance.

**Bed and Breakfast Facility:** Shall mean a business which offers temporary overnight accommodations and incidental limited food service to its guests. This does not include group homes, boarding houses, hotels, motels or other places that offer public accommodations.

**Certificate of Occupancy:** Certificate indicating completion of a structure and conformance to the Zoning Ordinance for any structure. Approval required by the Zoning Compliance Officer.

**Community Water:** A water system, serving two (2) or more dwellings, which is not maintained by a municipality.

**Day Care Center:** Care of children for either a full day or any portion thereof, whether or not the service is described as day nursery, nursery school, kindergarten, child development, day care or by any other name for which services are regularly provided for three (3) or more unrelated children.

**Dwelling:** Any structure which is designed and actually used for the purpose of human habitation and overnight accommodation by humans.

**Dwelling Unit:** One (1) room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, living, sanitary and sleeping facilities.

**Elderly Housing:** Any dwelling which is designed for, actually occupied, and used as domiciliary or residence exclusively by persons who have attained the age of 62 years.

**Home Occupation:** Use of a dwelling by the resident owner or tenant for a customary home occupation such as dressmaking, hairdressing, home day care, teaching, or the offices for real estate, insurance, engineer, doctor (other than veterinarian), dentist, architect, lawyer, or other recognized profession similar in scope and impact.

**Lot:** A parcel of land occupied or capable of being occupied for conforming land uses as permitted by this ordinance.

**N.H. Energy Code of 1979:** The implementation of State Law RSA Chapter 155-D. “Energy Conservation in New Buildings”.

**Non-conforming Use:** Any lawful use of a building, structure or land existing at the effective date of the regulations but not conforming to them.

**Public Road:** A public road is a Class V road or better, maintained at the expense of the Town or State on a year round basis.

**Residence, Dwelling:** A structure that is designed or used as a dwelling place for no more than two (2) families.

**Residence, One Family:** A detached or free-standing residence other than a mobile home designed for and occupied by one (1) family only.

**Residence, Two Family:** A residential building designed for or occupied by two (2) families living independently of each other in individual attached dwelling units.

**Residence, Multi-Family:** A residential building designed for three (30 or more dwelling units and/or occupied by three (3) or more families.

**Sanitary System:** Individual waste and sewage disposal system.

**Structure:** Any on-site built, or pre-fabricated built, building attached to the land by physical means or for the purposes of sever disposal, utility access or otherwise, designed to or actually used to accommodate any purpose to include human habitation, storage, domestic animal habitation but not to include anything less than 16 square feet.

**Travel Trailer or Tenting and Camping Trailer:** A vehicular portable structure designed to be used as a temporary dwelling.

**Yard Sales:** A sale whereby the owner or the occupant of the premises offers for sale new, used or pre-owned items. Yard sales include neighborhood yard sales. Such sale or offer for sale may be conducted and take place for up to six (6) days in any calendar year on any single lot of land. The placement of any two (2) individual items to include motor vehicles on any lot of land with the intent to sell the same or offer to sell the same shall not be construed as a yard sale, but is nevertheless a permitted activity for an unlimited number of days so long as it is not in violation of any other ordinances. Automobile dealers as defined by New Hampshire Statutes, however, may not offer for sale, display or actually sell any vehicles on any lots other than the sites approved by the Planning Board as part of a site plan review.

**Yard Setbacks:** Distance from nearest point of building to front, side or rear property lines.

**Reference List of zoning activities that require a permit or license from the Town:**

Board of Selectmen	(BOS)
Board of Adjustment	(BOA)
Zoning Compliance Officer	(ZCO)
Planning Board	(PB)

<u>Document Type</u>	<u>Administrative Official</u>
a) Junkyard Permit (Salvage Permit) (Special Use Permit) (Site Plan Review)	BOS BOA PB
b) Building Permit (Zoning Compliance Permit)	ZCO
c) Driveway Permit	Road Agent
d) Cluster Development (Special Use Permit)	PB

e)	Planned Business Developments (Special Use Permit)	PB
f)	Seasonal Business Permit	ZCO
g)	Sign Permit (Permanent)	ZCO
	Temporary Sign Permit	ZCO
	Off Premise Sign Permit	BOS
h)	Hazardous Waste Permit	BOS
i)	Excavation Permit	BOS
j)	Development Permit (Flood Plain)	BOS & ZCO
k)	Certificate of Occupancy	ZCO
l)	Site Plan Review	PB
m)	Home Occupation Permit	PB

