# Jaffrey, New Hampshire

# Jaffrey
# Land Use Code

*Amended January 15, 2016*
*Cost: $30.00*

**ZONING ORDINANCES** ..... 3

SECTION I: PURPOSE ..... 3

SECTION II: DEFINITIONS ..... 3

SECTION III: ESTABLISHMENT OF DISTRICTS ..... 6

SECTION IV: DISTRICT REGULATIONS AND PERMITTED USES ..... 6

4.1 Rural District: ..... 6

4.2 Residence A: ..... 7

4.3 Residence B: ..... 8

4.4 Commercial and General Business Districts: ..... 8

4.5 Industrial Districts [Excepting Turnpike Road Industrial District] ..... 9

4.6 Turnpike Road Industrial District (Amended 2012) ..... 10

4.7 Mountain Zone District ..... 11

SECTION V: GENERAL PROVISIONS THAT MAY APPLY TO MORE THAN ONE ZONING DISTRICT 14

SECTION VI: AREAS AND SETBACKS FOR BUILDINGS - ALL DISTRICTS ..... 23

SECTION VII: NONCONFORMING USES, STRUCTURES, AND LOTS ..... 25

SECTION VIII: ENFORCEMENT AND PENALTIES ..... 26

SECTION IX: APPEALS ..... 26

SECTION X: GUIDELINES FOR THE BOARD OF ADJUSTMENT ..... 27

SECTION XI: AMENDMENT ..... 28

SECTION XII: GUIDE TO ZONING DISTRICT[S] ..... 28

OVERLAY DISTRICTS ..... 34

SECTION XIII: INNOVATIVE LAND USE PLAN ..... 35

SECTION XIV: PERSONAL WIRELESS SERVICED FACILITIES ..... 40

SECTION XV: SMALL WIND ENERGY SYSTEMS ..... 41

SECTION XVI: SIGNS ..... 47

SECTION XVII: IMPACT FEE ORDINANCE ..... 57

SECTION XVIII: FLOODPLAIN DEVELOPMENT ORDINANCE ..... 64

SECTION XIX: SHORELAND OVERLAY DISTRICT ..... 72

SECTION XX: WETLANDS CONSERVATION DISTRICT ORDINANCE ..... 75

**APPENDICES** ..... 80

CONDITIONAL USE PERMIT APPLICATION: INNOVATIVE LAND USE ..... 81

CONDITIONAL USE PERMIT: SMALL WIND ENERGY SYSTEMS ..... 83

**REGULATIONS** ..... 85

SITE PLAN REVIEW REGULATIONS ..... 86

APPLICATION FOR SITE PLAN REVIEW, NONRESIDENTIAL/MULTI-FAMILY ..... 98

SITE PLAN CHECKLIST SUBMISSION REQUIREMENTS ..... 105

RULES AND REGULATIONS TO CONTROL SUBDIVISIONS ..... 109

SECTION XIII: MANUFACTURED HOUSING/MOBILE HOME SUBDIVISIONS ..... 119

APPENDIX A: ROAD DESIGN STANDARDS AND ACCEPTANCE REGULATIONS ..... 121

APPENDIX B: PLANNING BOARD AUTHORITY ..... 127

APPENDIX C: CRITERIA FOR CONSIDERATION OF A PROPOSED SUBDIVISION ..... 129

APPENDIX D: DRIVEWAY SPECIFICATIONS (DECEMBER 12, 2010) ..... 131

APPLICATION FOR SUBDIVISION ..... 133

SUBDIVISION CHECKLIST SUBMISSION REQUIREMENTS ..... 138

DRIVEWAY REGULATIONS ..... 142

REGULATIONS GOVERNING EARTH EXCAVATIONS ..... 146

APPLICATION FOR EARTH EXCAVATION ..... 157

EXCAVATION APPLICATION CHECKLIST ..... 161

MANUFACTURED HOUSING/MOBILE HOME PARK REGULATIONS ..... 164

HISTORIC DISTRICT REGULATIONS ..... 169

**DESIGN GUIDELINES** ..... 172

**MAPS** ..... 186

ZONING MAP ..... 187

MAIN STREET PROGRAM AREA ..... 188

WELLHEAD PROTECTION AREAS ..... 189

DESIGN GUIDELINES OVERLAY DISTRICTS MAP ..... 190

**ZONING ORDINANCES**

Effective: March 10, 1981
Amended, Town Meeting: March 9, 1982; March 8, 1983; March 13, 1984; March 12, 1985; March 11, 1986; March 8, 1988; March 14, 1989; March 13, 1990; March 12, 1991; March 16, 1991; March 10, 1992; March 9, 1993; March 12, 1994; March 18, 1995; March 16, 1996; March 11, 1997; March 14, 1998; March 13, 1999, March 18, 2000, March 17, 2001, March 16, 2002, March 12, 2003, March 13, 2004, March 19, 2005, March 18, 2006, March 17, 2007, March 15, 2008, March 14, 2009, March 13, 2010, March 17, 2012, March 12, 2013, March 11, 2014.

## SECTION I: PURPOSE

The purposes of this Plan are to promote and conserve the health and welfare of the inhabitants of the Town; to secure safety from fire; to facilitate the adequate provision of transportation, water, sewerage, and other public requirements, to conserve the value of land and buildings; to avoid undue concentration of population; to encourage the most appropriate use of land; and to further increase the general welfare of its inhabitants by preserving, promoting, and developing its many outstanding characteristics such as open space, ridgelines, hillsides, areas of forestry, wetlands, and other prominent natural features which contribute notable scenic views or vistas and the quality of life, all in accord with Chapters 672-677 Revised Statutes Annotated of the State of New Hampshire, and any amendments thereto. (Amended 2001)

## SECTION II: DEFINITIONS

For the purposes of this ordinance, certain terms and words are herein defined as follows:

ACCESSORY APARTMENT - An independent living unit subordinate to a single-family dwelling and under the same ownership as the primary residence. The apartment may be attached to the primary residence or located in an accessory building on the property. (Added 1992)

ACCESSORY BUILDING - A subordinated building and located on the lot with the main building, the use and of which is customarily incidental to that of the main building or to the use of the land.

ACCESSORY USE - A use customarily incidental to that of the main building or to the use of the land.

APARTMENT HOUSE/APARTMENT BUILDING - A structure containing more than two (2) dwelling or living units. Alternatively, one or more living units in the same structure as another kind of permitted use, such as a living unit in the same structure as a retail store.

BED AND BREAKFAST ESTABLISHMENT - Means an owner-occupied residence, a portion of which is used for lodging overnight guests for compensation and where the only meal served is breakfast.

BUILDING - The word building shall be deemed to include structure, and in addition, shed, garage, stable, greenhouse and other accessory buildings.

BUFFER AREA - A land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. A buffer may be treed, landscaped, or left in its natural state, and might include fencing or some other type of protective facility. (Amended 2000)

CHILD CARE AGENCY - Any establishment located either in the home of the provider(s) or separate from, maintained for or the care of children, whether known as day nursery, nursery school, kindergarten, cooperative, or day care center, and which is licensed or approved by the State of New Hampshire.

CONDOMINIUM - Real property lawfully submitted by recording of condominium instruments pursuant to Chapter 356B RSA, State of NH, and conforming to the provisions of that Chapter.

CONDOMINIUM BUILDING - A structure containing commonly held condominium facilities, condominium living units, or any combination of these.

CONDOMINIUM UNIT - A portion of a condominium designed and intended for individual ownership and use, together with the undivided interest in the common areas appertaining to the unit.

CONDOMINIUM LIVING UNIT -A condominium unit, any portion of which is intended for habitation by one family.

DWELLING - A structure designed for residential occupancy, but excluding hotels, motels, and tourist homes.

DWELLING UNIT OR LIVING UNIT - Means the living quarters for one family. Such units shall include separate and complete kitchen and bathroom facilities for each family.

FAMILY - A small number of individuals living together on the premises as a single housekeeping unit.

FRONT YARD - A front yard is an open unoccupied space on the same lot with a main building and extending the full width of the lot situated between the street line and the front line of the main building projected to the side lines of the lot.

GROUP HOME OR GROUP RESIDENCE FACILITY - Means an establishment that provides room and board to persons who are residents by virtue of receiving supervised specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, their licensed or certified agents, or any other responsible nonprofit social service corporation. These services shall be provided in a family environment and only to persons under 18 years of age; physically or developmentally disabled of any age; or elderly (62 or more years of age) who are in need of supervision and specialized services. This category shall not include facilities for persons 19 or more years of age, released from or under the jurisdiction of a governmental bureau of corrections or similar institution. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency. However, one responsible adult shall be available to the residents on a 24-hour-a-day basis while the residents are on the premises.

HOME OCCUPATIONS - A use conducted by the residents of a dwelling for gainful employment involving the manufacture, provision, or sale of goods and/or services. Such use is clearly incidental and secondary to the nature of the dwelling and does not change the residential character of the district. On-site retail sales are not considered a home occupation. (Amended 1992)

MAJOR RESIDENTIAL DEVELOPMENT - The creation of more than four lots (unless restricted from residential use), or construction of more than four dwelling units within a two-year period from or on a property or set of contiguous properties in common ownership.

