

THE VILLAGE DISTRICT OF
LITTLE BOAR'S HEAD



ZONING ORDINANCE

2020 REVISION

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**LITTLE BOAR'S HEAD DISTRICT
NORTH HAMPTON, NEW HAMPSHIRE**

By special act of the New Hampshire Legislature (Chapter 26 of the Laws of 1937), approved by the Governor and taking effect on February 17, 1937, this village district was granted the power to enact and enforce zoning regulations. The Zoning Ordinance for Little Boar's Head District was enacted in September of 1937 pursuant to this legislative authority. Subsequently, the ordinance has been amended fourteen times: on September 6, 1949, September 6, 1955, September 4, 1956, September 2, 1958, September 6, 1960, September 5, 1961, September 4, 1962, September 5, 1972, September 5, 1978, September 4, 1990, September 7, 1999, September 5, 2000, September 2, 2003, October 6, 2015, September 6, 2016 and September 1, 2020. Some of these amendments have been abrogated in whole or in part by later ones. This printing gives the Zoning Ordinance its present form, giving full effect to all the amendments to date.

During the winter of 2017/2018, this Ordinance was reviewed and amended in its entirety, the goal of which was only to update and bring clarity to the Ordinance, but NOT to change the meaning or intent. Changes to the ordinance have been done with the intent of preserving the esthetic nature and character of the District.

Commissioners:

Brian Goode, Chair
Robert Hamilton
Margaret Schoenberger

Planning Board Members:

Janet Gorman
David Mahoney
Rob Omberg, Vice-Chair
Scott Truncellito, Chair
Margaret Schoenberger

ZONING ORDINANCE FOR LITTLE BOAR'S HEAD DISTRICT

In pursuance of authority conferred by New Hampshire Revised Statutes Annotated, §674, Section 16, for the purpose of promoting the health, safety, morals, and the general welfare of the community, the following ordinance is hereby enacted by the legislative body of Little Boar's Head District (a village district in the Town of North Hampton, County of Rockingham, and State of New Hampshire).

SECTION I TITLE OF ORDINANCE

This ordinance shall be known as the "Zoning Ordinance for Little Boar's Head District."

SECTION II STRUCTURE OF ZONING ORDINANCE

Zoning Ordinances in New Hampshire are either "Permissive" or "Prohibitory". The Little Boar's Head Zoning Ordinance which pre-dated the 2015 Ordinance was a combination of both, and resulted in confusing, unclear Ordinances. This Ordinance is Permissive; that is, in the absence of a variance or special exception, this ordinance prohibits uses of land unless they are expressly permitted. There are cases where the ordinance also includes language to specifically not allow certain land uses which might otherwise be considered accessory or permitted uses. This language has been maintained in most cases to ensure that the intent of the Ordinance is not lost, except where NH Statutes mandated modification.

SECTION III ESTABLISHMENT OF ZONING DISTRICTS

Little Boar's Head District is hereby divided into the following zoning districts:

- A. **BUSINESS ZONING DISTRICT:** The Business Zoning District shall comprise all land within the area bound southerly by the Hampton town line, westerly by Ocean Boulevard and northerly by the Northern lot line of Lot 010 on the Town of North Hampton Tax Map 001.
- B. **BATHHOUSE ZONING DISTRICT:** The Bathhouse Zoning District shall comprise all land within the area bounded westerly by the Ocean Boulevard, northerly by the southerly edge of the concrete sidewalk at the south end of the State parking area at the bathing beach, easterly by the sea, and southerly by the 10-foot wide strip of land in 1972 of Lillian Kosky, formerly of Felix Viano.
- C. **RESIDENTIAL ZONING DISTRICT:** The Residential Zoning District shall include all land in Little Boar's Head District that is not herein classified as part of the Business Zoning District or Bathhouse Zoning District.
- D. **FISH HOUSE ZONING DISTRICT:** The Fish House District shall include all land and buildings within the area bounded westerly by Ocean Boulevard, northerly by the stone wall, southerly by the northerly edge of the state beach parking area and easterly by the ocean.

SECTION IV BUSINESS ZONING DISTRICT USES

In the Business Zoning District, permitted uses include those uses permitted in the Residential Zoning District and Bathhouse Zoning District; and

One or more of the following specific uses provided that no merchandise is displayed outdoors and provided that the Little Boar's Head Zoning Board of Adjustment shall rule that such use in the given case and location and under conditions specified in the permit therefor is not detrimental, injurious, or offensive to the neighborhood:

- A. Retail store or personal service shop;
- B. Luncheon establishment or restaurant;
- C. Hotel or motel.

SECTION V BATHHOUSE ZONING DISTRICT USES

In the Bathhouse Zoning District, the following uses are permitted:

1. Bathhouse;
2. Boathouse;
3. Accessory use customarily incidental to any of the above permitted uses, provided that they are not detrimental, offensive, or injurious to the neighborhood.

SECTION VI RESIDENTIAL ZONING DISTRICT USES

In the Residential Zoning District, the following uses are permitted:

1. Single-family detached dwelling;
2. Dwelling for the use of two families if it existed at the time this ordinance was adopted in 1937, provided that the Board of Adjustment shall rule as a special exception that the same in such location and under such conditions as are specified in the permit therefor will not be detrimental, injurious, or offensive to the neighborhood;
3. Educational or other cultural use of a temporary nature and not detrimental or offensive to the neighborhood;
4. Farming or agricultural use, including the sale and display of products grown or raised by the occupant on the premises, and provided that such use is neither injurious, offensive, nor detrimental to the neighborhood;
5. Municipal use;
6. Private bathhouse or boathouse;
7. Sale of fish or lobsters caught by occupant of premises where sold;
8. Accessory use as defined in Section XV.

Uses allowed by Special Exception:

1. Any of the following uses, permitted by Special Exception, which must be granted by the Little Boar's Head Zoning Board of Adjustment, provided that the location of the proposed

use, and the conditions under which the use is proposed, is not detrimental, injurious, or offensive to the neighborhood:

- A. Church;
- B. Cemetery;
- C. Educational or other cultural use not of a temporary nature;
- D. Accessory use customarily incidental to any of the above uses;
- E. Home Occupation. A business which is carried out from a residence, where no more than one occupant of the home is engaged in the home occupation and no more than one (1) employee may be engaged in the home occupation, working within the home. The home occupation must be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and shall not change the character thereof. A home occupation is allowed (without the issuance of a permit) or any other action hereunder, in an existing dwelling or accessory structure on the part of an occupant of the dwelling, PROVIDED that the home occupation will involve no more than one exterior sign not to exceed one square foot in area, and will involve no exterior displays, no customers that come to the house to conduct business, products or sales on the premises, no increase in automobile traffic or parking, and no noise, vibration, smoke, dust, odors, heat, glare, or electrical or other disturbance, and the home occupation will not be injurious, offensive, or detrimental to the neighborhood or its residential character, and will be in accordance with the spirit of this Ordinance. In no case shall more than one (1) home occupation be permitted in one home including all accessory buildings on site.

SECTION VI - A FISH HOUSE ZONING DISTRICT USES

Purpose:

To preserve the historic nature of the existing buildings and to ensure that members of the public will be able to continue to pass over the walking trail free from any interference caused by improvements created by the occupants of the existing buildings or from any use which such occupants make of the walking trail.

In the Fish House District, the following uses are permitted:

- 1. Single-family seasonal detached dwelling.
- 2. Private Bathhouse.
- 3. Private Boathouse.
- 4. Accessory use customarily incidental to any of the permitted uses, provided that they are not detrimental, offensive, or injurious to the neighborhood.
- 5. All exterior construction requires a permit pursuant to Section XVI of this Ordinance.

SECTION VII SIGNS, BILLBOARDS, AND OUTDOOR ADVERTISEMENTS

- A. **LIMITATION OF SIGNS:** All forms of signs, billboards, banners, and similar outdoor advertising media, whether illuminated or not, are prohibited, except the following:
1. Signs pertaining to the lease, sale, or use of a lot or building on which placed;
 2. Political advocacy signs and small contractor's signs, none to be over 9 square feet in size. The contractor's sign is to be limited to one per residence, allowed only where the contractor is performing work on the residence, and no such signs to remain for a period longer than the expiration of fifteen months or completion of construction, whichever occurs first.
- B. **SIZE AND NUMBER OF SIGNS:** No sign shall be larger than twelve square feet or project within the limits of a public highway right-of-way. On a lot occupied by a dwelling in the Residential Zoning District there shall not be more than one such sign pertaining to the use of such dwelling or bearing the name or occupation of any occupant or occupants, and no such sign shall be larger than two square feet. In no case shall any sign be internally lit, contain electronic changing copy or flashing lights of any kind.
- C. **LIGHTS AND LIGHTED SIGNS:** No electric or other light, sign, or other object capable of reflecting light, shall be made to throw light across any highway, sidewalk, or neighboring property in such manner as to constitute a glare or traffic hazard.

SECTION VIII AREA REGULATIONS

Building setbacks shall be measured from the property line to the closest building element; roofline, stairway, window projection, cornice, or other ornamental feature.

A. RESIDENTIAL ZONING DISTRICT – SETBACKS

1. **SIDE AND REAR:** Structures shall be located no closer than thirty (30) feet from ANY property line.
2. **FRONT:** Structures shall be located no closer than thirty-five (35) feet from a road surface, however, no building shall be required to be set back more than the average of setbacks of the buildings on the lots directly abutting the lot on either side (a vacant lot or a lot occupied by a building set back more than thirty-five feet being measured at 35'); and provided further that the Little Boar's Head Zoning Board of Adjustment may grant permission for the erection or placing of any building, or part thereof, at such distance less than thirty-five feet from a highway as will not, in the opinion of the Board, cause injury or offense to the neighborhood in circumstances where environmental factors or geographical conditions such as a slope or embankment make it desirable in the opinion of the Board to place such building closer than the requisite thirty-five (35) feet from the highway Right-of-Way.
3. **SHORELAND:** No building, pier, terrace, or other structure in the Residential Zoning District shall be built, placed, or made to extend at any time nearer to mean high water mark on the shore of the Atlantic Ocean than is allowed in the Bathhouse Zoning District.
4. **ACCESSORY USE BUILDING:** A one story building or structure of accessory use, having a footprint of not more than 576 square feet, rising to an interior ceiling height of no more than eight feet , and rising to an exterior height (measured from the average of the unaltered grade prior to any construction to the top of the ridge pole or other topping off structure) of no more than fourteen feet, and not intended for human habitation and not having a septic (waste disposal) system, may be placed within thirty, but not closer than fifteen, feet of a lot line, if following a hearing, it obtains a special exception.

B. BUSINESS ZONING DISTRICT – SETBACKS

1. **SIDE AND REAR:** Structures shall be located no closer than five (5) feet from ANY property line, unless there is a commonly owned (party) wall erected on a property boundary which provides common support to the structures on both sides of the boundary.
2. **FRONT:** Structures shall be located no closer than ten (10) feet from a road Right-of-Way.
3. **SHORELAND:** No building, pier, terrace, or other structure in the Business Zoning District shall be built, placed, or made to extend at any time nearer to mean high water mark on the shore of the Atlantic Ocean than is allowed in the Bathhouse Zoning District.
4. **ACCESSORY USE BUILDING:** A one story building or structure of accessory use, having a footprint of not more than 576 square feet, rising to an interior ceiling height of no more than eight feet , and rising to an exterior height (measured from the average of the unaltered grade prior to any construction to the top of the ridge pole or other topping off structure) of no more than fourteen feet, and not intended for human habitation and not having a septic (waste disposal) system, may be placed within thirty, but not closer than fifteen, feet of a lot line, if following a hearing, it obtains a special exception.

C. BATHHOUSE ZONING DISTRICT – SETBACKS

1. In the Bathhouse Zoning District, no building or part thereof shall be built or placed within thirty feet of the center line of the paved portion of the Ocean Boulevard or at any time any nearer to mean high water mark on the shore of the Atlantic Ocean than the distance to mean high water mark at that time from the northwest face of the existing granite breakwater at its end nearest said Bathhouse Zoning District, or within six feet of any other building; and no pier, terrace, or any other structure shall be placed or made to extend more than twenty feet nearer to high water mark than any building may be built or placed.

