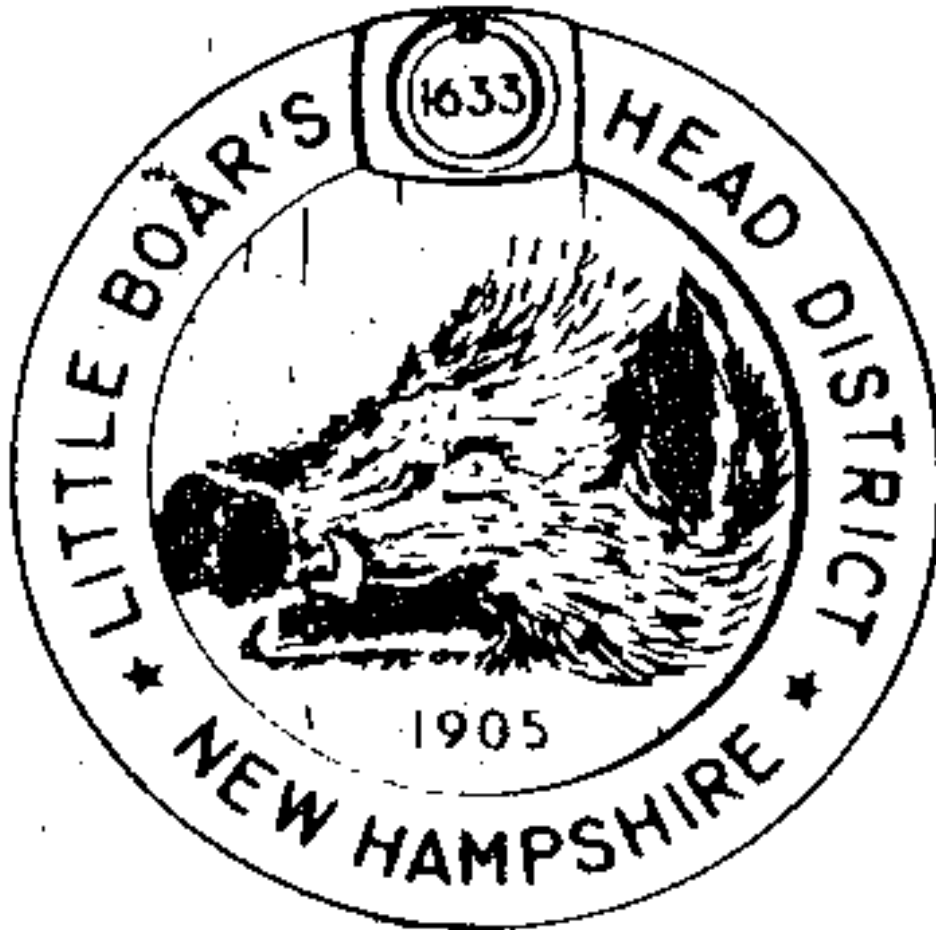


THE VILLAGE DISTRICT OF
LITTLE BOAR'S HEAD



ZONING ORDINANCE

2015 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 thirteen 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 and October 6, 2015. 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.

In the fall of 2014, this Ordinance was reworked 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. While the appearance and wording have been updated, the regulatory requirements have not.

Commissioners:

Leon Asadoorian
Richard "Dickie" Garnett
Brian Goode

Planning Board Members:

Joyce Hamilton, Chair
Michael Megna
Kathy Megna
David O'Heir
Guil Spencer

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.

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 XIII,.

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 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.

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.

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, or constructed for such purposes, shall be converted into or used as a dwelling unless it 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 - provided that this paragraph shall not apply to the accessory use for dwelling purposes of any existing building located in the same lot with a 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:** 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 eighteen 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 provided that such additions conform in all respects with all other provisions of this Ordinance and shall be made pursuant to the conditions of a Special Exception granted by the Board of Adjustment upon its determination, after all abutting property owners have been given reasonable opportunity to be heard thereon, that such additions will cause no added injury or offense to the neighborhood.
- 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
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 waste water 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 XI 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 XII 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 XIII DEFINITIONS

1. **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. An Accessory Use may not be the same as or an extension of a principal use except, where the principal use is that of residential occupancy, for temporary or occasional guest quarters, or by special exception granted by the Zoning Board of Adjustment.
2. **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.
3. **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.
4. **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.
5. **ORDINARY WORD USAGE:** Unless otherwise defined hereunder, all words shall be construed according to their usual prevailing meaning and customary usage.
6. **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.
7. **TEMPORARY and OCCASIONAL:** In the absence of other criteria, these words shall be construed as applying to a single use for a period of not over ten (10) days.
8. **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 XIV 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 XV 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 XVI 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.