MINOR SITE PLAN — An adjustment to an approved site plan or a building lawfully erected prior to May 1980 that does not alter the approved usage but involves external construction of at least 100 square feet but less than 500 square feet.

MULTIFAMILY - More than two families.

NONCONFORMING USE OF LAND OR BUILDING - An existing use of land or of a building that does not conform to the provisions of the district in which such use of land, structure, or building exists.

PERSONAL WIRELESS SERVICE FACILITY (PWSF) – Facility or device for the provision of personal wireless services, as defined by the telecommunications act of 1996, as amended. (Amended 2002)

PLACES OF AMUSEMENT - Primarily commercial facilities that offer amusement facilities to the public. These include theaters, bowling alleys, pool or billiard halls, coin-operated facilities such as video arcades, and any other facilities deemed to be similar.

PUBLIC RECREATION - Facilities where the public may partake of park or beach recreation or of active sports, physical activities, and outdoor life. These include State- or Town-owned and -operated parks, beaches, and picnic areas; camping facilities, golf courses, athletic and fitness centers such as gymnasiums, tennis courts, and swimming pools. Public recreation does not include activities such as massage parlors or places of amusement.

REAR YARD - A rear yard is an open space on the same lot with the main building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building and projected to the side lines of the lot.

SETBACK - The minimum horizontal distance between the property line and the nearest part of a structure.

SIDEYARD - A side yard is an open space on the same lot with the main building, unoccupied, and situated between the side line of the main building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

STREET FRONTAGE - The length of a lot bordering on a street.

STREET - A publicly approved road maintained for vehicular travel; a Class VI road, or a private road, either of which appears on a subdivision plat approved by the Planning Board or is existing.

STRUCTURE - Something constructed or built, including, but not limited to, principal and accessory buildings, swimming pools, and prefabricated structures, and whether installed above ground or in ground.

TWO-FAMILY DWELLINGS - A single structure containing two living units.

WETLANDS - See Wetlands Conservation District Ordinance.

YARD - An unoccupied space on the same lot as a building or structure.

SCENIC VIEWS or scenic viewsheds, scenic values, scenic qualities, or similar references shall mean any of those features of the environment that bring aesthetic satisfaction, pleasure, or value when seen. Such features may include views of ridgelines, hillsides, open land, forests, wetlands, watercourses of rivers, streams, and lakes or ponds, especially when those areas or others related also include environmental impacts on animal or plant life. (Amended 2001)

## SECTION III: ESTABLISHMENT OF DISTRICTS (amended March 8, 2005, March 2008)

3.1 The Town of Jaffrey is hereby divided into districts of six (6) types, to be known as:

Mountain
Rural
Residence A (RA)
Residence B (RB)
Commercial and General Business (GB)
Industrial (IND)

The Town also has overlay districts as follows:

Historic District
Main Street Program Area
Shoreland District
Floodplain Development District
Wetlands Conservation District

3.2 The boundaries of these districts are defined in the Guide to Zoning Districts, which is Section XII of this ordinance.

## SECTION IV: DISTRICT REGULATIONS AND PERMITTED USES

4.1 Rural District:

4.1.1 Farms and housing related to the farm, nurseries, greenhouses, and the sale of produce primarily raised on the premises, provided that no stand for the sale of such produce shall be within thirty (30) feet of the street line. (Amended 2004)

4.1.2 Detached single-family dwellings.

4.1.3 Duplex and multifamily units provided such units are located only in Open Space Development Plan; however, no more than four dwelling units are permitted in one building or structure. (Amended March 8, 2005)

4.1.4 Open Space Development Plan and/or Village Plan Alternatives are permitted in accordance with the provisions of XII. (Amended March 2003)

4.1.5 Public recreation facilities.

4.1.6 Churches, parish houses, religious schools, religious reading rooms, schools, public libraries and museums.

4.1.7 Nursery school or other agency for the day care of children.

4.1.8 Manufactured housing/mobile home subdivisions, which must have received subdivision approval in accordance with the Jaffrey rules and regulations to control subdivision.

4.1.9 Manufactured housing/mobile home parks are permitted in accordance with the provisions of the Jaffrey mobile home park ordinance.

4.1.10 Conversion apartments in accordance with the provisions of Section IV.

4.1.11 Bed and Breakfast establishments and rooming houses.

4.1.12 Nursing homes, but only in those rural areas served by the Town's water system and in accordance with the provisions of Section IV.

4.1.13 Signs, as regulated by Town Ordinances.

4.1.14 Excavation of Earth, as governed by Town of Jaffrey's Regulation of Excavation of Earth.

4.1.15 Fireworks Warehousing. To establish, by special exception and subject to Planning Board site plan review and documented compliance with all state and federal controlling regulations, that fireworks warehousing be permitted in the rural zone, provided, when the land ceases to be used for fireworks warehousing, the special exception terminates.

4.1.16 Interior Lots. In keeping with the objective of preserving and enhancing the rural character of the town, as expressed by Jaffrey's Master Plan, interior lots, established in accordance with the provisions of Section V, are authorized in the Rural District.

4.2 Residence A:

4.2.1 Detached single-family residences.

4.2.2 Churches, parish houses, religious schools, religious reading rooms, schools, public libraries and museums.

4.2.3 Customary home occupations, as defined and governed by paragraphs 2.18 and 5.16.

4.2.4 Nursery school or other agency for the day care of children.

4.2.5 Group homes in accordance with the provisions of Section IV and 5.15.

4.2.6 Signs, as regulated by Town Ordinances.

4.2.7 Open Space Development Plan, subject to the provisions of Sections VI and XIII, and having a minimum tract area of five (5) acres. (Amended 2000, March 8, 2005)

4.3 Residence B:

4.3.1 All uses authorized for the Residence A Districts.

4.3.2 Two-family dwellings.

4.3.3 Apartments and condominiums.

4.3.4 Open Space Development Plan in accordance with the provisions of Sections VI and XIII. (Amended March 2005, March 2008)

4.3.5 Funeral homes and mortuaries.

4.3.6 Bed and Breakfast establishments and rooming houses.

4.3.7 Manufactured housing/mobile home subdivisions that must have received subdivision approval in accordance with the Jaffrey rules and regulations to control subdivision.

4.3.8 Manufactured housing/mobile home parks are permitted in accordance with the provisions of the Jaffrey mobile home park ordinance.

4.3.9 Nursing homes in accordance with the provisions of Section V.

4.4 Commercial and General Business Districts:

4.4.1 Detached single-family dwellings.

4.4.2 Two-family dwellings.

4.4.3 In an enclosed building or structure: Retail stores, sales rooms, retail services, restaurants, taverns, cafes, and other places for serving foods and alcoholic beverages, business and professional offices, banks, private clubs, hotels, inns, rooming houses, bed and breakfast establishments, theaters, halls, clubs, and other places of assembly, shops for custom work or the making of articles to be sold on the premises, upholstery, newspaper production and job printing. Also permitted are sales and repairs of automobiles and similar vehicles, commercial or public parking, gasoline service stations and any uses similar to the foregoing (Amended March 2000, 2014)

4.4.4 Signs, as regulated by town ordinances.

4.4.5 Apartment houses, condominiums, and apartments, or rooms in a building for which the principal use is business, if such apartments/rooms are located above the ground floor.

4.4.6 Group homes in accordance with the provisions of Section V.

4.4.7 Nursing homes in accordance with the provisions of Section V.

4.4.8 Public recreation facilities. (Amended March 2006)

4.5 Industrial Districts [Excepting Turnpike Road Industrial District]

4.5.1 Land and/or buildings may be used for the following purposes:

a) Establishments engaged in the manufacturing, assembly, compounding, processing/packaging, treatment or distribution of products including primary product production from raw material. Establishments will employ reasonable technology to avoid undesirable and preventable elements of pollution (e.g.: noise, vibrations, electrical interference, smoke, soot, particulate matter, or any other discharges into the environment demonstrated to be harmful to persons, structures or the environment). Establishments will conform to all state and federal pollution control requirements and will maintain all necessary permits. (Amended March 2003)

b) Wholesale, warehouse and storage facilities.

c) Motor freight (truck) terminals including warehousing and truck repair facilities when conducted entirely within a building, and outside parking for tractor-trailers and employees.

d) Truck and heavy equipment sales, service and repair services.

e) Automotive, truck and utility trailer rental and equipment rental facilities.

f) Storage facilities for individual lease.

g) Distributing plants, beverage bottling/distribution.

h) Research and testing laboratories devoted to the research, testing, design, and experimentation of products and processing and fabrication operations that are incidental thereto.

i) Industrial parks containing activities consistent with the provisions of this paragraph.

j) Carpenter; electrical; plumbing; welding and blacksmith; heating, ventilation, refrigeration and air conditioning; sheet-metal fabrication and furniture operations.

k) Laundry and clothes cleaning and dyeing establishments.

l) Printing and publishing establishments.

m) Building materials supply.

n) Bulk storage and distribution of petroleum products or by-products.

o) Recreation vehicle and marine sales, service, repair and storage facilities.

p) Utility operations including electric and gas distribution operations and sewer and water treatment distribution and collection facilities.

q) Signs as regulated by Town Ordinances.

r) Off-street parking and building loading areas for chemical products.

s) Other accessory uses that are customarily incidental to a permitted principal use and as approved by the Planning Board.

t) Excavation of earth, as governed by Town of Jaffrey Regulation of Excavation of Earth. (Amended March 12, 1991)

4.5.2 Land and buildings may be used for any purpose authorized in paragraph 4.4.3.

4.6 Turnpike Road Industrial District (Amended 2012)

4.6.1 Land and/or Buildings may be used for the following purposes:

a) Establishments engaged in the manufacturing, assembly, compounding, processing/packaging, treatment or distribution of products including primary product production from raw material. Establishments will employ reasonable technology to avoid undesirable and preventable elements of pollution (e.g.: noise, vibrations, electrical interference, smoke, soot, particulate matter, or any other discharges into the environment demonstrated to be harmful to persons, structures or the environment). Establishments will conform to all state and federal pollution control requirements and will maintain all necessary permits. (Amended March 2003)

b) Wholesale, warehouse and storage facilities.

c) Research and testing laboratories devoted to the research, testing, design, and experimentation of products and processing and fabrication operations that are incidental thereto.

d) Utility operations including electric and gas distribution operations and sewer and water treatment distribution and collection facilities.

e) Signs as regulated by Town Ordinances.

f) Off-street parking and building loading areas for chemical products.

g) Other accessory uses that are customarily incidental to a permitted principal use and as approved by the Planning Board.