D. DEMOLITION REVIEW

1. **PURPOSE:** To support identification, preservation, and documentation of Little Boar's Head historically significant structures, as well as to clarify and formalize landowners' demolition rights. This ordinance therefore establishes time limits for the demolition permitting process and encourages open dialogue for documenting and potentially preserving buildings deemed historically significant. Participation in the demolition review process defined hereunder is voluntary on the part of any property owner seeking a demolition permit.
2. **DEFINITIONS:** As used in this section, the following words or phrases shall have the meanings set forth below, except when the context in which they are used requires a different meaning.
 - i. **BUILDING:** Building is defined as in the International Building Code and the International Residential Code, "any structure used or intended for supporting or sheltering any use or occupancy."
 - ii. **DEMOLITION REVIEW COMMITTEE:** A subcommittee of the Little Boar's Head Commissioners comprised of the three (3) members of the Commission and two (2) alternates appointed by the Chair of the Commissioners.
 - iii. **DEMOLITION:** The act of pulling down, destroying, removing, or razing a building or commencing the work of total or substantial destruction with the intent of completing the same. It is not the intent of this article to include interior destruction which does not alter the exterior appearance of the building or structure.
 - iv. **ZONING COMPLIANCE OFFICER:** For the purposes of this article, this refers to the Zoning Compliance Officer who is authorized to interpret and administer the building and/or zoning codes in the District.
 - v. **APPURTENANCES:** Any element or feature of local historical or cultural significance.
3. **CRITERION:** Any building or part of a building in the Village District will fall under the terms of this article where:
 - i. The building or substantial appurtenances to it are found by the Zoning Compliance Officer to have been constructed more than fifty (50) years before the date of application for a demolition permit.
4. **PROCEDURE:** When an application for a demolition permit, or a building permit involving demolition, or a site plan review involving demolition is made, or a formal written application is submitted to the Zoning Compliance Officer for a determination under this article, the Zoning Compliance Officer will determine whether the building, or section of the building, meets the above criterion. If it does, the Zoning Compliance Officer shall:
 - i. Notify the applicant in writing within five (5) business days of the filing that the demolition must be reviewed before proceeding and that the delay will

not exceed 30 business days from the date of filing to the date on which demolition may begin.

- ii. Forward a copy of the application to each member of the Demolition Review Committee within five (5) business days of the date of filing. Demolition Review Committee must plan their review to be completed within 30 business days from the original date of filing.
- iii. Within five (5) business days of the Demolition Review Committee's receipt of a copy of the demolition application, the Committee shall issue a preliminary recommendation regarding granting a demolition permit.
 1. If the Committee issues a recommendation, in writing, in favor of granting a demolition permit, a demolition permit may be issued without further action by the Committee.
 2. If the Committee issues a recommendation, in writing, against granting a permit for demolition, no permit shall be issued until a more thorough investigation is undertaken and a final written recommendation is provided by the Committee to the Zoning Compliance Officer -- except that in no event shall a permit be delayed more than 30 business days from the original date of filing outlined in Section D.1 above.
- iv. During the review period, the Committee shall meet with the property owner, if the property owner has elected to participate, and conduct such public meeting(s) and investigation(s) as it may determine to be necessary in the formulation of its written recommendation regarding granting a demolition permit. The Committee shall consider the following criteria in its deliberation:
 1. The building, or part of a building, is of such interest or quality that it would meet national, state, or local criteria for designation as a historic, cultural, or architectural landmark.
 2. The building, or part of a building, is of such unusual or uncommon design, texture, or materials that it could not be reproduced or, if it could be reproduced, could be reproduced only with great difficulty and expense.
 3. The building, or part of a building, is of such architectural or historic interest that its removal would be to the detriment of the public interest.
 4. Retention of the building, or part of a building, would help preserve and protect a historic place or area of historic interest in the town.

5. DEMOLITION REVIEW COMMITTEE RESPONSIBILITIES: It is the responsibility of the Demolition Review Committee to:

- i. Make a decision within five (5) business days of receipt of the demolition application as to whether the building might be of historical or architectural significance.
- ii. Notify the District's Zoning Compliance Officer in writing within two (2) business days of decision if the building is found to be not significant and demolition can proceed.

- iii. Notify the District's Zoning Compliance Officer in writing within two (2) business days of decision if the building is found to be potentially historically or architecturally significant.
- iv. Establish a date and location for a public meeting to occur within twelve (12) business days of determination of potential significance. A notice of public meeting shall be posted outside Union Chapel (Willow Avenue) and at the Town of North Hampton's Tax Assessor's office within two (2) business days of decision. A public meeting, if deemed necessary, shall be properly posted and completed within 30 business days from the original date of filing established in Section D.1 above.
- v. Hold the public meeting to hear all public testimony regarding demolition of the building. The applicant or representative of the applicant proposing the demolition shall be invited to attend the public meeting to hear the concerns or alternatives that are proposed by members of the public. Applicant shall be notified by certified mail, return receipt requested.
- vi. Notify the applicant and the Zoning Compliance Officer within two (2) business days following the public meeting that the demolition may proceed if the building is found not to be significant.
- vii. If after the public meeting the Committee determines that the building is significant and its loss potentially detrimental to the community, a meeting shall be held between the Demolition Review Committee and the applicant (or applicant's representative) to discuss alternatives to the demolition. This meeting shall be scheduled within 30 business days from the original date of filing established in D.1 above, unless the applicant agrees in writing to extend the deadline.

6. DEMOLITION:

- i. If no alternatives to demolition have been identified and agreed to by the applicant after the meeting provided for in the preceding Section E.7, the applicant is free to proceed with demolition provided a permit is issued. Prior to demolition, the Demolition Review Committee shall make a good faith effort to photographically document the exterior and, if permitted by the applicant, the interior of the building. The Committee shall also encourage the applicant to salvage significant architectural materials, components, and appurtenances of the building.
- ii. Nothing in this article shall be construed to prevent immediate demolition where the public safety is at stake and the building has been determined by the Zoning Compliance Officer to be a public hazard and demolition is the only viable recourse.

E. LOT SIZE: The minimum Lot Size is 2 acres with 175 feet continuous road frontage on a Class V Highway or better. No dwelling, including its accessory buildings, in any zoning district shall hereafter be built or placed on any lot having less than two (2) acres of land and 175 feet of frontage reserved for use of such dwelling or other structure, its accessory buildings, and the occupants thereof (exclusive of land reserved or used for any building not accessory to such dwelling), provided that one dwelling may be erected or placed on a lot

containing less than two acres but not less than 15,000 square feet of land, or having a frontage of less than 175 but not less than 100 feet, if prior to 1978 there was no existing lawful building occupying over thirty percent of the area of such lot, and the lot was then under single or joint ownership or was then shown on a plan recorded in the Rockingham Registry of Deeds, which plan showed the lot in question as complying with the zoning laws in effect at the time of such recording; and provided further that a lot of less area and/or frontage may be set off or conveyed for the use of an existing dwelling and its accessory buildings located thereon, if the lot in question is shown on a plan recorded in the Rockingham Registry of Deeds and complying with the zoning laws in effect when such plan was recorded.

- F. CONVERSION INTO DWELLING:** No building not in existing use for dwelling purposes shall be converted into or used as a dwelling or as a portion of a dwelling unless it complies with setbacks and is located on a lot having a minimum area of 10,000 square feet of land and a minimum frontage of 80 feet reserved for use of such dwelling, its accessory buildings, and the occupants thereof, exclusive of land reserved or used for any building not accessory to such dwelling.
- G. APPURTENANT OPEN SPACE:** No yard or other open space required for a building by this ordinance shall during the life of such building be occupied or counted as open space for another building.
- H. ACTS OF GOD OR PUBLIC ENEMIES:** Nothing herein shall prevent any existing building or structure that may be removed from its location by an act of God or public enemies from being moved back to its original location.
- I. SIZE AND HEIGHT OF DWELLING:**
1. **SIZE:** NO dwelling in any zoning district shall hereafter be built or located on any lot unless such dwelling has a ground area of at least eight hundred (800) square feet in the case of a dwelling of two or more stories, or a ground area of at least one thousand (1,000) square feet in the case of a one-story dwelling, provided that the Board of Adjustment may authorize the building or location of a seasonal dwelling of smaller size if in the opinion of the Board the same will not be injurious, offensive, or detrimental to the neighborhood.
 2. **HEIGHT:** No building or other structure shall exceed 30 feet in height, measured from the average of the unaltered grade prior to any construction to the top of the roofline; chimneys and antennas not included, with the following exception:
 - i. Up to an additional five feet of height may be allowed as long as the total height, measured in the same manner as described above, shall not exceed 35 feet, and further provided that after a hearing by the Zoning Board of Adjustment it shall be determined by said Board that any such additional height shall not materially and unreasonably block the view from any residence.

J. DOGS AND HOUSEHOLD PETS: Dogs and other household pets are permitted within the District as long as their actions and activities conform to the requirements of this section:

1. Dogs shall be confined within the owner's premises except when on a leash.
2. Owners shall not permit protracted or offensive barking by their dogs. Abutters must be protected from such injurious action.
3. Owners whose animals violate these requirements will be subject to fines for each day of violation in accordance with Section XIII G hereof.

K. WETLAND SETBACKS:

1. On undeveloped lots of record existing as of March 2003 or created subsequently, no septic system, leach field, dwelling, accessory building, structural addition or impermeable surface shall be located within 100 feet of wetlands, as defined in Section XIII; provided that, with respect to any developed or undeveloped lot of record existing prior to March 2003, if the imposition of such 100 foot buffer setback would cause the buildable upland area (i.e., land not within the buffer area) to be less than 16,000 square feet, the buffer zone setback for such lot shall be reduced to 75 feet.
2. Notwithstanding the provisions of subsection 1 above, the construction of additions to and/ or extensions of buildings or other structures shall be allowed within the aforesaid 100-foot wetlands buffer setback if all of the following criteria are satisfied:
 - i. The building or structure to be expanded existed lawfully prior to March 2003 or was constructed subject to a building permit validly issued prior to March 2003.
 - ii. The proposed building or structure conforms to all other applicable ordinance provisions.
 - iii. The footprint of any new addition or extension shall not exceed the greater of 1200 square feet or 25% of the area of the footprint of the heated portion of the existing structure; and such new addition or extension shall not intrude any further into the wetland setback than the heated portion of the existing structure.

L. FILL: In order that the District may protect its ecology, water supply and natural aesthetics, the Planning Board shall use discretion in giving permits to fill any land. No land shall be filled without the consent of the Planning Board if the total amount of fill to be added is more than One Hundred (100) cubic yards in volume. No fill of any kind shall be placed closer than 75 feet from wetlands as defined in Section XIII "Definitions."

SECTION IX NON-CONFORMING USES

- A. NON-CONFORMING USES:** Any lawful building or use of a building or land or part thereof existing at the time of the adoption of this ordinance or any amendment thereto or within one year prior thereto may be continued although such building or use does not conform to the provisions hereof, but no use of any building or land not in conformity with the provisions of this ordinance shall, after having been discontinued for a period of one year (twelve months) or more, be resumed or re-established except in conformity with this ordinance.
- B. NON-CONFORMING STRUCTURES:** Non-conforming structures may be expanded or enlarged pursuant to a special exception provided that the expansion will not increase the non-conforming aspect of the structure, for example a structure which is non-conforming as to the side yard setback cannot encroach further into the side yard setback. If the proposed expansion or enlargement will increase the non-conforming aspect of the structure, then a variance shall be required.
- C. LIMITATION ON RESTORATION OF NON-CONFORMING BUILDING AFTER SUBSTANTIAL DESTRUCTION:** No building or other structure that has been damaged by fire or other causes to the extent of more than three-quarters of its value shall be repaired or rebuilt except in conformity with this ordinance unless so authorized by written permit to be issued as a special exception by the Board of Adjustment; provided that the Board of Adjustment shall not withhold permission to repair or rebuild in the old location and in a manner not repugnant to the spirit of this ordinance any non-conforming building or structure so destroyed or damaged, within a period of one year thereafter, to be put to the same use as, or a use no more injurious or detrimental to the neighborhood than, before.

SECTION X ACCESSORY DWELLING UNITS

Authority: This section is enacted in accordance with the provisions of RSA 674:71 – 73 and RSA 674:21.