4.6.2 Setbacks Turnpike Road Industrial District “Tract A”

The setback for Tract A within the [Millipore/Turnpike Road] Industrial District, as defined in Section XII, shall be one hundred feet (100’) where such properties abut Rural Zoned property (“Tract A Setback”). Within the Tract A Setback, a vegetative buffer must be maintained. Vegetation, except dead or diseased trees, may not be removed from the Tract A Setback. If there are areas of sparse vegetation, additional

plantings approved by the Town of Jaffrey Planning Board may be required as part of a site plan approval.

## 4.7 Mountain Zone District

### 4.7.1 Purpose and Parameters

Mount Monadnock is recognized as the natural and cultural focus of our region. It is an integral part of what makes Jaffrey an attractive place to live, to do business, or simply to visit. The overarching purpose of the Mountain Zone is:

a) To preserve to the extent practical land in its natural state;
b) To limit development to patterns consistent with the Zone's rural character;
c) To protect the fragile natural resources of Mt. Monadnock and its surrounding area.

In furtherance of these values, the Mountain Zone district is intended:

a) To protect and preserve the rural, scenic beauty of Mount Monadnock, its associated highlands, including Gap Mountain and Little Monadnock, and the lowland areas immediately adjacent to the highlands;
b) To protect the fragility of the natural habitats and the ecosystems of the Mountain Zone;
c) To foster and encourage a consistent pattern of protection of these areas by all towns surrounding Mount Monadnock;
d) To protect the area in Jaffrey's Mountain Zone against commercialization and/or exploitation;
e) To preserve the natural beauty of the area in Jaffrey's Mountain Zone for future generations;
f) To minimize visual intrusions on the viewscape of the mountain, including views to and from the mountain and its ridges;

Thus, the area in the Mountain Zone shall be limited to rural residential and agricultural (incl. Temporary wood milling operations, temporary cord wood operations, and maple sugaring facilities) use only as specified in the Table of Allowable Uses. (Amended 2008)

4.7.2 The Mountain Zone District shall be described as hereinafter set forth under "Mountain District Boundary - Monadnock" and "Mountain District Boundary - Gap Mountain."

4.7.3 Mountain Zone - Table of Allowable Uses (Amended March 2005, March 2008)

Permitted = P
Special Exception = XA
Not Permitted = NP

Residential**:**

Single-family detached ..... P
Duplex as stated in Section 4.1.3 ..... NP
Multifamily as stated in Section 4.1.3 ..... NP
Manufactured Housing/Mobile Home Subdivisions ..... NP

Manufactured Housing/Mobile Home Parks ..... NP
Accessory Apartments ..... XA
Apartments (incl. Conversion) ..... NP
Open Space Development Plan ..... XA
Flexible Developments ..... XA
Major Residential Developments ..... XA

Agriculture:

Farms, nurseries, greenhouses (less than 600 sq ft) ..... P

Public/Semipublic:

Public Recreation ..... XA
Churches, Parish Houses ..... XA
Religious Schools ..... XA
Religious Reading Rooms ..... XA
Schools ..... XA
Public Libraries ..... XA
Museums ..... XA

Commercial:

Nursery School ..... NP
Day Care ..... NP
Group Homes ..... NP
Nursing Homes ..... NP
Funeral Homes and Mortuaries ..... NP
Home Occupations ..... XA
Retail Store/ Retail Services ..... NP
Sales Rooms ..... NP
Restaurants, Taverns, Cafes ..... NP
Business/Professional Offices ..... NP
Banks ..... NP
Hotels, Inns ..... NP
Bed and Breakfast (4 BR max) ..... XA
Rooming Houses ..... NP
Theaters, Halls, Private Clubs ..... NP
Clubs and Other Places of Assembly ..... NP
Shops for Custom Work ..... NP
Newspaper Production, Job Printing ..... NP
Commercial or Public Parking ..... NP
Gasoline Service Stations ..... NP
Commercial kennel/Veterinary hospital……..…… NP

Industrial:

Earth Excavation ..... NP
Manufacturing, assembly, compounding, processing/packaging, treatment or distribution of products ..... NP
Wholesale, warehouse and storage ..... NP
Motor freight terminals ..... NP
Warehousing and truck repair ..... NP

Truck and heavy equipment sales, service, and repair ..... NP
Automotive, truck, utility trailer, and equipment rental ..... NP
Storage facilities for lease ..... NP
Distributing plants ..... NP
Beverage bottling/distribution ..... NP
Research and testing laboratories ..... NP
Industrial Parks ..... NP
Carpenter, electrical, plumbing, welding, blacksmith, heating, ventilation, refrigeration, air conditioning, sheet metal fabrication ..... NP
Laundry and clothes cleaning and dyeing ..... NP
Printing and publishing ..... NP
Building materials supply ..... NP
Bulk storage and distribution of petroleum products ..... NP
Recreation vehicle and marine sales, service, repair, and storage ..... NP
Utility operations ..... NP

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4.7.4 Mountain District Boundary - Monadnock: The district shall start at the mountain side of the Dublin/Jaffrey town line on Dublin Road proceeding southerly to Route 124 (Mountain Road) - a distance of approximately 3.15 miles. All land within 500 feet from the edge of the Dublin Road right-of-way, away from the mountain, is included. From the corner of Route 124 (Mountain Road) and Dublin Road proceeding westerly on Route 124 (Mountain Road), all lands on the mountainside to the Troy/Jaffrey boundary, a distance of approximately 4.4 miles. All lands 500 feet from the edge of the right-of-way on the southerly side of Route 124 (Mountain Road), away from the mountain, are included. A section of Shaker Road, approximately .82 miles, all lands on the mountainside and 500 feet from the edge of the right-of-way on the westerly side of Shaker Road away from the mountain.

Mountain District Boundary - Gap Mountain: The mountain side starting at the corner of Gap Mountain Road and Old Mill Road proceeding on Old Mill Road to the Troy town boundary, a distance approximately .36 miles. All land away from Gap Mountain 500 feet from the edge of the right-of-way to the north of Old Mill Road is included. From the corner of Old Mill Road and Gap Mountain Road proceeding in a southerly direction to the intersection of Old County Road a distance of approximately .76 miles. Then on Gap Mountain Road to the corner of Cobleigh Hill Road; a distance of .7 miles. Cobleigh Hill Road to the Troy boundary line; a distance of .5 miles. All lands 500 feet from the edge of the right-of-way to the east of Old County Road and Gap Mountain Road to all land 500 feet south of Cobleigh Hill Road.

4.7.5 Notwithstanding any other provision of this ordinance, the following provisions shall apply to any Open Space Development Plan and/or Village Plan Alternative located in the Mountain Zone: (Added March 2008)

a) Only single-family detached units shall be permitted;
b) Minimum setbacks between dwelling structures shall be 60 feet;

c) Incentives—OSDP or VPA in the Mountain Zone will include no base density bonus. If at least 50% of the total parcel minus wetlands is conserved as permanent open space, the developer may receive a 5 % bonus. A developer may receive a 5% bonus for setting aside open space contiguous with existing permanently preserved open space or conservation easement.

## SECTION V: GENERAL PROVISIONS THAT MAY APPLY TO MORE THAN ONE ZONING DISTRICT (Amended March 17, 2007)

5.1 Any person or organization who rents, leases, or otherwise permits the use of land, buildings or structures or any portion thereof is responsible for obtaining the required permits and for complying with all appropriate ordinances before permitting occupancy or use of such land or buildings. (Amended 2001)

5.2 Site plan approval by the Jaffrey Planning Board is required for the following uses of land and/or buildings and structures or for any related construction: (Amended 2001)

a) Multifamily structures

b) Commercial and industrial uses/structures

c) Institutional uses/structures

d) Recreation facilities including public/semipublic, private or commercial

e) Any other nonresidential uses/structures

f) Any multifamily structures, specifically including living units in Open Space Development Plan, and conversions of single-family dwellings (Amended March 8, 2005)

g) Multifamily housing, specifically including apartments, condominiums, and living units in Open Space Development Plan if these involve multifamily structures and specifically including conversions of single-family dwellings. (Amended 2000, March 8, 2005)

h) Land Application of Sludge and Septage: The Planning Board is further authorized to develop further regulations, including monitoring requirements.

5.2.1 Minor Site Plan: An adjustment to an approved site plan or a building lawfully constructed before December 31, 1980, that does not alter the approved usage but involves construction of at least 100 square feet but less than 1000 square feet. (Amended 2012, 2014)

5.2.2 The Town of Jaffrey authorizes the Planning Board, pursuant to the provisions of RSA 674:43, to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units, which are defined as any structures containing more than two dwelling units, whether or not such development includes a subdivision or resubdivision of the site; and to further authorize the Planning Board to delegate their site review powers and duties in regard to minor site plans to a committee of qualified technical administrators chosen by the Planning Board from the departments of public works, engineering, community

development, planning, or other similar departments in the town; and to authorize the Town Clerk to record a Certificate of Notice at the Cheshire County Registry of Deeds showing that the Planning Board has been so authorized and giving the date of such authorization. (Amended 1991)

5.3 The following uses are permitted in specific zoning districts (as noted) if authorized by the Board of Adjustment as Special Exceptions in each specific case:

5.3.1 Public or semipublic institutions of any historical, philanthropic, or charitable character**,** hospitals, sanatoriums, and other medical institutions, including rest homes (in all residential and commercial districts).

5.3.2 Buildings and necessary structures in connection with municipal or public utilities, and buildings used exclusively for governmental purposes (in all districts).

5.3.3 Private clubs, lodges, other nonprofit social, cultural, civic, or recreational use, but not including any use the chief activity of which would be one customarily conducted as a business (in residential and commercial districts).

5.3.4 Commercial kennel, animal or veterinary hospital (in industrial and rural districts). However, in the rural district, such uses must be located on the same premises as the owner/operator's residence.

5.3.5 Picnic groves, ski and hiking trails and shelters, ski tows, golf courses, outdoor skating rinks, boating facilities, liveries, children's camps (in rural districts).

5.3.6 Inns, hotels, and motels, including restaurants operated in connection therewith (in the rural, Residence "B," and commercial districts).

5.3.7 Telephone exchanges, telecommunications towers, public utility buildings (in all districts except Historic District and Mountain Zone).

5.3.8 Conversion of a single-family dwelling existing at the time of the adoption of this ordinance for occupancy by not more than three families, provided that the exterior design of the structure is not changed from the character of a single-family dwelling. In addition, the required lot area (acreage) for any residential conversion shall be calculated as follows:

Multiply the required lot area per dwelling unit for the district in which the conversion is located (See Section VI) by the total number of dwelling units in the conversion. Then multiply the previous product by ( 66.7%) to determine the minimum lot area.

5.4 Accessory apartments are permitted in all residential districts by Special Exception of the Board of Adjustment, providing the following conditions are met (Amended 1992):

5.4.1 Only one accessory apartment is permitted per single-family dwelling unit.

5.4.2 The primary residence is occupied by the owner, except for *bona fide* temporary absences.

5.4.3 The accessory apartment shall have a minimum floor area of 400 square feet, but in no case shall the floor area comprise more than 30% of the floor area of the primary residence.

5.4.4 Adequate provision shall be made for the disposal of sewage, waste and drainage.

5.4.5 Adequate provision shall be made for off-street parking.

5.4.6 All setback requirements for the respective zoning district shall be observed.

5.4.7 The minimum lot size for creating an accessory apartment shall be calculated by multiplying the required lot area as designated in Section 6.1 by two, then multiplying that figure by .667.

5.5 In buildings and structures, the following minimum floor area must be provided for all dwelling units:

> Six hundred (600) square feet of interior floor area for the first dwelling unit, six hundred (600) square feet of interior floor area for the second dwelling unit, and four hundred (400) square feet of interior floor area for each additional dwelling unit.

5.6. Building height: In all districts, buildings and structures shall not exceed either three stories or forty-five (45) feet measured from the highest natural ground level.

5.7. Accessory buildings and accessory uses: One or more detached accessory buildings may be located on the same lot as the principal building, provided that no more than twenty-five percent (25%) of the lot area, excluding the area occupied by the principal building, shall be so occupied and that all setback and site plan requirements are met.

5.8. The establishment or use of private or commercial facilities for the storage and/or disposal of hazardous wastes (as defined by the Atomic Energy Act of 1954, as amended) is prohibited.

5.9. Owners, developers, and users of land and buildings should be aware of the following Town of Jaffrey regulations that also govern the use of land and buildings:

a) Historic District Regulations

b) Manufactured Housing/Mobile Home Park Regulations

c) Wetlands Conservation District Regulations

d) Rules and Regulations for Controlling Subdivisions

e) Rules and Regulations Governing the Excavation of Earth

f) Airport Regulations

g) Town of Jaffrey Ordinances governing signs and governing fire remains and other ruins (March 9, 1965, as amended)

5.10 The provisions of the NFPA Life Safety Code, as amended, are adopted by reference. Such adoption includes all code provisions and amendments except those pertaining to penalties.

5.11 Building permits, when required:

5.11.1 Residential one- and two-family construction:

A permit shall be obtained before beginning construction, alteration, or repairs other than ordinary repairs using application forms furnished by the Building Inspector. Ordinary repairs are nonstructural repairs. (Amended 1990)

5.11.2 Industrial, commercial and multifamily construction:

A permit shall be obtained to construct, enlarge, alter, or demolish a structure; or to change the occupancy of a building or structure requiring greater strength, exit, or sanitary provisions; or to change to another use; or to install or alter any equipment for which provision is made or the installation of which is regulated by this code without first filing an application with the Code Official in writing and obtaining the required permit therefore; except that repairs (as defined in the ICC National Building Code - current edition) that do not involve any violation of this code shall be exempted from this provision. (Amended 1990, 2003)

5.12 All industrial, commercial and residential construction shall conform in all respects to the requirements of the current edition of the ICC National Building Code currently adopted by the State of New Hampshire at the time the required permit for construction is issued pursuant to paragraph 5.11.2 above. (Amended 2002, 2003, 2014)

5.13 No building or addition to a previously existing building shall be occupied or used for any purpose and no building shall be changed to another use (including conversion from seasonal to year-round use) until a Certificate of Occupancy shall be issued by the Board of Selectmen. Such certificate shall be issued by the Board of Selectmen or their designee only after they have inspected the property and found it complies with all provisions of the Jaffrey Zoning Ordinance, with buildings and driveway permit regulations, including those pertaining to sewerage disposal systems and wells.

Reasonable occupancy permit fees shall be established by the Board of Selectmen. (Amended March 13, 1990)

5.14 Nursing Homes are permitted as special exception uses where specified and in accordance with the following requirements:

5.14.1 The minimum lot size in residential districts shall be 40,000 square feet with a minimum lot width of 200 feet.

5.14.2 The architectural character (design) of the structure is in keeping with the general residential character of the neighborhood where the nursing home is to be located.

5.14.3 Off-street parking space for visitors shall be provided on the ratio of one space for every three beds plus additional spaces for administrative personnel, doctors, and other

regular employees. One space shall be provided for each employee based on the largest shift.

5.14.4 The illumination of parking areas, driveways and buildings and the display of signs shall be placed in a manner that minimizes any disturbance to the general residential character of the neighborhood.

5.14.5 The owner/developer of a proposed nursing home shall furnish a detailed site plan for the facility showing the location of all buildings, parking areas and driveways, signs, elevations of all buildings, *etc.*, to the Building Inspector as part of the application requirement. The site plan shall be prepared by a registered professional architect or engineer.

5.15 Group homes, group residences, and group care facilities are permitted as special exception uses where specified and in accordance with the following special conditions regarding group residence and group care facilities.

5.15.1 Maximum number of residents:

Group residence facility: The number of residents shall be limited to no more than ten persons including clients, staff, and family of staff. Clients shall be limited to no more than eight persons.

5.15.2 Occupancy:

a) Persons over 19 years of age and released from or under the jurisdiction of a governmental bureau of corrections or similar institution shall not be eligible for residence in a group home.

b) Developmentally disabled individuals shall be certified by State and/or local social service authorities as capable of residing in a group home.

5.15.3 Minimum lot and area requirements:

The minimum lot and area requirements, height and yard setback requirements shall be as prescribed in the zoning district where the property is located.

5.15.4 License or certification:

A license or certificate shall be obtained from the State of New Hampshire or applicable agencies prior to the issuance of an occupancy permit. In the event that an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Board of Selectmen that the proposed use satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.

5.15.5 Location spacing:

A group residence facility shall be located not less than one-half mile (a half-mile radius) from any other group residence or group care facility, institutional facility, or drug and/or alcohol outpatient clinic.

5.15.6 Annual recertification:

The sponsoring agency or sponsor shall file annually, with the Board of Selectmen or the Building Inspector, information indicating that the facility continues to satisfy the conditions of the original approval.