- A. Definition: As used in this article, the following term shall have the meaning indicated:
An “Accessory Dwelling Unit” (ADU) means a residential living unit that is within or attached to a single family dwelling and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.
- B. An Accessory Dwelling Unit is permitted only by Special Exception, provided the following criteria are met, and provided that the location of the ADU, and conditions under which its use is proposed, are not detrimental, injurious, or offensive to the neighborhood.
- C. Criteria:
 - 1. An ADU application shall be required to address all the criteria of an approved ADU.
 - 2. A building permit shall be required for an ADU.
 - 3. A maximum of one (1) ADU per lot may be permitted in zoning districts that allow single-family dwellings.
 - 4. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.
 - 5. The ADU shall be attached to the principal dwelling unit. In order to be considered an attached ADU, there must be a common wall between the principal dwelling unit and the ADU. Detached accessory dwelling units are prohibited.
 - 6. An interior door shall be provided between the principal dwelling unit and the ADU.
 - 7. The ADU shall have an independent means of ingress and egress.
 - 8. The ADU shall make provision for adequate water supply and sewage disposal service in compliance with RSA 485-A:38, and regulations adopted by the New Hampshire Department of Environmental Services.
 - 9. The ADU shall be provided with two (2) off-street parking spaces which are not visible from the road and which do not require a curb cut.
 - 10. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property. The owner must demonstrate that one of the units is the owner’s legal, principal dwelling unit.
 - 11. The ADU shall not exceed 750 square feet in habitable floor area.
 - 12. The ADU shall have no more than two (2) bedrooms, with a maximum occupancy of two (2) people per bedroom.
 - 13. The ADU shall maintain an aesthetic continuity with the principal dwelling unit.
 - 14. The ADU shall not be converted to a condominium.
 - 15. The ADU must comply with the same lot setback requirements and lot coverage standards that apply to the principal dwelling unit.
 - 16. The ADU shall not be used for short-term daily or weekly vacation rental space.
 - 17. No more than two (2) persons unrelated by a familial relationship may occupy the ADU at any given time. In cases where the ADU is occupied by the legal owner of the property,

then no more than two (2) persons unrelated by a familial relationship may occupy the principal dwelling unit at any given time.

18. An occupancy permit is required before an ADU can be occupied.

SECTION XI MOTOR HOMES / TRAVEL TRAILERS, MANUFACTURED HOUSING, OPEN STORAGE, AND AIRCRAFT

A. MOTOR HOMES, TRAVEL TRAILERS: No motor home or travel trailer shall be used as a dwelling unit, nor shall be parked on any property unless approved in writing by the Village District Zoning Inspectors for up to ten (10) days in a temporary location and for a temporary purpose found by said Village District Zoning Inspectors to be neither injurious, detrimental, nor offensive to the neighborhood.

B. MANUFACTURED HOUSING: Pursuant to NHRSA §674:32, there shall be no prohibition against the siting of a manufactured home on any lot in the District, provided, however, that all local, State and Federal Building Codes are complied with.

C. OPEN STORAGE:

1. Except as provided in subsections 2 and 3 below, no open storage for a period exceeding five (5) days of any man-made material except for lobster pots, fishing nets, and their accessory buoys, ropes, and similar necessary gear and except for the parking or open storage for a period exceeding five (5) days, of any boat, mobile or motor home, bus, camper, travel trailer or other trailer, for use on land, water, or in the air, other than licensed passenger motor vehicles (excluding buses) and/or not more than one (1) licensed light truck (of not more than 8,100 pounds GVW) per house lot, shall be permitted in any location in this village district that is:
 - i. Any closer to the highway Right of Way (or in the case of a vacant lot, the setback from such highway required for buildings or structures other than ones of accessory use) than the lesser of (1) such setback so required, and (2) the distance from such highway of the nearest existing dwelling or other structure on the lot on which any man-made material or other object is stored, parked, or placed; or
 - ii. Any nearer the limits of any lot line (in the case of a vacant lot, the setback from such lot line required for buildings or structures of accessory use) than the lesser of the requisite setback or the distance from the lot line of the nearest existing dwelling or other structure on the lot on which the man-made material or other object is stored, parked, or placed; or
 - iii. Offensive, injurious, or detrimental to the neighborhood, whether by reason of the particular nature of the material or object(s) or by reason of the location thereof, in the light of circumstances peculiar to a particular location, or otherwise.
2. The provisions hereof shall not apply to boats or boat trailers drawn up on shore, or to lobster pots, nets, and accessory equipment on, or directly adjacent to, the beach.
3. Notwithstanding the provisions of Section IX C1, the Zoning Board of Adjustment may, as a Special Exception, allow the occupant of any premises in this Village District to

store a boat in the open in a location otherwise prohibited by this Section and for a period of time deemed acceptable by the Board, if it is determined by the Board, after a hearing, that the boat cannot practicably be stored on such premises in a location allowed under Section IX C 1 and if it is further determined by the Board that such storage, taking into account the size of the boat and such other factors as the Board may deem relevant, shall not unreasonably interfere with the view from any affected residence nor otherwise be offensive, injurious or detrimental to the neighborhood.

- D. SANITARY FACILITIES:** No motor home, camper, trailer, R/V, travel trailer, boat or other conveyance shall be connected with water or sanitary facilities or be occupied as a dwelling while being parked or stored in this Village District, and no wastewater or sewage therefrom shall be emptied into any highway, parking lot, or wetland area in this Village District.
- E. AIRCRAFT LANDING AND TAKE OFFS:** In accordance with NHRSA §674:16 V. except in emergency situations, aircraft shall not be permitted to take-off or land within the Little Boar's Head Village District.

SECTION XII SEWAGE

No raw or untreated sewage, no effluent of a septic tank or system, shall be discharged into the ocean, or into a pipe leading to the ocean, or into any storm drain, or into any river, stream, marsh, bog or wetland within this Village District.

SECTION XIII WATER, EXCAVATIONS

No water, gravel, sand, clay, loam, rocks, stones, or soil of any sort shall be removed from this Village District, whether by pipes, tanks, boats, trucks or other conveyances, and whether above or below ground level, unless:

- A. The excavation is necessary and incidental to the construction of a building for which a Building permit has been issued by the District Zoning Inspector; or
- B. The excavation is permitted by the Village District Zoning Inspectors under special circumstances making such removal desirable for the public welfare and not injurious, detrimental, or offensive to the neighborhood.
- C. Groundwater is being removed from the District via water mains owned by Aquarion Water Company (or their successors) of water derived from sources outside the District.

SECTION XIV FLOODPLAIN MANAGEMENT ORDINANCE

A. PURPOSE

Certain areas of the Little Boar's Head District, New Hampshire are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Little Boar's Head District, New Hampshire has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance.

B. ESTABLISHMENT

This ordinance adopted pursuant to the authority of NH RSA 674:16, shall be known as the Little Boar's Head District Floodplain Management Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Zoning Ordinance for Little Boar's Head District and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provisions 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 Rockingham County NH dated May 17, 2005, or as amended" together with the associated Flood Insurance Rate Maps dated May 17, 2005, which are declared to be a part of this ordinance and are hereby incorporated by reference.

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 Little Boar's Head District.

1. **Area of Shallow Flooding** means a Zone AO on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet-flow.

2. **Base Flood** means the flood having a one-percent possibility of being equaled or exceeded in any given year.
3. **Basement** means any area of a building having its floor subgrade on all sides.
4. **Building** - see "structure".
5. **Breakaway wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.
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, excavating 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 areas from:
 - a. the overflow of inland or tidal waters, or
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
9. **Flood Insurance Rate Map (FIRM)** means the 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 community.
10. **Flood Insurance 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.
11. **Floodplain or Flood-prone area** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").
12. **Flood proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.
13. **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.

14. **Functionally dependent use** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.
15. **Highest adjacent grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
16. **Historic Structure** means any structure that is:
- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 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.
17. **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 lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
18. **Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.
19. **Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
20. **Mean sea level** means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

21. **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. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
22. **Recreational Vehicle** is defined as:
- a. built on a single chassis;
 - b. 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.
23. **Special flood hazard area** is the land in the floodplain subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones AE, AO, or VE.
24. **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 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.
25. **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.
26. **Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

27. **Substantial Improvement** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent 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 case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that 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."

28. **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 under this ordinance is presumed to be in violation until such time as that documentation is provided.

D. PERMITS

1. All proposed development in any special flood hazard area shall require a permit from the Zoning Inspector. 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, excavating or drilling operation or storage of equipment or materials.
2. The Zoning Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

E. CONSTRUCTION REQUIREMENTS

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

- a. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. be constructed with materials resistant to flood damage;
- c. be constructed by methods and practices that minimize flood damages; and
- d. 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.

F. WATER AND SEWER SYSTEMS

1. 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 Zoning Inspector with assurance that:
 - a. these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
 - b. on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

G. CERTIFICATION

1. For all new construction or substantially improved structures located in Zones AE and AO the application shall furnish the following information to the Zoning Inspector:
 - a. The as-built elevation (in relation to mean sea level) of the lowest floor (including basement) and include whether or not the structure contains a basement.
 - b. If the non-residential structure has been flood proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood proofed and any certification of flood proofing.
2. For all new construction or substantially improved structures located in Zone VE, the applicant shall furnish the following information to the Zoning Inspector:
 - a. The as-built elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) and include whether or not the structure contains a basement.
3. The Zoning Inspector shall maintain the above information for public inspection and shall furnish it on request.

H. WATERCOURSES

1. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Zoning Inspector, 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 Zoning Inspector, including notice of all scheduled hearings before the Wetlands Board.
2. The applicant shall submit to the Zoning Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated 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 more than one foot at any point within the community.

I. BASE FLOOD ELEVATION DETERMINATION

1. In special flood hazard areas the Zoning Inspector shall determine the base flood elevation in the following order of precedence according to the data available:
 - a. In Zones AE and VE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
 - b. In Zone AO the flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM at least 2 feet.

J. STRUCTURES

1. The Zoning Inspector's base flood elevation determination will be used as criteria for requiring in Zones AE and AO that:
 - a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation.

- b. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the base flood elevation; or together with attendant utility and sanitary facilities, shall:
 - i. be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the 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.
2. Proposed structures to be located on slopes in Zone AO shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.

K. MANUFACTURED HOMES AND RECREATIONAL VEHICLES

1. All manufactured homes to be placed or substantially improved within Zones AE and AO shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
2. Recreational vehicles placed on sites within Zone AE shall either:
 - a. be on the site for fewer than 180 days;
 - b. be fully licensed and ready for highway use; or
 - c. meet all standards of this ordinance and the elevation and anchoring requirements for "manufactured homes" in this ordinance.

L. ENCLOSURES BELOW BASE FLOOD ELEVATION

1. For all new construction and substantial improvements in Zones AE and AO, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
 - a. The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage.
 - b. The area is not a basement.
 - c. The area 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:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one-foot above grade.
- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

M. COASTAL HIGH HAZARD AREAS

The following regulations shall apply to all new construction and substantial improvements to structures including all manufactured homes placed or substantially improved and recreational vehicles located in coastal high hazard areas, designated as Zone VE.

1. All new construction or substantial improvements are to be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation;
 - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
2. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.
3. The space below the lowest floor must be free of obstructions or constructed with non-supporting breakaway walls, open latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Such enclosed space shall be usable solely for the parking of vehicles, building access, or storage.
4. The use of fill for the structural support of buildings is prohibited.
5. Man-made alterations of sand dunes which would increase potential flood damage is prohibited.

6. All new construction or substantial improvements within Zone VE shall be located landward of the reach of mean high tide.
7. All recreational vehicles placed on sites within Zone VE shall either:
 - a. be on the site for fewer than 180 days;
 - b. be fully licensed and ready for highway use; or
 - c. meet all standards of this ordinance and the elevation and anchoring requirements for "manufactured homes" in this ordinance.

N. VARIANCES AND APPEALS

1. Any order, requirement, decision or determination of the Zoning Inspector made under this ordinance may be appealed to the 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 that:
 - a. The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 - b. 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. The variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Board of Adjustment shall notify the applicant in writing that:
 - a. The issuance of a variance to construct below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage.
 - b. Such construction below the base flood elevation 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.

O. ENFORCEMENT

It shall be the duty of the Zoning Officer (or their designee) to enforce and administer the provisions of this Ordinance in accordance with RSA 676.

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SECTION I - AUTHORITY

Pursuant to the authority vested in the Little Boars Head Planning Board (“Planning Board”) by the voters of the Village District of Little Boars Head (“Village District”) at the Annual Village District Meeting and to the authority granted to the Planning Board under Chapter 674:35-42 of the Revised Statutes Annotated of New Hampshire of 1995, as amended, the Planning Board hereby adopts the following regulations governing the subdivision of land in LBH.

These regulations shall be known, and may be cited as, the "Village District Subdivision Regulations," hereinafter referred to as “Subdivision Regulations." The current set of Regulations takes effect upon adoption by the Board and filing with the Town Clerk in accordance with RSA 675:6. A copy shall also be filed with the New Hampshire Office of State Planning in accordance with RSA 675:9.