The sponsoring agencies shall be notified by mail of the annual filing date thirty (30) days prior to such date. Ten (10) days after the filing, an advertisement will be placed in the local newspapers for one day listing those agencies that have applied for recertification and requesting comments from residents and community organizations within thirty (30) days from the date of the advertisement. Individuals or organizations wishing to file a complaint should do so in writing to the governing body.

Change of sponsorship or of any conditions of original approval shall constitute a new use and the full procedure for obtaining a new use shall be exercised.

5.16 Elderly Housing

5.16.1 Purpose: In recognition of its inherent obligation to its elder citizens, the Town of Jaffrey hereby allows elderly housing by special exception. The purpose of this section is to establish the special exception conditions that such a use must satisfy. Where the Town zoning regulations differ from the provisions contained in this section, this section shall take precedence.

5.16.2 Definition: For the purpose of this section, the term "elderly housing" shall mean any housing that is specifically funded, or the construction of which is specifically funded, or the construction of which is specifically assisted by the local, state or federal government or agencies or private individuals or organizations for the use of elderly persons.

5.16.3 Applicability: The overlay district created in this section shall only apply to the Residence B and General Business Districts and the Residence A Districts, excepting the Historic District.

a) Density: In recognition of the desirability of locating elderly housing in reasonable proximity to available support systems and in recognition of the social, cultural, and physical advantage of living in a balanced community environment, not more than ten units per acre for elderly housing shall be allowed.

b) Parking: As a requirement for elderly housing, there shall be one parking space for every dwelling unit.

c) Site Plan: The proposed use shall be subject to the provisions of the Site Plan Review Regulations of the Town of Jaffrey.

5.17 Home Occupations

DEFINITION: A home occupation/home-based business is an accessory use to a residence involving the manufacture, provision or sale of goods and/or services. The use shall be clearly incidental and secondary to the primary use of the residence and does not change the character

thereof or adversely affect the uses permitted in the zoning district in which it is located. In the case of home-based businesses, the primary business activity may be conducted off premises at the customer's location. On-site retail sales are not considered a home occupation or home-based business, nor are agricultural activities. Anyone wishing to engage in a home occupation shall apply to the Building Inspector, who has approval authority for the Town.

5.17.1 Home occupations shall be permitted in all zoning districts that permit residences, except the Mountain District, where Special Exception approval from the Board of Adjustment is required, subject to the following conditions:

a) Carried on by residents of the premises and no more than one nonresident employee.

b) Operated entirely within a principal and/or accessory structure and occupy no more than 25% of the floor space of the residence.

c) Result in no external evidence of the enterprise except for one non-illuminated sign no larger than four square feet.

d) Adequate off-street parking shall be provided for any employee and customers or clients visiting the premises.

e) The volume of traffic generated by the Home Occupation shall not create any hazard, traffic nuisance, or disturbance of the neighborhood.

f) A Home Occupation does not require Site Plan Review by the Planning Board. Should any of the above performance standards be exceeded, however, the use may be subject to the conditions applicable to home-based businesses or may require a variance from the Jaffrey Zoning Ordinance.

5.17.2 Home-based businesses shall be permitted by Special Exception of the Board of Adjustment in all zoning districts that permit residences.

a) It shall be carried on by residents of the premises and not more than three nonresident employees on the premises.

(b) The use does not occupy more than 3,000 square feet of gross floor area, and/or more than 5,000 square feet of exterior lot area.

(c) It shall not have an adverse effect on the environment or the surrounding properties as a result of: noise, odors, smoke, dust, heat, soil, water or air pollution, or electrical interference that causes visual or audible interference in any radio or television receivers or fluctuations in line voltage off the premises.

(d) The use shall not result in excessive increases in traffic or create any traffic hazard, nuisance, or disturbance of the neighborhood.

(e) Parking areas shall be located at the side or rear of the primary building and shall be screened from the views of abutters and roadways by plantings, fencing, or topography.

(f) It shall have no outdoor display of goods and no outdoor storage of materials or equipment unless screened from roads and surrounding properties by natural or structural means to such an extent and in such a manner as may be specifically required and approved by the Board of Adjustment. Any hazardous materials generated by the business will be disposed of off site.

(g) The residence or accessory buildings shall not provide window displays or other characteristic features normally associated with commercial use, except for one non-illuminated sign not to exceed six square feet.

(h) There shall be no change in the exterior appearance of the residence or other structures on the property as a result of the use, unless specifically approved or required by the Board of Adjustment.

(i) Exterior lighting shall not illuminate neighboring properties or public ways.

(j) A home-based business is not subject to site plan review by the Planning Board. Should any of the above performance standards be exceeded, the use would be in violation of the Jaffrey Zoning Ordinance.

5.18 Recreational Vehicles

5.18.1 Other than in recreational vehicle parks or campgrounds, recreational vehicles may not be placed on sites other than those associated with a permanent residence for more than 21 continuous days or a maximum of 90 days in a calendar year (extension may be granted by the selectmen).

5.18.2 Units will have their own self-contained sanitary sewage systems and formal provisions are necessary for disposal (as provided by RSA 147 *et seq*.).

5.18.3 Units shall have adequate off-street parking.

5.18.4 Units shall be fully licensed and ready for highway use.

5.19 Voluntary Merger

A landowner, owning more than one contiguous lot and desiring to merge those lots for regulation and taxation purposes, may request from the Planning Board a notice of merger, signed by the Planning Board, which must be recorded in the Registry of Deeds. A copy of the merger document shall be forwarded to the assessing office of the town. No public hearing is required. Except where such merger would create a violation of current ordinances or regulations, all such requests shall be approved.

5.20 Storage of septage/sludge and land application of septage/sludge is not permitted in the Town of Jaffrey excepted as permitted through Site Plan review.

5.21 No manufactured housing/mobile homes are permitted in the Town of Jaffrey except in approved manufactured housing/mobile home parks or subdivisions. (Amended 2001)

5.22 Agriculture is permitted in the Town of Jaffrey in accordance with the Department of Agriculture's Best Management Practices. (Amended 2001)

5.23 A private road may be established only through subdivision approval by the Jaffrey Planning Board. (Added March 2003) Private roads constructed in the Town of Jaffrey shall as a minimum conform to the requirements of Appendix A, Section III, to the Jaffrey Rules and Regulations to Control subdivisions (Added March 2014).

5.24 Erection of Buildings on Private Roads and Class VI Roads (Amended 2003, 2014)

a) Applications requesting the issuance of building permits may be submitted for lots with frontage on any private road or class VI road that conforms to the minimum requirements of Appendix A, Section III, to the Jaffrey Rules and Regulations to Control Subdivisions.

b) The Board of Selectmen may vote to authorize the issuance of building permits for the erection of buildings on private roads and class VI roads after review and comment by the Planning Board.

c) The Town neither assumes responsibility for maintenance of any private road or class VI highway, nor liability for any damages resulting from the use thereof.

d) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds.

5.25 Frontage requirements, lot size, and setbacks for buildings on private roads and class VI roads shall be as contained in Section VI of the Jaffrey Zoning Ordinance. (Amended 2003, 2008, 2014)

5.26 In reviewing an application for building on a private road or class VI road, the Planning Board shall evaluate provisions for maintenance of the road in a condition suitable for passage of emergency vehicles: fire, police and ambulance. Proposals for private improvements or maintenance of class VI roads must be approved by the Board of Selectmen, pursuant to RSA 236:9. (Amended 2003, 2014)

5.27 Undevelopable land and land subject to development controls. (Amended 2007, 2008)

a) Undevelopable land:
   i) Land that slope is 25% or more
   ii) Land which is under water
   iii) Land within the Wetlands Conservation Overlay District

b) Land which may be developable but which is subject to specific restrictions or requirements:
   i) Land within the Shoreland Overlay District.
   ii) The subdivider/developer must submit for planning board approval an erosion control plan for land having a slope 15% or more.
   iii) Land within the Floodplain Development overlay district.

5.28 The term condominium refers to a form of ownership, and condominiums as a form of ownership are authorized for all zoning districts of the Town and are also subject to all provisions of subject districts. (Amended 2007)

## SECTION VI: AREAS AND SETBACKS FOR BUILDINGS - ALL DISTRICTS (Amended March 2002, 2005, 2008, 2012, 2014)

| District | Lot Size (Sq. Ft.) | Frontage (linear feet) | Front Setback (linear feet) | Side Setback (linear feet) | Rear Setback (linear feet) | Off-street Parking |
|---|---|---|---|---|---|---|
| Mountain | 130,680 / 3 ac | 200 | 60 | 40 | 40 | 2/unit |
| Rural WOTW | 130,680 / 3 ac | 200 | 60 | 40 | 40 | 2/unit |
| Rural WTW | 65,340 / 1.5 ac | 150 | 60 | 30 | 30 | 2/unit |
| Residence A | 43,560 / 1 ac | 125 | 30 | 30 | 30 | 2/unit |
| Residence A (w/town sewer or community septic system within an OSDP or VPA*) | 20,000 / .46 ac | 125 | 30 | 30 | 30 | 2/unit |
| Residence B | 43,560 / 1 ac | 125 | 30 | 30 | 30 | 2/unit |
| Residence B (w/town sewer or community septic system within an OSDP or VPA*) | 20,000 / .46 ac | 125 | 30 | 30 | 30 | 2/unit |
| Main Street Program Area | N/A | N/A | Align where possible, w/existing buildings, to preserve the streetscape edge. | 15 feet from adjacent buildings | 15 feet from adjacent buildings | See Section 6.10 |
| General Business | 43,560 | 125 | 30 | 30 | 30 | 1 (8x18) per 400 sf gross floor area (amended 1992) |
| Industrial | 2½ acres | 200 | 100 | 30 | 50 | 1/employee |
| Turnpike Road Industrial District including "Tract A" | 2 ½ acres | 200 | 100 | 30 | 50 | 1/employee |
| Turnpike Road Industrial District "Tract A" see Z.O. Section 3.6.2 | N/A | N/A<br>Access Via Turnpike Rd. | N/A | 100 | 100 | 1/employee |

The Planning Board, during Site Plan Review, has the option of reducing front and rear setbacks, but not to be less than 30 feet, in order to accommodate flexibility in the siting of parking areas and other facilities; and to provide for reasonable vegetation within the setback areas.