SECTION II - PURPOSE AND INTENT

The purpose of these regulations is to provide for Planning Board review and approval or disapproval of all subdivision, consolidation, lot line adjustment, and easement plans (and

subsequent revisions thereto). It is the intent of the Planning Board to provide for the orderly present and future development of the Village District, thereby promoting the public health, safety, convenience and welfare of the residents. The provisions in these regulations shall be administered to ensure orderly growth and development and are intended to promote the goals and policies of the Village District Master Plan. The Planning Board specifically adopts the provisions of New Hampshire Revised Statutes Annotated, Chapter 674:36, and it is the stated purpose of these regulations to provide against such scattered or premature subdivision of land as would create danger or injury to health, safety, or welfare by reason of the lack of water supply, drainage, transportation, schools, fire department or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. It is the intent of the Planning Board to promote the utilization of sound planning practice and development standards.

SECTION III - DEFINITIONS

In general, words and terms used in these Regulations shall have their customary dictionary meanings. Certain words used herein are defined as follows and are in addition to those outlined in the Village District Zoning Ordinance:

Abutter: means a person as defined in RSA 672:3, as amended.

Applicant: means the owner of record of the land to be subdivided or the duly authorized agent of any such owner.

Board: means the Planning Board of the Village District.

Certified Soil Scientist: means a person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

Community Wastewater System: means a non-municipal wastewater supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

Commissioners: means the Commissioners of the Village District.

Community Water Supply: means a non-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year-round, or that has at least fifteen (15) service connections.

Completed Application: means the application form and supporting documents, as specified in these Regulations, which contain all the information the Planning Board needs to review a subdivision proposal and make an informed decision.

Cul-de-sac: means a local street with only a single means of ingress and egress and having a turnaround at the end.

Development: means the construction of improvements on a tract or tracts of land which shall include the enlargement of the structure or physical changes to the site to accommodate the intended use.

Engineer: means a person licensed in accordance with RSA 310-A:2-27, as amended.

Improvement: means all structures, appurtenances, or additions to the site whether above or below the surface of the land, and including but not limited to buildings, construction of any kind, site grading, landscaping, street construction, utilities (including water, sewer, electric, gas, storm drainage), whether proposed by the developer, or required by the Board under these Regulations.

Lot Line Adjustment: means the change of boundary lines between abutting parcels that does not result in the creation of any new building lots.

Planning Board Agent: means the planning consultant, official, recording agent, or other person(s) assigned by the Board to perform plan review and other such duties.

Plat: means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Village District Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Rockingham County for recording.

Street: means, relates to and includes street, right of way, avenue, boulevard, road, lane, viaduct, highway, freeway, and other ways.

Subdivision: means the division of the lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-division and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

Surveyor: means a person licensed in accordance with RSA 310-A:53, as amended.

Town Engineer: means a duly designated engineer of the Town of North Hampton, or if there is no such official, the planning consultant or official assigned by the Village District Planning Board.

SECTION IV _ JURISDICTION

The provisions of these regulations shall apply to all land within the boundaries of the Village District .

A. Subdivisions

Any person proposing to subdivide land in the Village District must apply to the Planning Board for approval of such subdivision.

A subdivision application must be made and approved before any offer to sell, rent or lease a proposed subdivision or part thereof, before any construction, land clearing or building

development is begun, before any permit for the erection of any building may be granted, and before a subdivision plat may be filed with the Rockingham County Registry of Deeds.

B. Permits

No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations until a copy of an approved subdivision plat has been presented by the applicant to the Building Inspector.

C. Approval Required

Prior to land clearing, excavation, site preparation, construction or any other such activity may begin on a site, and before any permit for such activities may be issued, final approval of the Subdivision is required as evidenced by the recording of the approved plan(s) at the Rockingham County of Registry of Deeds. All activity on the site shall be performed in accordance with the approval.

SECTION V - GENERAL PROVISIONS

A. Compliance with Other Regulations

The subdivision procedure in no way relieves the applicant from compliance with or approval under the provisions of the Village District's Zoning Ordinance, Site Plan Review Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed development. No subdivision plan will be approved unless it is in compliance with all pertinent ordinances and regulations.

B. Minimum Not Maximum

These Regulations shall be interpreted as MINIMUM REQUIREMENTS and compliance with these minimum requirements in no way obligates the Planning Board to approve any particular application solely on that basis. The Planning Board will fully consider all aspects of an application before rendering its decision. This will include study of all subdivision design and technical aspects of the proposal as well as consideration of the impact of the development on resources, on local traffic patterns and on available public utilities, services, and municipal resources. Only after the Planning Board has fully satisfied itself that the proposed project is in the interest of public health, safety, welfare or prosperity, will the application be approved.

C. Suitability of Land

1. Land unsuitable for development due to the presence of poorly drained soils, flood hazard, steep slopes or other conditions constituting a danger to health, safety or the environment or contrary to the purposes of this Ordinance and the Master Plan shall not be approved for development unless the applicant presents satisfactory evidence or data to the Planning Board, establishing that the methods proposed to overcome any such conditions are adequate.
2. The Planning Board, in its discretion, will not approve such scattered or premature developments as would make danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewerage, transportation, or other public services or necessitate an excessive expenditure of public funds for the supply of such services.

D. Review Standards

In reviewing subdivision plans, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the general public, and shall ensure that proposed development does not have a detrimental effect on the abutters, the neighborhood, and the environment of the Town.

E. Off-Site Improvements

Pursuant to RSA 674:36, III, the Planning Board may require special improvements on or off-site, which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular subdivision. Any such special requirements shall be stated in writing in the minutes of the Planning Board with the reasons therefore. The Planning Board may require either that the applicant construct the improvements in whole or in part, or reimburse the municipality or any other party who, at the direction of the municipality, undertakes such improvements. The applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the subdivision, taking into consideration the municipality's ability to pay for such improvements. The Planning Board may require the posting of a suitable performance security, as outlined in Section IX-E, to ensure that all off-site improvements are completed.

F. Other General Provisions

1. Whenever any subdivision of land or buildings is proposed, the owner thereof, or his agent, shall apply in writing to the Planning Board for approval. Application for subdivision shall be on forms supplied by the Village District. The application shall conform to these regulations. If the applicant is not the landowner, the applicant shall provide the Planning Board with written authorization from the owner to appear on his behalf.

2. In acting upon any subdivision plan, the Planning Board shall refer to and take into consideration the recommendations of the Planning Board Agent, Building Inspector, Highway Agent, Fire Department, Police Department, Conservation Commission, School Board and any other town agencies or outside specialists with which the Board consults.
3. Minor lot line adjustments or boundary agreements which do not create additional lots or increase the development potential of a lot require subdivision application and approval in the same manner as ordinary subdivisions, except that a public hearing shall not be required. However, notice to abutters shall be given prior to approval and any abutter may be heard on the application upon request. (RSA 676:4 I (e))
4. No subdivided property shall be transferred nor any contract for sale, lease or rental executed, and no structure erected before a plat of the subdivision has been approved by the Planning Board, and recorded at the Rockingham County Registry of Deeds. In accordance with RSA 676:16, as amended, the transfer or sale of any lot in an unapproved subdivision will be enjoined by the Village District and subject to a civil penalty of \$1,000.00 for each lot or parcel so transferred or sold.
5. If a plan is withdrawn prior to having notification for the public hearing, no further action is required by the Planning Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Planning Board files.
6. Approval of the plan by the Planning Board shall not constitute an acceptance by the Village District of the dedication of any proposed street, highway, park or other public open space.

SECTION VI - PROCEDURES FOR SUBDIVISION REVIEW

A. Pre-application Review

The Planning Board provides for an optional pre-application review of subdivision plats in accordance with RSA 676:4, II, as follows:

1. Preliminary Consultation Phase

A preliminary consultation and review on applications shall not bind either the applicant or the Planning Board. The preliminary consultation may include, but is not limited to, discussions of the proposal in general terms to include the desirability of the development and the development's relationship to the Master Plan. Preliminary consultation may occur without the necessity of giving formal public notice as required by RSA 676:4 I (d), but must occur only at formal meetings of the Planning Board. The applicant shall submit an application to be placed on a meeting agenda in accordance with the application and information submittal deadline schedule adopted by the Planning Board. Review beyond such conceptual and general discussion may proceed only after identification of, and notice to, abutters and the general public as required by Section VI-D. In a preliminary consultation, the application may present a rough sketch or other information useful in defining the general scope and concept of the subdivision including how the land will be divided. The

Planning Board may make suggestions to assist the applicant in preparing the formal application and in resolving problems foreseen with meeting subdivision requirements or other applicable regulations of the Town.

2. Design Review Phase

The optional design review phase on applications is beyond a preliminary consultation and involves more specific design and engineering details. Such review shall not bind either the applicant or the Planning Board. The design review phase may proceed only after notice to abutters and the general public as provided for in Section VI-D of these regulations. The applicant shall submit a completed application form, a check for the filing fee, an abutter's list, and a preliminary plan in accordance with the application and information submittal deadline schedule adopted by the Planning Board.

The purpose of the Design Review is to familiarize the Planning Board with the basic concept of the proposed subdivision and to:

- a. acquaint the potential applicant with the formal application process and particular information that the Planning Board may request;
- b. to suggest methods for resolving possible problems in the development, design and layout;
- c. to make the potential applicant aware of any Master Plan recommendations applicable to the site; and,
- d. to acquaint abutters with the proposed subdivision.

If the applicant wishes to proceed beyond the design review phase, a public hearing for the final subdivision plan must be held.

B. Formal Application

1. Application for approval of the final subdivision plan should be filed with the Planning Board by the applicant or his agent in writing on forms provided by the Village District in accordance with the application and information submittal deadline schedule adopted by the Planning Board, which ensures that there is adequate time to legally notice the application in accordance with the requirements of RSA 676:4.
2. The Planning Board shall within 30 days following the delivery of the application, in accordance with the requirements of RSA 676:4, determine if a submitted application is complete according to the Planning Board's regulations, as outlined in Subdivision Regulations Section VIII, and shall vote upon its acceptance. Upon determination by the Planning Board that a submitted application is incomplete according to the Planning Board's regulations, the Planning Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete.

3. A completed application will be submitted to and accepted for consideration by the Planning Board only at a Public Meeting for which notice has been given to the applicant, abutters and the general public.
4. The Planning Board may not consider or may deny applications without a public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations.

C. Public Notices

1. Notice of the design review phase or submission of a Completed Application shall be given by the Planning Board to the abutters and the Applicant by certified mail, mailed at least ten (10) days prior to the meeting at which the application will be submitted.
2. The public will be given notice at the same time, by posting at the Town Offices and Union Chapel and publication in a local newspaper.
3. The notice shall give the date, time, and place of the Planning Board meeting at which the Application or other item(s) will be formally submitted to the Planning Board, shall include a general description of the proposal which is to be considered and shall identify the Applicant and the location of the proposal.
4. If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session were made known at the prior meeting.

D. Planning Board Action on Completed Application

1. Upon determination by the Planning Board that a submitted application is complete according to the Planning Board's regulations, the Planning Board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver.
2. The Planning Board may apply to the Commissioners for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Planning Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
3. Upon failure of the Planning Board to approve, conditionally approve, or disapprove the application, the Commissioners shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within thirty (30) days per RSA 676:4, I, (c)(1). If the Planning Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Commissioners shall certify on the applicant's subdivision application that the plat is approved, unless within those forty (40) days the Commissioners have identified in writing a specific provision of the Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Such certification by the Commissioners of the foregoing shall

constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

4. If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant within 5 business days of such vote.
5. The Planning Board shall have the right, before final approval on a subdivision is granted, to determine what constitutes “active and substantial development” in relation to the application under review. By doing so, on a case by case basis, the Planning Board establishes the threshold of development necessary to vest the applicant under the provisions of RSA 674:39, Five-Year Exemption. In the event the Planning Board does not make a specific determination regarding “active and substantial development” at the time of approval, completion of the infrastructure of the approved subdivision shall constitute “active and substantial development.”

E. Conditional Approval

1. The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Planning Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:
 - a. Minor plan changes whether or not imposed by the Planning Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
 - b. Conditions which are in themselves administrative, and which involve no discretionary judgment on the part of the Planning Board; or
 - c. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, provided said permits and approvals themselves have not required a change to the Plat submitted to the Planning Board or to any other conditions imposed by the Planning Board. All other conditions shall require a hearing and notice to abutters and the public.
2. The applicant shall have one year to comply with the conditions of approval and to have the plan signed by the Board. During this first year the conditionally approved plans are exempt from changes in the zoning ordinance or subdivision and site plan review regulations.
 - a. If the conditions are not met within one year, the conditional approval shall lapse, unless granted a one-year extension by the Board prior to the expiration date.
 - b. Requests for a one-year extension described above (VI.E.2.a) shall be made in writing and submitted to the Board with sufficient time prior to the expiration date, for the request to be properly posted for a public hearing. The applicant or its designee shall appear at the meeting at which the Planning Board may consider the request for an extension.

- c. The Board shall have the option of holding a public hearing, with notice to abutters and the public as required in Section VI.D if the Board determines that conditions have changed appreciably.
- d. Conditionally approved plans that are granted extensions shall not be exempt from amendments to the zoning ordinance, site plan regulations or subdivision regulations that occur after the original expiration date set one year after the conditional approval.
- e. Only one (1) one-year extension may be granted. The Planning Board may grant additional exceptions as it deems appropriate.
- f. The Board shall have the authority to deny a request for an extension to a conditionally approved plan if the applicant cannot comply with the conditions.

F. Final Approval of Subdivision Plats

Subdivision plats shall be deemed to have received final approval if, and only if, all of the following items have been met:

1. all conditions of approval have been met,
2. the subdivision plat has been signed by the Planning Board, and
3. the subdivision plat has been recorded at the Rockingham County Registry of Deeds.

G. Validity of Approved Subdivision Plats

In accordance with RSA 674:39, all subdivision plats that are approved and signed by the Planning Board and recorded shall be exempt from all subsequent changes in site plan review regulations and zoning ordinances except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 5 years after the date of approval provided that:

1. active and substantial development or building in accordance with the approved site plan has begun on the site within 24 months after the date of approval,
2. development remains in full compliance with the public health regulations and ordinances, and
3. at the time of approval and recording, the site plan conformed to the site plan review regulations and zoning ordinances then in effect at the location of such site plan.

H. Revocation of Approved Subdivision Plats

All subdivision plats that are approved and signed by the Planning Board and recorded may be revoked per the conditions and circumstances stated in RSA 676:4-a.

I. Written Decisions

1. The Planning Board shall issue a final written decision of their action to approve, conditionally approve, or disapprove the completed application. If the application is conditionally approved, the Board shall list the conditions necessary to be met by the applicant prior to final approval.
2. In accordance with RSA 676:3, if the application is not approved, the Planning Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Planning Board's office and shall be made available for public inspection within 5 business days of such vote.

J. Recording and Filing of Plats

1. No subdivision plat shall be filed or recorded until it has been approved by the Planning Board and all outstanding fees have been paid by the applicant. Approved plans shall be endorsed in writing on the plat with the signature of the Chairman of the Board or the acting Chairman as directed by a majority of the Planning Board.
2. The approved plat will be registered at the Rockingham County Registry of Deeds by the Planning Board at a fee equal to the fee schedule of the Register of Deeds plus an administrative fee of \$150.00.

K. Rules for Conducting Hearings

The Planning Board has adopted rules of procedure in accordance with RSA 676:1 and they are available at the Town Hall.

L. Developments of Regional Impact

In accordance with RSA 36:54-58, the Planning Board shall review all subdivision plans to determine if they have regional impact and shall follow the notification procedures required in RSA 36:57.

M. Land Affected by Municipal Boundaries

In the case where an owner of contiguous land which is located in more than one municipality applies to the Board for subdivision the proceedings will be done in conformance with the standards outlined in RSA 674:53, Land Affected by Municipal Boundaries.

SECTION VII - FEES

A. Application Fees

The applicant(s) shall pay an application fee to cover the costs of the hearing, posting, publishing and mailing of notices and site inspections. The Planning Board shall determine these fees not less than annually, and a schedule of current fees shall be available from the Planning and Zoning Administrator in the Town Office.

B. Other Fees

Reasonable fees in addition to those above may be imposed by the Planning Board to cover its administrative expenses and costs of any special investigative studies, review of documents, and other matters which may be required by particular application.

SECTION VIII - COMPLETED APPLICATION REQUIREMENTS

A. Submission Requirements

The following information is required on the subdivision plan or as part of the submission package in order for the application to be considered complete:

1. Application: A completely filled out and signed application form, which may be obtained in the Town Office.

All application documents, plans, supporting documentation and other materials shall also be provided in digital Portable Document Format (PDF), one file for each plan. Digitally submitted files are in addition to and do not replace any current submission requirements. Digital files shall be complete and exact copies of the corresponding paper submittals (e.g., plans shall be at the same scale and sheet size as the paper copies).

Applicants may submit additional digital files to assist in presentations at public hearings, but such additional digital files shall not be considered part of the application unless corresponding paper documents are also provided. This digital format will be kept in the Planning Board's digital files and may be used to send plans to Planning Board Members, abutters, peer review engineers, and all other interested parties.

2. Abutter's List: On a separate sheet of paper, a list of the names and mailing addresses of all abutters, the owner(s) of record (and applicant, if different), obtained from the Town records not more than five (5) days before submitting the application, and any engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plan.

3. Fee: A check made payable to the Village District of Little Boar's Head equal to the fee required in Section VII- A.
4. Plan: Applicants shall submit fourteen (14) paper copies of the subdivision plan in the format required by Section VIII-B.
5. Approvals: Applicants shall submit evidence of prior and current approval by the Village District Zoning Board of Adjustment if requisite.

B. Plan Format and Information Required

1. Sheet size which conforms to the requirements of the Registry of Deeds of Rockingham County for filing. These sheet sizes are: 8.5" x 11"; 11" x 17"; 17" x 22"; 22" x 34".
2. Abutters must be indicated on any plan submitted, showing their location in relation to the proposed site plan.
3. Scale should be not more than 1" = 80' (one inch = 80 feet).
4. Proposed subdivision plan name or identifying title.
5. Correct current names of owner(s) of record (and applicant, if different).
6. Date, north arrow, location (locus) map.
7. Name, license number, signature(s), and seal of the N.H. registered land surveyor, and engineer, if applicable.
8. Tax map and parcel number(s).
9. Zoning (including overlay) district references.
10. Endorsement block for approval by the Planning Board.
11. Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to by a professional surveyor licensed in New Hampshire.
12. Title and deed references.
13. All easements and rights of way.

14. The plat should list all variances and special exceptions granted by the Village District Zoning Board of Adjustment for the parcel involved and the dates granted.
15. Existing and proposed topographic contour boundaries at two (2) foot intervals.
16. Natural features such as water courses, ponds, wetlands, and appropriate setbacks, 100-year flood elevation contour, rock ledges, tree lines and other essential features which are significant to the site design process.
17. Existing and proposed streets, driveways, parking, pavement and buildings.
18. The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage disposal facilities, gas lines, power lines, telephone lines, cable lines, fire alarm connection, and other utilities.
19. Where the topography is such as to make difficult the inclusion of any facilities mentioned above, within the public area so laid out, the plat shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than ten (10) feet in width and shall have satisfactory access to existing or proposed public ways.
20. Stormwater drainage control plan, including location of catch basins, culverts and drains; method of storage and disposal; and calculations of volume and frequency of run-off.
21. Location of existing and proposed fire hydrants, street lighting, and fencing.
22. Where the plat submitted covers a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street systems of the part not submitted. Approval of the submitted area does not guarantee approval of the unsubmitted area.
23. Designs of any bridges or culverts which may be required.
24. The centerline of all streets shall be shown on the plan together with the centerline stationing. The stationing shall show all points of curvature and all points of tangency so that at a later date independent engineers may accurately lay out all the highways within the subdivision and check their work without any reference other than the recorded plan.
25. Location and results of test pits and percolation tests and location of primary and secondary leach bed sites as required by N.H. Department of Environmental Services (NH DES).

C. State and Federal Permits Required as Applicable

The following state or federal permits may be required as applicable:

1. N.H. Department of Environmental Services (NHDES) subdivision approval.
2. N.H. Wetlands Board "Dredge & Fill" permit.
3. N.H. Department of Transportation driveway access permit.
4. N.H. Department of Environmental Services (NHDES) Major Alteration Permit (RSA 485:17).
5. Any other State or Federal permits required.

D. Local Items Required as Applicable

The following studies or plans may be required by the Planning Board, as applicable:

1. Traffic impact analysis, as outlined in Section IX-C.
2. Soil erosion and sedimentation control plan, as outlined in Section IX-B.
3. High Intensity Soil Mapping, including the seal of the licensed Soil Scientist.
4. Wetland Conservation District Conditional Use Permit.
5. Environmental Impact Analysis, per Section XI.
6. Any other applicable local permit required.

SECTION IX - REQUIREMENTS FOR THE SUBDIVISION OF LAND

The subdivider shall observe the following general requirements and principles of land subdivision:

A. General Requirements

1. The creation of reserve strips of land shall not be permitted. Reserve strips are land which, in the opinion of the Planning Board, show an intent on the part of the subdivider to control access to land which has been or is proposed to be dedicated to public use for a street or open space.
2. All utilities, including telephone and electric, shall be underground.
3. The Planning Board may make a visual on-site inspection of any proposed subdivision at any stage of the proposal, after prior arrangements are made with the applicant or land owner. Inspection is to be at such

time when the site is free of snow cover, unless the Planning Board is otherwise satisfied that such inspection is not required.

4. Approval of the plan by the Planning Board shall not constitute an acceptance by the Village District of any proposed street, highway, park or other public open space.
5. The proposed subdivision shall conform to the Village District Zoning Ordinance, Master Plan, and other pertinent federal, state and local laws or regulations.
6. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, until appropriate measures have been taken by the owner or his agent to lessen such hazards.

B. Erosion and Sediment Control Regulations

1. The Planning Board may require the submission of an erosion and sediment control plan for the purpose of controlling soil erosion and sedimentation in surface water resulting from site construction and development. In determining if a plan is required, the Planning Board shall consider the potential impact of the project and ascertain if any of the following conditions are proposed:
 - a. A cumulative disturbed area exceeding 20,000 square feet;
 - b. Construction of a street or road;
 - c. A subdivision of three or more buildable lots.
 - d. Disturbed critical areas.
2. The following standards shall be applied in planning for erosion and sediment controls:
 - a. All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" as amended and adopted by the Rockingham County Conservation District.
 - b. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.
 - c. Appropriate control measures shall be installed prior to removal of vegetation.
 - d. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than thirty (30) days shall be stabilized.

- e. Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and waterbodies shall be protected from sediment.
 - f. Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area or diverted away from disturbed areas where feasible.
 - g. Naturally occurring streams, channels, and wetlands shall be used for conveyance of runoff leaving the project area.
 - h. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days.
3. The applicant shall bear final responsibility for the installation, construction, and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Planning Board may require a bond security in an amount and with surety conditions satisfactory to the Planning Board, providing for the actual construction and installation of such measures within a period specified by the Planning Board and expressed in the security. Site development shall not begin before the erosion and sediment control plan is approved. Erosion and sediment control measures shall be installed as scheduled in the approved plan.
 4. The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working conditions. Responsibility for maintenance by subsequent owners of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. If the owner fails adequately to maintain such measures, the town shall have the authority to perform required maintenance. The cost of such work shall be borne by the owner.
 5. Inspection shall be made by an agent of the Planning Board during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained. This shall be done at the expense of the developer.

C. Traffic Impact Analysis

1. Traffic Impact Analysis: All proposed subdivision development proposals shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner of his/her agent for traffic safety. To facilitate this review, the applicant may be required to provide a traffic impact analysis when deemed necessary by the Planning Board due to the size, location or any other traffic-generating characteristic of the development. Traffic impact studies shall address each of the following items:
 - a. Traffic circulation, access and egress, adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended traffic signalization.
 - b. Pedestrian safety, circulation, access and egress.

- c. Off-street parking and loading.
 - d. Emergency vehicle access.