**OSDP: Open Space Development Plan*
**VPA: Village Plan Alternative*

Explanatory notes:

a) The lot sizes and dimensions in the Mountain, Rural, Residence A, and Residence B districts are intended for one and only one principal structure per lot unless specifically otherwise provided for elsewhere in this ordinance.

b) "Frontage" means the horizontal distance measured along a lot line dividing a lot from a street that meets the minimum requirements of Appendix A, Section III, to the Jaffrey Rules and Regulations to Control Subdivisions. Driveways to interior lots shall not be construed as frontage for the front lot.

c) "Setback" means the horizontal distance between a lot line and the nearest part of a structure.

6.1.1 During the Site Plan Review process, the Planning Board may waive up to 25% of the parking requirements, if deemed appropriate.

6.2 No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with the lot area, frontage, setback, yard or height provisions of this ordinance that are applicable to the construction or placement of the building on the lot unless a variance is obtained from the Zoning Board of Adjustment. This provision shall not apply, however, when a portion of the lot is taken for public purposes. (Amended March 2009)

6.3 Minimum lot sizes for apartment houses, whether units are single, cooperative, or condominium ownerships:

> One acre for the first living unit in a building, plus one-half acre for the second living unit in a building, plus an additional five thousand (5,000) square feet for each additional living unit in a building. There shall be a maximum of eight (8) living units in a building, except in the rural districts where the maximum number of units shall be limited to four (4) per building.

6.4 The lot size for two-family dwellings shall be twice that for single-family dwellings in the same district.

6.5 Lot sizes for Open Space Development Plan are discussed in Section XIII. (Amended March 2000, 2005, 2008)

6.6 In cases where sale and/or resale are not involved, in-ground fuel tanks are exempted from the setback requirements of this section upon certification by the Jaffrey Fire Chief that such placement is not hazardous.

6.7 Unenclosed porches and decks may encroach upon setback areas by Special Exception of the Board of Adjustment, subject to the following conditions:

6.7.1 The dwelling was a lawfully existing use at the time of the adoption of this ordinance.

6.7.2 The building line of the addition does not extend more than ten (10) feet into the setback area.

Improvements necessitated by the Americans with Disabilities Act are expressly exempted from setback requirements; permit fees for ramps or other handicap accesses may be waived, as determined by the Selectmen. (Amended 1993)

6.8 A buffer area shall be required in all districts when any new commercial or industrial use is established adjacent to an existing residential use. The buffer shall comprise 50% of the required setback for the zoning district, as measured inward from the property line, and shall be of a type deemed appropriate for the location by the Planning Board during Site Plan Review.

6.9 Interior Lots — An interior lot presents a special case whereby a single-family residential construction is permitted under a special set of circumstances on a parcel of land that does not have the frontage normally required in the Rural District. An interior lot must, however, have a minimum access of fifty (50) feet in width to an approved street by ownership of land. (Amended 2003)

6.9.1 The interior lot must contain a minimum of twelve (12) acres, and the front lot must contain at least the standard acreage required in the Rural District, exclusive of any deeded ROW.

6.9.2 All setbacks specified in section VI must be met for residential construction. For purposes of this section, the front setback of an interior lot shall mean the distance from the line separating the interior lot (exclusive of owned or ROW access to an approved street) from the front lot. A structure built on an interior lot may not be closer than three hundred (300) feet from an approved street.

6.9.3 Because of the special nature of an interior lot, only one interior lot per driveway is permitted, and an interior lot may be used only for one single-family residence and/or agriculture or silviculture purposes.

6.9.4 Once established, an interior lot may not be further subdivided.

6.10 Within the “Main Street” Program Area: Commercial establishments must demonstrate adequate and appropriate parking capability for employees and customers. In this context, a reasonable portion (not dedicated) of municipal parking may be considered. Residential units must have dedicated parking, with one space required for a one-bedroom unit and two spaces for all others. Where possible, the parking area should be at the rear of the lot. (Amended 2002)

## SECTION VII: NONCONFORMING USES, STRUCTURES, AND LOTS

Any lawful use of land or buildings, or parts thereof, existing at the time of the adoption of this ordinance, even though such use does not conform to the provisions of this ordinance is allowed, subject to the conditions listed below:

7.1 Nonconforming Uses

7.1.1 A nonconforming use may not be changed to another nonconforming use. If a nonconforming use is superseded by a conforming use, the nonconforming use may not thereafter be assumed.

7.1.2 A nonconforming use may not be substantially expanded or enlarged; natural, but limited, expansion may be allowed, provided it does not have a substantially different impact upon the neighborhood.

7.1.3 When any existing nonconforming use of land or buildings has been discontinued for one-year, the land and buildings shall thereafter be used only in conformity to this ordinance.

7.2 Nonconforming Structures

7.2.1 Restoration, reconstruction, alteration and/or replacement of nonconforming structures are allowed, provided that the cubic contents and the footprint of the original structure stay the same; any nonconforming structure that has been destroyed in whole or in part by fire or other natural disaster may be replaced within one year of the damage.

7.2.2 The relocation on a lot of a structure that does not comply with the setback provisions is allowed provided the new location complies with the setback provisions.

7.2.3 A nonconforming structure may be expanded provided that the expansion does not encroach any more into the nonconforming direction than the existing structure. Expansion in a conforming direction is permitted.

7.3 Nonconforming Lots of Record

In any district, a vacant lot that was a lawful lot of record as of the effective date of this ordinance may be developed for the uses permitted in that district, even though the lot does not conform to the area or frontage requirements of this ordinance. The applicable district requirements for yard setbacks and state septic system requirements shall still apply.

## SECTION VIII: ENFORCEMENT AND PENALTIES

8.1 The Board of Selectmen is hereby authorized and empowered to adopt such rules or organization and procedure as are necessary for the efficient administration and enforcement of this ordinance.

8.2 Upon any well-founded information that this ordinance is being violated, the Selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other appropriate legal action.

8.3 Infractions are punishable in accordance with the provision of RSA 676:15-17.

## SECTION IX: APPEALS

Per RSA 676:5, Appeals to the Board of Adjustment may be taken by any person aggrieved or affected by an administrative decision or action taken by the code officer enforcing this zoning ordinance adopted pursuant to RSA 674:16.

## SECTION X: GUIDELINES FOR THE BOARD OF ADJUSTMENT

10.1 General - The distinction between a Special Exception and a Variance.

A special exception can be defined as a stated exception to the ordinance if certain terms and conditions are met, while a variance is a provision for non-enforcement of the ordinance as it may apply under special circumstances to a particular piece of land, which special circumstances have not been specifically provided for in the wording of the ordinance.

10.2 Unless otherwise specifically provided, the Board of Adjustment shall, before granting a Special Exception, find that, in their judgment, all of the following conditions are met:

10.2.1 The specific site is an appropriate location for such a use, structure, or condition;

10.2.2 The use, structure, or activity will not be detrimental to the neighborhood nor significantly alter the characteristics of the district;

10.2.3 Adequate and appropriate facilities will be provided for the proper operation of the proposed use; and

10.2.4 Such exception, if granted, will not adversely affect any other district or portion thereof.

10.3 The power to grant variances stems from RSA 674:33. All of the following conditions must be found by the Board of Adjustment before they can grant a variance. (Amended March 8, 2005)

10.3.1 The variance will not be contrary to the public interest.

10.3.2 Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship. Provisions pertaining specifically to variances are stated below:

Requirements for applicant seeking a variance:

a) The zoning restriction as applied interferes with a landowner's reasonable use of the property, considering the unique setting of the property in its environment.

b) No fair and substantial relationship exists between the general purposes of the Jaffrey Zoning Ordinance and the specific restriction on the property.

c) A variance is needed to enable the applicant's proposed use of the property given the special conditions of the property.

d) The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

10.3.3 The variance is consistent with the spirit of the ordinance.

10.3.4 Substantial justice is done.

10.3.5 The value of surrounding properties will not be diminished.

## SECTION XI: AMENDMENT

11.1 Ordinances embodied in the Jaffrey Land Use Code may be amended by a majority vote at Town Meeting when such amendment is published in the warrant calling for the meeting and when such amendment has received a public hearing, which hearing has been advertised and given legal ten-day (10) notice, all in accordance with RSA 675:3 and 4.