 - e. Off-site improvements necessitated by the development.
2. The Planning Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Planning Board may further require, pursuant to RSA 676:4 I(g), that the developer reimburse the Village District for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

D. Monumentation Requirements

1. All monuments adjacent to and in the subdivision shall be shown on the plat.
2. The subdivider shall install concrete or granite monuments at least four feet in length and four inches in diameter with suitable drill hole at the center point, at the beginning and end of each curve at each street intersection on the right-of-way line, and at all front lot corners in the subdivision to establish the boundary lines of lots upon the ground with reasonable permanence. Iron pipes at least four feet in length shall be set at all other lot corners, at each end of all curves, at the point where a curve changes its radius, and at all angle points in any line. Each monument shall be set two to six inches above the finished grade of the surrounding property. Where appropriate, one-inch-deep drill holes may be set in an existing stone wall or in ledge, in lieu of a required monument.
3. Where the distance between monuments is greater than four hundred (400) feet, the Planning Board requires iron pipes to be set at intervals of two hundred (200) feet.
4. To ensure the installation of monuments required by the subdivision plan, the subdivider shall meet the following requirements:
 - a. If the subdivision involves the construction of a roadway, all monumentation shall be in place before fifty percent (50%) of the surety held for the road construction is released; and
 - b. If the subdivision does not involve the construction of a roadway; all monumentation shall be in place prior to the signing of the subdivision plan by the Planning Board Chairman; and
 - c. Once in place, a form certifying that the monumentation has been accurately installed shall be filed with the Planning Board by the subdivider. The form shall contain the signature and seal of the licensed land surveyor that certified the placement of the monumentation.

E. Performance and Maintenance Collateral

1. Posting of Collateral

- a. Collateral shall be in a form and amount, and other conditions all satisfactory to the Planning Board to insure for the Village District the construction and installation of any required improvements within a period of time not to exceed three (3) years. The time limit for completion from the date of final approval shall be expressed in the collateral. The collateral shall remain valid and available until drawn upon by the Village District or released in accordance with the procedures specified below.
 - b. The Planning Board may further extend the time of three (3) years for completion when the reasons for the delay were unforeseeable and beyond the reasonable control of the applicant. Any such extension shall be in writing and approved by a majority of the Planning Board and shall only be granted after ensuring the validity, adequacy, and availability of the collateral for such extension. Any such extension shall be solely at the discretion of the Planning Board.
 - c. The applicant shall file with the Planning Board a detailed estimate of all costs of required street improvements, drainage structures, utilities, or other improvements. The Planning Board may have the estimate reviewed by a professional consultant, if deemed necessary. The cost of this review shall be borne by the applicant. The Planning Board, after considering the estimate, and other pertinent information, shall determine the amount of the performance security required.
 - d. Collateralization shall comport with the “Policy for Collateralizing Performance Obligations,” which is found in the Appendix of this document Village District Planning & Zoning Boards.
2. Release of Collateral
- a. The collateral shall be released in phases as portions of the secured improvements or installations are completed and approved by the Planning Board, in accordance with the plan approved by the Planning Board.
 - b. The collateral shall not be released until the Planning Board has certified after inspection that the required improvements have been completed in accordance with the approved plan. A fee, payable by the applicant, may be charged to cover the cost of professional consultation selected by the Planning Board to assist in determining completion of all required work to the construction standards of the Village District.
3. Maintenance Collateral
- a. Upon completion of the required improvements and acceptance by the Commissioners, collateral covering maintenance of roads and other improvements shall be required for a period of three years from the date of acceptance by the Commissioners. The amount of the collateral shall be equal to ten percent (10%) of (1) the cost of the improvement or (2) the amount of the original collateral, whichever is larger.

F.Special Flood Hazard Area Requirements

- 1. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

2. The Planning Board shall require that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.
3. Sufficient evidence (construction drawings, grading, and land treatment plans) shall be submitted so as to allow determination that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided so as to reduce exposure to flood hazards.

G. Regulations Governing Blasting and/or Explosive Demolition

1. Applications proposing blasting for any purpose shall comply with the Planning Board's Regulations Governing Blasting and/or Explosive Demolition, included in the Excavation Regulations as Appendix F.

SECTION X - CONSTRUCTION STANDARDS AND SPECIFICATIONS

A. Street Design and Construction Standards

1. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided and shall be of a width at least as great as that of the existing connecting streets. Any newly created street must connect with an accepted street in the Village District and Town of North Hampton.
2. No street or highway right of way shall be less than 50 feet in width and may be required to be more if a greater street width is warranted in the opinion of the Planning Board. The apportioning of street widths among roadways, sidewalks, and possible grass strips shall be subject to the approval of the Planning Board.
3. No dead-end or cul-de-sac streets shall be allowed; but if a street has a turnaround at its end and said turnaround contains at least a lot of legal size, the turnaround will not be considered a cul-de-sac. No street that begins in North Hampton shall extend into another town without connecting with an existing street in that town.
4. The width of blocks shall not be less than four hundred (400) feet.
5. Grades of all streets shall conform in general to the terrain and shall as far as practicable, not exceed 5% for major streets and 8% for minor streets. No street shall have a grade of less than 1/2 of 1%. All streets

shall have a crown at the center with slopes of not less than 1/4" per foot from crown to sideline of surfaced roadway. The maximum grade within 100 feet of a street intersection shall be 3%.

6. Intersecting property lines at street intersections shall be joined by a curve of at least 20 foot radius. The minimum angle of two street intersections shall be 75 degrees.
7. The minimum centerline radius of curves and the maximum degree of curvature shall depend on the design speed and the slope of the road, as determined by Table V-6 of A Policy on Geometric Design of Highways and Streets 1984 by the American Association of State Highway and Transportation Officials.
8. Shrubbery, trees or other obstructions of street corners shall be subject to such regulations as the Planning Board may require.
9. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall be named by the Commissioners.
10. Where access to a subdivision depends on use of an existing public street(s) which does not meet the standards established in these regulations, the applicant shall improve such public street(s) or contribute to the improvement of such public street(s), in a sum equal to the proportionate use his subdivision will impose on said public street(s), assuming that all lands served by said public street(s) will eventually be similarly subdivided.
11. The Commissioners may agree to plow and to apply winter surface treatment to a street once the performance security has been released, in total or in part. However, the Village District shall not be responsible for any damage resulting from such plowing or treatment. All repairs to streets prior to acceptance of the deed for the street by the Commissioners shall be accomplished by the person or persons or other entity offering the street for acceptance by the Village District.

B. Roadway Specifications

1. All streets shown on the plan shall be graded to a depth of not less than 12 inches with gravel, covered with not less than 6 inches of selected gravel and shall be surfaced with an application of not less than three inches of base and one inch of hot top all in accordance with the NH Department of Transportation specifications. Sidewalks, if required, shall be separated from the shoulders by curbing or at least three (3) feet of grass planting and shall be four (4) feet wide. A finished road shall consist of a minimum of twenty-four (24) feet paved (travel) surface, four (4) feet of graveled shoulders on each side of pavement, and a gutter area capable of conducting water from one catch basin to another such that the minimum length between catch basins is 400 feet.
2. Within the "right-of-way" to be paved, all stumps, rocks and ledge shall be removed, and ledge (or ledge fill) shall be kept at least two (2) feet below the finished surface profile.
3. All road bounds, grades, and contours, as well as all drainage pipes, culverts, and facilities shall be installed by grades established by a qualified engineer and shall be checked and certified by him, and any necessary corrections made under his supervision before the same may be submitted to the Town for acceptance.

4. The sub-base or base course under each street pavement shall be constructed as follows:
 - a. The base course under each street shall be composed of (1) bank run gravel with no stones larger than 6 inches, compacted to a minimum thickness of 12 inches (2) Select gravel, compacted to a thickness of six (6) inches, in accordance with The State of New Hampshire Department of Transportation Specifications for Crushed Gravel.
 - b. Base course shall not be constructed during freezing weather or on a wet or frozen sub-grade.
 - c. Grading and rolling shall be required to provide a smooth, even, and uniformly compacted base which is compacted to a minimum dry density of 95 percent. Compaction shall be tested at the expense of the contractor by an approved laboratory designated by the Town.
 - d. A minimum slope from the crown edge of the pavement of the finished base course shall be 1/4 inch per foot.
 - e. All unsuitable material shall be excavated and brought up to grade with satisfactory material.
 - f. At all times during construction, the sub-grade and all ditches shall be constructed and maintained so that the roadway will be effectively drained.
 - g. In areas where unsuitable soils are encountered in the sub-base, the depth of the bank run gravel shall be more than twelve (12) inches as specified.
 - h. Materials used for gravel sub-base and crushed gravel base shall meet or exceed standards described in Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990 as amended. Gradation tests performed by an independent laboratory, approved by the state to perform such tests, will be required for each type of material and shall be paid for by the subdivider.

C. Post Construction Stormwater Management Standards

1. Applicability Standards

These standards apply to all projects subject to Section IV, including but not limited to construction of roads, drainage infrastructure, utilities, access ways, and other structures or development that support the subdivision. Development on a single residential lot with no more than two dwelling units shall be exempt from these provisions and standards. At the discretion of the Planning Board, qualifying applications may be required to include a post-construction stormwater management plan prepared by a NH licensed engineer.

- a. Purpose: The purpose of post construction stormwater management standards is to provide reasonable guidance for the regulation of stormwater runoff to protect local natural resources from degradation and prevent adverse impacts to adjacent and downstream land, property, facilities and infrastructure. These standards regulate discharges from stormwater and runoff from land development projects and other construction activities in order to control and eliminate increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.

- b. The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Village District. This regulation seeks to meet that goal through the following objectives:
 - i. No increase in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.
 - ii. No increase in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
 - iii. The total volume of surface water runoff which flows from any specific site during and following development shall not exceed the pre-development hydrologic condition to the maximum extent practicable.
 - iv. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.
 - v. Protect the quality of the Village District's groundwater resources, surface water bodies and wetlands.
- c. All projects under review by the Planning Board of such magnitude as to require a stormwater permit from EPA Construction General Permit (CGP) program or NH Department of Environmental Services (NHDES) Alteration of Terrain (AOT) program shall comply with the standards of EPA and/or NHDES permits and this section, whereas the stricter standards shall apply should these standards be inconsistent.

2. Minimum Thresholds for Applicability

- a. **Minimum Thresholds for Applicability:** These stormwater management standards apply to all projects requiring Planning Board review and approval under Section IV. For smaller projects that disturb less than 15,000 square feet an applicant may request a waiver of the full standards providing minimum protections and management are implemented. For the purpose of these standards, disturbance is defined as any alteration of the land surface or permanent removal of vegetation or trees associated with a development activity.
- b. **Waiver Option for Small Development Projects:** At the request of an applicant, the Planning Board may grant a waiver to any or all stormwater standards for projects that: disturb less than 15,000 square feet; create less than 5,000 square feet of new impervious surface; and do not disturb land within 100 feet of a surface water body or wetland.

- c. Conditions for Granting of Waivers: In order for the Planning Board to issue a waiver, the applicant must demonstrate, and the Planning Board must find the application meets the minimum criteria listed below and, if granted, will be considered conditions of approval.
 - i. Runoff from NEW impervious surfaces shall be directed to a filtration and/or infiltration device or properly discharged to a naturally occurring or fully replanted and vegetated area with slopes of 15 percent or less and with adequate controls to prevent soil erosion and concentrated flow.
 - ii. Impervious surfaces for parking areas and roads shall not exceed the minimum parking requirements for proposed uses and minimum road widths.
 - iii. Runoff generated from NEW impervious surfaces shall be retained on the development site and property and mimic natural hydrologic processes to the maximum extent possible unless it is determined that the biological and chemical properties of the receiving waters will not be degraded by discharge of stormwater runoff from the development site.
- iv. Compliance with standards 2.c.i-iii above will be determined by the Planning Board on a case-by-case basis as site conditions and constraints will differ greatly between various redevelopment proposals.

3. Best Management Practices

- a. Performance Specifications: All proposed stormwater practices and measures shall be installed and maintained in accordance with manufacturers' specifications and performance specifications in the NHDES Stormwater Management Manual Volume 2 (December 2008 or current revision), a copy of which is available from the NH Department of Environmental Services.
- b. Water Quality Protection: All aspects of the application shall be designed to protect the quality of surface waters and groundwater of the Village District as follows:
 - i. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater so as to contaminate, pollute, harm, impair or contribute to an impairment of such waters.
 - ii. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet all Village District Zoning Ordinance requirements and regulations of the New Hampshire Department of Environmental Services (NHDES), including but not limited to those involving Underground Storage Tanks, Above Ground Storage Tanks, Hazardous Waste and Best Management Practices for Groundwater Protection (Env-Wa 401).
- c. Stormwater Management for New Development: All proposed stormwater management and treatment systems shall meet the following performance standards:

- i. Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances (as specified in the Village District Zoning Ordinance and Subdivision Regulations). Stormwater and erosion and sediment control BMPs shall be undertaken in a location outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or reduce environmental impacts shall be considered whenever possible. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state recommended design standards to reduce impacts to flow and enhance animal passage (see the University of New Hampshire Stream Crossing Guidelines, May 2009, as amended).
- ii. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) in order to reduce the generation of the stormwater runoff volume for both new development and redevelopment projects (see Section X.C.4 for redevelopment standards). An applicant must document in writing why LID strategies are not appropriate if not used to manage stormwater.
- iii. All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions. These grasses, shrubs and/or other native plants shall be in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
- iv. All areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for mosquito control.
- v. Salt storage areas shall be covered, and loading/offloading areas shall be designed and maintained in accordance with NH Department of Environmental Services published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH Department of Environmental Services published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NH Department of Environmental Services published guidance fact sheets on road salt and water quality, and snow disposal.
- vi. Runoff shall be directed into recessed vegetated and landscape areas designed for treatment and/or filtration to the maximum extent possible to reduce Effective Impervious Cover (EIC) and reduce the need for irrigation systems.
- vii. All newly generated stormwater, whether from new development or expansion of existing development (redevelopment), shall be treated on the development site. Runoff shall not be discharged from the development site to municipal drainage systems or privately owned drainage systems whether either is enclosed or open drainage. Runoff shall not be discharged to surface water bodies or wetlands in excess of volumes discharged under existing conditions, whether developed condition or undeveloped condition.