## SECTION XII: GUIDE TO ZONING DISTRICT[S] IN THE TOWN OF JAFFREY

(Description)

12.1 General

Districts are designated by name for ease in identification. The following shall pertain in determining district boundaries:

12.1.1 Points of road intersection shall be measured from the center line of the traveled way unless otherwise specified (*e.g.*, 500' south of Route 124 means 500' south of the center line of Route 124).

12.1.2 When the edge of a road is specified, it means the edge of the legal road property or right-of-way.

12.1.3 When the shoreline of a body of water is specified, it means the shoreline at the normal high water mark.

12.1.4 Distances are to be read as stated, not as rounded-off approximations.

12.1.5 In cases of a conflict of district lines, the more restrictive district requirements should prevail.

12.1.6 In the event of a discrepancy between the verbal description of zoning districts (in the Jaffrey Zoning Ordinance) and the boundaries as shown on the zoning map of Jaffrey as prepared by Cartographic Associates, Inc., the verbal description will take precedence.

12.2 Historic District

The boundaries of the Historic District are described by street in the Historic District Regulations. The Historic District is also zoned Residence A.

12.3 Residence A district (West)

Beginning at Route 124 at a point 500 feet east of the intersection of Sawtelle Road, running parallel to Sawtelle Road on the southeast side at a distance of 500 feet to Sandy Lane, 500 feet south of the intersection of Sawtelle Road and Gilmore Pond Road. Thence northerly along the west side of Sandy Land and Gilmore Pond Road to the mountain stream, thence following the mountain stream to the east shore of Laban Ainsworth Pond; following the eastern shore of Laban Ainsworth Pond to its north end. Thence running in a straight line to the intersection of Dublin Road and Route 124. Running along the south side of Route 124 to the western boundary of the Historic District. Thence running along the western boundary of the Historic District; then

continuing easterly on the same line approximately 800 feet to the westerly line of tax map 228 / lot 80; thence following the property line of map 228 / lot 80 to the point where it intersects Thorndike Pond Road; then crossing Thorndike Pond Road easterly to a point 200 feet east of Thorndike Pond Road; thence southerly, and running 200 feet parallel from Thorndike Pond Road to a point 185 feet North of the North side of Main Street; then easterly to Match Point Road; then southerly 500 feet to the point of beginning.

12.4 Residence A District (Central)

Starting at the intersection of Prospect Street and Route 124 and running along the east side of Prospect Street to the end of Prospect Street. Thence in a straight line easterly to Route 137 where the stone wall boundary between tax map 238 / lot 212 (Cutter's pasture) and tax map 237 / lot 30 intersects Route 137. Crossing Route 137, then in a straight line northeasterly approximately 500 feet to the south side of Amos Fortune Road bridge over Tyler Brook. Then easterly along the south side of Amos Fortune Road and Nutting Road to a point opposite the intersection of Nutting Road and Dean Farm Road. Then southerly and paralleling Nutting Road at a distance of 500 feet east of Nutting Road to a point where the eastern borders of Tax Lot 31 and Lot 33 on Tax Map 245 intersect. Then southeast about 1,700 feet, crossing the southeast boundary of Lot 54 on Map 246, to the shore of Cheshire Pond. Thence southerly along the western shore of Cheshire Pond to a point 500 feet northeast of Route 202 and on the northeast boundary of Lot 126, Tax Map 245. Thence paralleling Route 202 at a distance of 500 feet northwesterly to a point opposite the centerline intersection of Webster Street and Route 202. Then in a northwesterly direction to the southeast corner of Lot 243, Tax Map 238. Thence, continuing in a northwestern direction along the southwesterly line of said Lot 243 to the northerly side of Nutting Road and following Nutting Road to the intersection of Route 137. Thence southerly to the northwest side of Goodnow Street and crossing Main Street, and following the northwest side of School Street to a point on the south side of the public school property at the intersection of Lots 32 and 33, Tax Map 238. Thence westerly along the north boundary of Lot 32, Tax Map 238, in a straight line to Charlonne Street. Then southerly along Charlonne Street to a point that is 500 feet northwesterly of River Street. Then running parallel to River Street at a distance of 500 feet, crossing Gilmore Pond Road to a point 500 feet south of Gilmore Pond Road and 500 feet west of River Street. Thence westerly paralleling Gilmore Pond Road at a distance 500 feet south of Gilmore Pond Road to a point 500 feet south of the intersection of Gilmore Pond Road and Highland Avenue. Thence northerly across Gilmore Pond Road at the intersection of Highland Avenue. Continuing northerly, parallel to Highland Avenue to the northwest corner of Lot 95, Tax Map 238. Then northerly along the west line of Lots 96 and 97, Tax Map 238, to the northwest corner of Lot 97, Tax Map 238. Thence in a straight line to the intersection of Prospect Street and Route 124 - the point of the beginning.

12.5 Residence A District (East)

Starting at Michigan Road and the Jaffrey/Rindge line, paralleling Michigan Road at a distance 500 feet west of Michigan Road and running northerly to a point where the extension of a line 500 feet south of Howard Hill Road and paralleling Howard Hill Road intersects the line paralleling Michigan Road (intersection is in Forest Park). Thence southeasterly and paralleling Howard Hill Road at a distance of 500 feet to a point 250 feet from the shore of Contoocook Lake. Thence northeasterly in a straight line and crossing Squantum Road, to a point 500 feet northeast of Squantum Road to the southeast corner of Lot 56, Tax Map 243, on Contoocook Avenue. Thence southeasterly, paralleling Squantum Road at a distance of 500 feet north of Squantum Road, to the intersection of that line and the westerly boundary of Lot 12, Map 257, and Map 242. Thence following the westerly border of Lot 12, Map 257, to Squantum Road. Thence southeasterly on Squantum Road to the intersection of Sherwin Hill Road and Squantum Road, and following the

east side of Sherwin Hill Road to the Jaffrey/Rindge line. Thence west along the Jaffrey/Rindge line to the point of the beginning.

12.6 Residence B District (West)

Beginning at the intersection of Lacy Road and Route 202, thence northwesterly on Lacy Road to a point that is 500 feet west of Route 202, opposite Lot 24, Map 239. Then northerly on a line that 500 feet west of Route 202 and paralleling Route 202 to a point 500 feet south of Gilmore Pond Road near the middle of Lot 45, Map 239. Then, northwesterly and paralleling Gilmore Pond Road at a distance of 500 feet south of Gilmore Pond Road to a point 500 feet south of the intersection of Gilmore Pond Road and Highland Avenue Ext. Thence westerly along Gilmore Pond Road to the intersection of the east side of Jaquith Road. Then running southerly along the east side of Jaquith Road to a point 500 feet south of Lacy Road. Thence easterly and paralleling Lacy Road at a distance of 500 feet south of Lacy Road to the Mountain Stream Reservoir. Thence following the north shore of Mountain Stream Reservoir to its intersection with Route 202. Then northerly along Route 202 to the point of the beginning.

12.7 Residence B District (North)

This district is entirely enclosed by Residence A (Central). Starting at a point on the east side of Nutting Road between Lots 34 and 35, Map 245, proceeding easterly 1,500 feet to a point on the northerly boundary of Lot 42, Map 245. Thence southerly about 1,250 feet crossing the inlet to Cheshire Pond at a point on Lot 116, Map 245. Then westerly and parallel to the northern boundary 1500 feet. Then northerly and parallel to the eastern boundary 1200 feet to the point of the beginning.

12.8 Residence B District (South) (Amended 2007)

Starting at the intersection of Rte 124 and the southwest corner of Lot 96, Map 244 go northerly on the east side of lots 95,80,73,72,64,47 and 67 to the south side of Webster Street, then easterly to a point opposite Lot 12 Map 245 on the north side of Webster Street, then crossing Webster St to the southeast side of Lot 12 Map 245, then northerly 100' more or less, then westerly on said lot on a straight line to a point on the northwest side of Lot 8 Map 245, then southwest by the westerly boundary of said lot to the south side of Webster Street, thence westerly to the west side of Oak Street at the junction of Webster and Oak Streets, then southerly along the west side of Oak Street to the southeast corner of Lot 18 Map 245, thence westerly on a straight line to the northwest corner of Lot 20 Map 245 which is a point of 500' from Route 202, then southwesterly staying 500 feet from Route 202 to the center of Ellison Street.

Following Ellison Street westerly through Stratton Road and following Union Street to the northwest corner of Lot 211, Map 239. Thence southwesterly to a point 500 feet westerly of Stratton Road and near the northwest corner of Lot 204, Map 239. Southerly and paralleling Stratton Road at a distance 500 feet west of Stratton Road and Howard Hill Road to a point 250 feet from the shore of Contoocook Lake. Thence northeasterly in a straight line and crossing Squantum Road to a point 500 feet northeast of Squantum Road to the southeast corner of Lot 56, Map 243, on Contoocook Avenue. Thence turning north/northwest and paralleling Squantum Road at a distance of 500 feet to a point on the southeast corner of Lot 128, Map 239. From the southeast corner of map 239, lot 128 then north following the east boundary of said lot to the westerly boundary of Conant Cemetary then following said boundary north then east to a point at which is in the center of the junction of lot 114 map 239 and lot 33 map 244 then north to the north side of Rte. 124 then west along Rte. 124 to the point of beginning.