- viii. A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NHDES Stormwater Manual Volumes 1 and 2, December 2008, as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration BMPs or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from new development shall not lower water quality or contribute to existing water body impairments.
- ix. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff for the 2-year, 10-year and 25-year 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume (GRV) according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 1.0; HSG-B: 0.75; HSG-C: 0.4; HSG-D: 0.15. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures shall be in locations with the highest permeability on the site.
- x. The physical, biological and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.
- xi. The design of the stormwater drainage system shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
- xii. The design of the stormwater management systems shall take into account upstream and up gradient runoff that flows onto, over, or through the site to be developed or re-developed and provide for this contribution of runoff.
- xiii. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the NHDES Stormwater Manual Volume 3 guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 3 days following the completion of final grading of exposed soil areas.
- xiv. All temporary control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures.

- xv. As an alternative to impervious asphalt or concrete for general and overflow parking areas, pervious parking surfaces shall be used except in cases where impervious surfaces are necessary to protect water quality. Pervious pavement shall be appropriately sited and designed for traffic and vehicle loading conditions.
- xvi. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

4. Applicability for Redevelopment

Redevelopment Criteria:

- a. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces.
- b. For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on-site to the maximum extent practicable.
- c. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
 - i. Implement measures onsite that result in disconnection or treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed impervious surfaces and pavement areas through the application of filtration media; or
 - ii. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire site area.

5. Rain Gardens

Because of their on-going inspection, maintenance, and reporting burden and consequent expense to the landowner and the Village District, Rain Gardens are not encouraged for stormwater management. They may be permitted, however, if all following conditions are met:

- a. A professional who has appropriate certifications or licenses to provide Rain-Garden designs has prepared the plan for the proposed Rain Garden.
- b. The proposed design meets requirements properly to handle a 100-years storm event and to treat any special run-off characteristics required by activities on the site.

- c. The actual installation of the Rain Garden meets or exceeds all design specifications for the proposed Rain Garden, as certified by a qualified independent professional who is not the designer and not the installer and who is the Town Engineer or whom the Town Engineer has approved.
 - d. With the design for the Rain Garden the designer shall submit a management plan for routinely inspecting, maintaining, and at least annually reporting to the Village District the condition of the Rain Garden.
 - e. The management plan in (d) above shall comply with best management practices for maintaining Rain Gardens provided in the most current revision of the University of New Hampshire (“UNH”) document titled “Regular Inspection and Maintenance Guidance for Bioretention Systems / Tree Filters,” and all inspections shall use the “Checklist for Inspection of Bioretention Systems / Tree Filters” included in this UNH document.
 - f. All inspections specified in the management plan shall be conducted by a qualified independent professional who was not the designer and not the installer and who is the Town Engineer or whom the Town Engineer has approved. The landowner agrees to comply with and implement the management plan in (d) above -- so long as the Rain Garden remains a component of the stormwater management system on the property.
 - g. The landowner shall pay all compliance expenses – including, but not limited to, those for inspecting, maintaining and reporting -- so long as the Rain Garden remains a functional component of the stormwater management system on the property.
 - h. All applications for installation of one or more Rain Gardens as a stormwater management system or as a component of a stormwater management system shall comply with Paragraphs i-iv below:
 - i. The owner of the property agrees to grant the Village District the right to take remedial action at the expense of the owner, if the Rain Garden is found not to function as designed and has not been restored to full functionality by the owner within 90 days of notice from the Code Enforcement Officer.
 - ii. The owner agrees to reimburse the Village District for all expenses the Village District incurs as a result of enforcement as provided in Section 5.i.i. above.
 - iii. Appropriate notes shall be added to the recorded Mylar to memorialize the above conditions of approval.
 - iv. Appropriate deed restrictions shall be added to the deed of the property to memorialize the above conditions of approval.
6. Stormwater Management Plan Approval and Recordation
- a. Plan Approval and Review. The Planning Board shall approve the Stormwater Management Plan if it complies with the requirements of these regulations and other requirements as provided by law. At the discretion of the Planning Board, a technical review by a third party may be required of any stormwater management and erosion control plan prepared under these regulations. The technical

review shall be performed by a qualified professional consultant, as determined by the Planning Board, and the expense of which shall be the full responsibility of the applicant.

- b. Recordation of Approved Stormwater Management Plan. After final Planning Board approval, and established as a condition of such approval, the owner of record of the property shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements of and responsibilities described in the approved stormwater management plan (see RSA 477:3-a). The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478.

7. Operations and Maintenance Criteria

Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan or subdivision plan. The owner of record of the property shall record a Notice of Decision of these plans at the Registry of Deeds. The Notice of Decision shall be attached to the property deed and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.

Post-Construction Stormwater Infrastructure – Inspection and Responsibility

- a. Landowners shall be responsible for submitting an annual report to the Planning Board by September 1 each year by a qualified engineer that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If no report is filed by September 1, municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.
 - i. If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the applicant/property owner.
 - ii. If violations or non-compliance with a condition(s) of approval are found on the site during routine inspections, the inspector shall provide a report to the Planning Board documenting these violations or non-compliance including recommended corrective actions. The Planning Board shall notify the property owner in writing of these violations or non-compliance and corrective actions necessary to bring the property into full compliance. The Planning Board, at its discretion, may recommend to the Commissioners to issue a stop work order if corrective actions are not completed within 10 days.

iii. If corrective actions are not completed within a period of 30 days from notification by the Planning Board or the Commissioners, the Planning Board may exercise its jurisdiction under RSA 676:4-a Revocation of Recorded Approval.

- b. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives written approval by the Planning Board.
- c. The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.

D. Water Lines

Whereas the Town is experiencing water contamination in individual wells, the following regulations are required:

1. When at the discretion of the Planning Board it is feasible, a subdivider shall, at his expense, install a public water system, including necessary main extensions, in all streets shown on the plan.
2. In subdivisions where the Planning Board does not require a public water system, the subdivider at his expense shall install mains, laterals to all lots, and connections for fire hydrants (all meeting water company standards) for future use when public water connection is available.

E, Inspections

1. The subdivider shall notify the Town Engineer and the Highway Agent as to the readiness for inspection of any such street at each stage of its construction. Approval or disapproval of any segment by the Town Engineer and the Highway Agent shall be in writing, with a copy to the Commissioners, and shall constitute only a recommendation relative to whether or not the Village District shall accept the street concerned.
2. The following inspection schedule shall be abided by during construction of streets. The inspections shall be performed and documented for each item by a registered engineer retained by the Village District at the expense of the developer.
 - a. Review of design engineer's layout and wetlands marking.
 - b. Inspection of clearing and grubbing and erosion control measures.

- c. Inspection of fill placement. In-place compaction testing of fill is required every 3,000 square feet or as directed by the Town Engineer.
- d. Inspection of drainage piping and buried utilities. Full time inspection is required, including the trench backfilling.
- e. Inspection of sub-grade and slope work.
- f. Inspection of gravel grade. Compaction testing of the gravel coarse is required every 200 linear feet of roadway.
- g. Inspection of crushed gravel grade. Compaction testing of the crushed gravel coarse is required every 200 linear feet of roadway.
- h. Inspection of final ditch work, slope work, landscaping and erosion control measures.
- i. Inspection of headwall construction.
- j. Inspection of binder coarse paving. Full-time inspection will be performed during the paving. After the binder coarse pavement and all work required prior to that point has been completed, the Developer can request, in writing, a reduction of the roadway bond to the Commissioners. The exact amount of the bond reduction is to be determined by the Commissioners.
- k. Inspection of the wearing coarse pavement. Full-time inspection is required.
- l. Remaining work inspection by developer and Town Engineer.
- m. Final walk through inspection by the Town Engineer, Commissioners, and Highway Agent.
- n. Follow-up inspection.

SECTION XI - ENVIRONMENTAL IMPACT ANALYSIS

- A. For any subdivision of land which creates more than ten (10) buildable lots, an Environmental Impact Analysis shall be required. The Planning Board may require the Analysis for a subdivision of less than 10 lots depending on location and the Planning Board shall seek the opinion and advice of the Conservation Commission in determining whether to require said analysis.
- B. The Environmental Impact Analysis shall be a written report that describes the impact of a proposed subdivision on the site and abutting properties. It shall describe, in precise technical detail, the features and limitations of the site and it shall analyze, in particular, the impact of the proposal on the following:

1. Soils: During the HISS Survey, as required by Section 409 North Hampton Zoning Ordinance, particular attention will be given to those soils having symbols of 5 or over and slopes classified as Class D or E.
2. Topography: Including particularly those areas with slopes of greater than 15%, low areas or depressions, and scenic vistas.
3. Vegetation: Delineate the limits of the disturbance of all vegetation, especially unusual or unique specimens as defined by Corps of Engineers and other applicable factors.
4. Fish and Wildlife: A study of the habitats supporting animal species with a particular emphasis on rare and endangered species; such as, but not limited to, waterfowl nesting areas and deer wintering areas.
5. Wetlands (as defined in the Village District Zoning Ordinance): This study will include the effect on the natural biological function, general habitat for land and aquatic life as a sanctuary or refuge, drainage, value as storage area for storm or flood waters, impact on recharge areas, water purification, and other conservation considerations.
6. Surface Water Quality: A study or identification of watersheds, drainage patterns, surface water bodies and an analysis of the proposal's impact on surrounding properties.
7. Groundwater Quality and Quantity: A study that will include the impact on nearby wells and potential impact on aquifers and/or their recharge areas. The study will specify the location and distances from all public wells and their recharge areas and will further include the location of all abutter's wells.
8. Any other environmental factors that are deemed necessary of study and analysis by the Planning Board.

In the event that any item of the Section is found to be invalid, the invalidity of one section shall not affect the validity of the remainder of the regulation.

SECTION XII - ADMINISTRATION AND ENFORCEMENT

A. General

These Regulations shall be administered by the Planning Board. The enforcement of these Regulations is vested with the Commissioners.

B. Waivers

1. Following a public hearing for which proper notice has been given to the general public and abutters, the Planning Board may waive such requirements of the foregoing Regulations that it determines, 1) are not requisite to the interest of public health, safety, general welfare, and 2) which do not contribute to the objectives of the regulations because of special circumstances and conditions relating to a particular site plan. When making its determination as to any waiver, the Planning Board shall take into consideration the prospective character of the development and of abutting properties.
2. When the applicant desires the waiver of any provisions of the foregoing Regulations, he shall include a request therefore with a statement of reasons for such request, with the application for approval of the preliminary or final plan. Any such request for waivers shall be included in any notice given to the public and also in notice to abutters. Costs for any additional public hearing held for the purpose of waivers shall be assessed to the applicant.

C. Penalties and Fines

Any violation of this Regulation shall be subject to a civil fine or criminal penalty as provided in RSA 676:17, as amended. The Commissioners or the Building Inspector are hereby designated as the proper local authorities of the Village District to institute appropriate action under the provisions of RSA 676:17.

D. Conflicting Provisions

Where these Regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

E. Validity

If any Section or part of Section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or Sections or part of a Section or paragraph of these Regulations.

F. Effective Date

These revised regulations are effective as of June 9, 2020 and have been filed with the North Hampton Town Clerk.

APPENDIX A

Policy for Collateralizing Performance Obligations

Purpose

The purpose of this policy is to standardize the Planning Board's requirements for collateralizing performance obligations for conditionally approved site plans, subdivision plans, and excavation plans.

Definitions

Performance Security: The collateralization of obligations imposed by the Planning Board as conditions of site plan, subdivision or excavations approvals. Such collateral shall be in the form of cash, or letter of credit in accordance with the provisions set forth in the following policy.

General Provisions for Collateralization

1. All obligations imposed by the Planning Board as conditions of site plan, subdivision or excavation approval, with respect to itemized schedules of work to be performed, estimated costs and expected completion dates, including collateralization requirements, if any, shall be set forth in the Performance Security Agreement contained herein.
2. Proposed schedules of work, estimated costs and expected completion dates shall be reviewed by the Town's engineer, and the engineer's recommendation shall be given due consideration by the Planning Board.
3. Estimates of the total cost of work in the schedule shall be increased by no less than 10% to cover contingencies, including unanticipated events and inflation over the period during which the work is to be completed.
4. Cash collateral shall be acceptable as performance security for amounts not to exceed \$5,000 and only under the terms and conditions stated below.
5. Letters of credit shall be acceptable as performance security in any amount provided that the letter of credit complies with the terms and conditions stated below.

Cash Collateral: Terms and Conditions

1. Applicant shall execute the Village District’s “Performance Security Agreement” that specifies the purpose of the security and rights of the Applicant and the Village District with respect to the collateral held in escrow.
2. Cash collateral shall be provided as cash and not in any other form, including “cash equivalents” such as CDs, bonds, stocks, or similar financial instruments.
3. It shall be held in escrow in a bank of the Village District’s choosing.
4. It shall be held in an account designated as an escrow account solely for the purposes specified in the Cash Performance Security Agreement.
5. The account shall be separate and apart from accounts holding assets of the Village District and shall NOT be commingled with the Village District’s assets. Interest on cash held in escrow shall be held in the escrow account until released according to the terms and conditions of the Cash Performance Security Agreement.
6. Applicant shall not be named in the title of the account.

Letters of Credit: Terms and Conditions

1. Applicant shall execute the Village District’s “Performance Security Agreement that specifies the purpose of the security and rights of the Applicant and Village District with respect to the letter of credit.
2. The letter of credit shall be issued by a major bank in the State of New Hampshire – e.g., TD Bank, Bank of America, Citizens Bank.
3. The letter of credit shall specify conditions under which the Village District may draw on the letter of credit and requirements for the Village District to draw on it –e.g., a sight draft and certification of work for which the draw is required.
4. The letter of credit shall provide for the Village District to draw on the letter of credit upon certification of a default by the Applicant in general terms -- e.g., “a default has occurred pursuant to provisions set forth in the approval of the plan titled XXXX conditionally approved by the Village District Planning Board on [DATE].”
5. The letter of credit shall be irrevocable.
6. The letter of credit shall be “evergreen” and shall provide that:
 - a. The Issuer must give notification of not less than 90 days prior to allowing the letter of credit to expire, and
 - b. in the event that the Issuer gives notice of intent not to renew the letter of credit at expiration, the letter of credit may be fully drawn prior to the expiration date upon presentation of a sight draft only.
7. The letter of credit shall provide for partial drawings.

8. The Village District may hold as a cash collateral any amount drawn in excess of the amount from time to time due and owing and shall not be obligated to return amounts, if any, so drawn to the issuing bank of the letter of credit unless and until the obligations to which the letter of credit relates of the Applicant have been fully performed by the Applicant and accepted by the Village District.
9. The sole right of the issuer of the letter of credit to any amount drawn in excess of the amount from time to time due and owing shall be an unsecured right to receive such amount, if any, upon the full and final completion of the obligations of the Applicant whose performance is assured by the letter of credit.

SECTION XVI DEFINITIONS

ACCESSORY USE: A use customarily incidental and subordinate to the principal use, and located on the same lot as the principal use, such as, but not limited to, a private garage, storage shed, swimming pool, or tennis court, and neither injurious, offensive nor detrimental to the neighborhood.

BUILDING: Any structure, either temporary or permanent, having a roof and designed or used for the shelter or enclosure of any person and animal.

CAMPER and/or TRAVEL TRAILER: An easily maneuverable licensed mobile or motor home, as below defined, that can be attached to or superimposed on a licensed pick-up type of truck, or is in a small licensed trailer easily attachable to a private automobile or light truck for towing at normal automobile speeds on public highways.

DWELLING: A detached building designed for or used primarily by one family for living quarters, but not including mobile homes, trailers of any kind, hotels, motels, lodging houses, institutional homes, residential clubs, tourist camps, cabins, or other commercial accommodations offered for occupancy.

LIGHT TRUCK: A small truck, such as a van or pick-up truck, of not over 8,100 pounds gross vehicle weight rating, with enclosed front seat usable similarly to that in a private automobile.

MANUFACTURED OR MOTOR HOME: Any vehicle or structure (by whatever name called) used or so constructed as to permit its being operated or towed as a conveyance (whether licensed or not) on public roads and highways, and so constructed as to permit occupancy thereof as a dwelling or sleeping place for one or more persons, whether or not the same be provided with a toilet, wash basin, bathtub and/or shower, and whether or not placed on a foundation.

ORDINARY WORD USAGE: Unless otherwise defined hereunder, all words shall be construed according to their usual prevailing meaning and customary usage.

SINGLE-FAMILY: One or more persons related by blood, marriage, or adoption, or not over three persons not so related, living together in a single-family dwelling, with a single food preparation area, and as distinguished from a group, club, fraternity, or other organization, whether or not religious or fraternal; and including a reasonable number of employees consonant with the family's circumstances and having regular duties connected with the household; this definition not to be construed as excluding occasional temporary guests.

STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on or in the ground or requires an attachment to something having a fixed location on the ground. "Structure" under this definition includes, but is not limited to leach fields that are, in whole or in part, constructed above grade; septic systems, buildings, billboards, carports, porches, swimming pools, tennis courts, and building features. For the purpose of this zoning ordinance leach fields that are constructed entirely below grade, sidewalks, driveways, fences, and patios are not deemed to be structures.

WETLANDS: Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas - [taken from the EPA Regulations listed at 40 CFR 230.3(t)]. Wetlands can be coastal or inland, salt or fresh water. For purposes of Section VIII J, the term "wetlands" shall not include an inland (i.e., non-tidal) wetland which consists of a vegetated swale, roadside ditch or other drainage way; a sedimentation/ detention basin; or an agricultural/irrigation pond.

SECTION XVII ADMINISTRATION

- A. ENFORCEMENT:** This ordinance shall be enforced by at least one, and a maximum of three, Zoning Compliance Officers, none of whom shall be a member of the Zoning Board of Adjustment, but any one of whom may also be a Village District Commissioner. Such Officer or Officers shall be appointed by the Village District Commissioners following the annual meeting of the Village District for terms of from one to three years. The Village District Commissioners may also from time to time appoint up to three alternate Zoning Compliance Officers for terms of such duration.
- B. PERMITS:** Prior to the commencement of any construction, the property owner (or designee) must first contact the District Zoning Compliance Officer to determine the need for an application. If an application is required by the District, the property owner must complete and return the application with a check for the fee. The Zoning Compliance Officer will review the application and render a decision on the (zoning) compliance of the proposal. Approved Zoning Compliance Permits must then be taken to the Town of North Hampton's Building Department where a Building permit application needs to be submitted. The Town of North Hampton Building Department will not approve a building permit without a Zoning Compliance Certificate issued by the District. If the original application is NOT approved, the applicant can appeal to the Little Boar's Head Village District Zoning Board of Adjustment to seek the necessary relief. Once all certificates and permits are approved, the Town of North Hampton Building Inspector will be responsible for all building code and safety inspections and approvals thereafter. Any modifications to the scope of the project once approved shall be reviewed by the District Zoning Compliance Officer and the Town of North Hampton Building Inspector to determine if additional approvals are required.
- C. PUBLIC NOTICES:** All notices issued under this ordinance, including notices of permits, shall be posted on the Little Boar's Head Bulletin Board located on the east side of Willow Avenue, on the grounds of Union Chapel, or at such other location (or additional locations) within the Village District as shall be designated by the Village District Commissioners and

announced by them at the Annual Meeting of the Village District. Notices of permits issued hereunder shall be so posted within two days of their issuance.

D. APPEALS FROM DECISION OF VILLAGE DISTRICT ZONING INSPECTORS:

Any person aggrieved by a decision of the Village District Zoning Compliance Officer may appeal to the Board of Adjustment within thirty days from the date of posting of the statement of a permit issued by the Village District Zoning Compliance Officers hereunder.

E. BOARD OF ADJUSTMENT: Within thirty days after the adoption of this ordinance the Commissioners shall make appointments to a Board of Adjustment of five members to serve without compensation, such members to be appointed for staggered terms of from one to three years in such manner that (except to fill vacancies) no more than two terms shall expire in any given year and thereafter the Commissioners shall annually appoint successor members as terms expire and shall fill vacancies as they occur. The Board of Adjustment shall also include such alternate members, not over five in number at a given time, as the Village District Commissioners may from time to time appoint for terms of three years each; any one of whom may be designated by the Board chairman to act in place of an absent regular member, all as provided in RSA 31:67-a, as amended. The Village District Zoning Compliance Officers shall not be members of the Board of Adjustment, but one member of the Board of Adjustment shall be one of the Village District Commissioners. The Board of Adjustment shall conform in membership, duties, and powers to the provisions of Sections 66 to 77 inclusive of Chapter 31 of the Revised Statutes Annotated (cited as RSA 31:66-77) and all other pertinent sections thereof, as amended from time to time, and shall elect its own chairman, secretary and such other officers as it shall, from time to time, deem appropriate to conduct its business.

The Board of Adjustment shall act always subject to the rule that it shall give due consideration to promoting the public health, safety, morals, convenience, and welfare, and conserving property values, that it shall permit no building or use injurious, noxious, offensive, or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

F. CONDITIONS ON VARIANCES AND SPECIAL EXCEPTIONS: In granting a Special Exception under, or an appeal for a variance from, any provision of this ordinance, the Board of Adjustment may impose on such Special Exception or variance any condition or conditions (including, without limitation, a requirement that the use or the construction of the structure or structural addition allowed thereby be substantially commenced within a certain period of time) as the Board, in its judgment, may deem reasonable and desirable or appropriate, given the nature of such use, structure or structural addition in the circumstances.

G. PENALTY: Any person, firm, or corporation violating any of the provisions of this ordinance may be fined an amount up to the maximum amount allowed under New Hampshire law upon conviction for each day such violation may exist.

H. PLANNING BOARD: The Village District Planning Board shall consist of at least five, up to a maximum of seven, members, all of whom shall be appointed by the Village District Commissioners for terms ranging from one to three years. The Commissioners shall fill

vacancies on the Planning Board as they occur by reason of term expirations or resignations. The members of the Planning Board shall serve without compensation and shall elect from among their members a Chairman, a Secretary and such other officers as they deem necessary to conduct its business. At least one member of the Planning Board may be a Village District Commissioner. The Planning Board shall also include such alternate members as the Commissioners may from time to time appoint. The Planning Board shall be responsible for the periodic revision of the Village District's Master Plan; for the adoption and amendment of zoning ordinance provisions; for hearing and acting on subdivision applications; and for such other functions assigned to village district planning boards by New Hampshire law which are not reserved or assigned thereunder or under the Little Boar's Head Zoning Ordinance to the Village District Commissioners, the Zoning Board of Adjustment or the Village District Zoning Compliance Officers.

- I. HERITAGE COMMISSION:** The Little Boar's Head Heritage Commission shall be composed of from five to seven members, who shall be appointed by the Village District Commissioners to serve without compensation. One such member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, two for a term of four years, and each of any one or two more members for a term of five years. Within thirty days after the adoption of this provision, the Village District Commissioners shall make appointments to the Little Boar's Head Heritage Commission in the number and for the respective terms specified in the foregoing sentence. In each year thereafter, the Village District Commissioners shall appoint (or reappoint) a member or members to the Heritage Commission with respect to, and for the same number of years as, any expiring term. The Village District Commissioners shall also fill vacancies on the Heritage Commission as they occur.

SECTION XVIII AMENDMENTS

This ordinance may be amended in the manner prescribed New Hampshire Statute Annotated, §674, Section 16, and any other pertinent sections of Revised Statutes Annotated, as amended from time to time.

SECTION XIX SAVING CLAUSE

- A. INVALIDITY OF ANY PROVISION:** The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision hereof.
- B. WHEN EFFECTIVE:** This ordinance shall take effect upon its passage.