12.9 General Business District (West) (Amended March 2006, 2007)

From the west shore of Cheshire Pond and at a point 500 feet north of Route 202, then paralleling Route 202 on the northwest at a distance of 500 feet to a point opposite the centerline intersection of Webster Street and Route 202. Then northwest to the southeast corner of Lot 243, Map 238. Thence, continuing in a northwest direction along the southwesterly line of said Lot 243 to the northerly side of Nutting Road. Thence southerly to the intersection of Route 137. Thence southerly to the northwest side of Goodnow Street and crossing Main Street, and following the northwest side of School Street to a point on the south side of the public school property at the intersection of Lots 32 and 33, Map 238, in a straight line to Charlonne Street. Then southerly along Charlonne Street to a point that is 500 feet northwesterly of River Street. Then running parallel to River Street at a distance of 500 feet crossing Gilmore Pond Road to a point 500 feet south of Gilmore Pond Road and 500 feet west of River Street. Thence southerly and paralleling River Street at a distance of 500 feet west of River Street to Lacy Road. Then proceeding southerly, remaining a distance of 500 feet from River Street, to the south shore of Mountain Brook Reservoir on Lot 10 of Map 240 as depicted on the Town's tax map dated April 1, 2005. Then proceeding along said reservoir in a westerly direction to the northwesterly junction of said lot 10 on map 240 and the northeasterly corner of lot 9 on map 240. Then in a southerly direction along the dividing property line of said lots to the westerly side of Route 202. Then in a northeasterly direction on the westerly side of Route 202 to the junction Route 202 and the northerly side of Lacy Route. Then proceeding easterly to the west bank of the Contoocook River approximately 500 feet. Thence northerly and paralleling River Street (Route 202) at a distance of 500 feet east of River Street to a point on the easterly bank of the Contoocook River near the northwesterly corner of Lot 225, Map 239. Thence southerly following the easterly side of the Contoocook River to the southwesterly boundary of lot 225 on map 239. Thence easterly on a straight line to a point on the southeasterly corner of lot 212 of map 239. Thence northerly to the southwest corner at the end of Union Street. Following Union Street to the intersection of Union Street, Stratton Road, and Ellison Street.

Then paralleling Route 202 at a distance of 500 feet to the southwest side of Lot 20 Map 245 then southeasterly to the southeast corner of Lot 18 Map 245 then northerly on a straight line along said lot and keeping on the east side of Lot 19 and crossing to the north side of Webster Street then east on Webster Street on the north side to the west side of Lot 8 Map 245, then northerly on said lot, then easterly on the north side of said lot, then in a straight line on the north side of lots 8, 9,10 and 11 to the northeast corner of Lot 12, thence southerly 103 feet to the north side of Webster Street, then easterly 377 feet to the southeast side of Lot 69, thence north on said boundary between 69 and 70 on Map 244 then easterly 224.29 feet then northerly 383.41feet on the east side of lot 7.1 Map 245, thence on a straight line to the southwest side of Cheshire pond to the point of beginning.

Starting at the intersection of Webster Street and Route 202 and following the south side of Route 202 to a point and where Cretia Brook crosses Route 202 and enters Cheshire Pond; thence in a straight line to the southeast to the center of the Boston & Maine Railroad tracks; thence in a westerly direction following the railroad tracks to a point where they intersect Webster Street; thence in a northerly direction along to Route 202 (Amended March 1980).

12.10 General Business District (East)

From a point 1,250 feet east of the intersection of Hillcrest Road an Route 124 and starting at Route 124, the following directions: North by northeast 500 feet, then at a right angle east by southeast 1,500 feet, then at a right angle south by southwest 1,000 feet, then at a right angle north by northwest 1,500 feet, then north by northeast 500 feet to the point of the beginning.

12.11 Industrial District (Tack shop) (Amended 2007)

Starting at the southwest corner of Lot 96 Map 244 then east along Route 124 crossing Knight Street to the southwest corner of Lot 97, Map 244, then northerly on the west side of said lot in a straight line to the southwest corner of Lot 71 Map 244, then easterly on said lot 200 feet then northerly 250 feet between Lots 71 and 101, Map 244, then easterly from said junction 194.67 feet to the northeast corner of lot 101 then northerly on the west side of Lots 102, 103, 104.01, 104 and 105 on Map 244 and lot 1 on Map 245 then westerly on Lot 70 224.29 feet, then southerly 249.11feet, then westerly on the north side of Webster Street to the southeast corner of lot 12 Map 245 then crossing to the south side of Webster Street on the junction of lots 67 and 66, Map 244 then southerly on said junction and staying on the east side of lots 47,64,72,73, 80 and 95 to the point of beginning.

12.12 Industrial District (Northeast) (Amended March 2004, March 2006)

From the intersection of Route 202 and Fitch Road, following the center line of Fitch Road, but specifically including Lot 128/Map 245, to a point 500' from the intersection of Route 202 and Fitch Road. Proceeding at a distance of 500' north of Route 202, and paralleling Route 202 (Peterborough Street) to the intersection of Route 202 and Nutting Road. Thence southerly following the center line of Nutting Road and crossing Route 202, and continuing along the center line of Old Sharon Road to a point that is approximately 200' south of the intersection of the northerly end of Coll's Farm Road and Old Sharon Road (for further reference, this point is approximately 800' NNW of the intersection of Old Sharon Road and Chamberlain Road). Proceeding due east approximately 2800' to the Sharon/Jaffrey town line. Thence proceeding southerly to the southeast corner of lot 8 on map 255 dated April 1, 2002. The proceeding westerly along said boundary to the center of Old Sharon Road thence proceeding northerly along Old Sharon Rd. where the easterly extension of a line separating lot 2 of map 255 and lot 4 of map 256 intersects the Old Sharon Rd. Thence westerly running N60° 22'20" a distance of 1,900' to a drilled hole marking the SE end of the boundary between Lots 1 and 2/Map 255. Thence running on the same bearing an additional 2,549' more or less to a point 500' south of Route 202. Proceeding westerly and paralleling Route 202 at a distance of 500' south of Route 202 to the intersection of Hillcrest Road. Thence following the center line of Hillcrest Road northeast to the intersection of Hillcrest Road and Route 202, which is the point of the beginning.

Starting at the center line of the Old Sharon Road, approximately 800 feet SE of the intersection of Old Sharon Road and Chamberlain Road, easterly along an extension of a line separating the land of Bross from the land of J. Sawyer and along that line a distance of 1,600 feet. Thence SSE 2,250' (and paralleling the Jaffrey/Sharon line) at a distance of 1,100 feet; thence SSW a distance of 700 feet to the center line of Old Sharon Road. Thence northwesterly along the center line of Old Sharon Road a distance of approximately 150 feet. Thence running N 60°22'20" a distance of 1,910 feet to a drilled hole marking the SE end of the boundary between the land of Silver Ranch, Inc., and the land of the Town of Jaffrey. Thence running on the same bearing an additional 2,549 feet, more or less, to the center line of the Contoocook River. Thence following the center line of the Contoocook River a distance of 2,000 feet, more or less, to the center line of the northerly Boston & Maine RR trestle. Thence running easterly 2,330 feet back to the point of beginning (Amended March 1981).

12.13 Industrial District (Drumlin Park)

Starting at a point 365 feet south of Turnpike Road (Route 124) on the west side of Fitzgerald Drive; thence running S-52-35 100 feet and N-73-42 west 419 feet abutting Lot 33, Map 244; thence running S-2-30 south 590 feet abutting Lot 17, Map 244; thence running S-72-30 east 336 feet following a stone wall abutting Lots 27 and 31, Map 244; thence running S-7-45 south 364 feet and S-6-0 304 feet and N-74-30 west 440 feet along the boundary of Lots 27 and 28, Map 224; thence south 895 feet following the westerly boundary of Lot 28, Map 244, and crossing Plantation Drive at the boundary of Lots 31 and 32, Map 243. Thence 1,041 feet easterly along the southern boundary of Lot 33.1, Map 243; thence 519.7 feet along the southern boundary of Lot 33.1, Map 243; thence easterly along the northern boundary of Lot 61, Map 243, a distance of 640.7 feet; thence 1,086 feet along the eastern boundary of Lots 26 and 27, Map 243; thence N-30 west 1,367 feet on the eastern boundary of Lots 9, 24, and 25, Map 244. Thence N-8-E 423 feet being the eastern boundary of Lot 8 and 9, Map 244, northwest along a brook that is the southern boundary of Lot 7, Map 244, to the point of the beginning.

12.14 Industrial District (Turnpike Road) (Amended 2012)

Starting at the intersection of Prescott Road and Route 124, running southerly on the east side of Prescott Road to Eastwood Drive. Following Eastwood Drive and its projected extension (1968 survey) for a distance of 1,841 feet, being the northerly boundary of Lot 17, Map 257, and following the extension of the northern boundary of Lot 16, Map 257, to the Jaffrey/Sharon line. Thence northerly along the Jaffrey/Sharon line to Route 124. Thence westerly along the south side of Route 124 to the point of the beginning.

Also including Tract A which is described and bounded as follows:

The following five courses constitute a tie course from Turnpike Road to the true point of beginning for Tract A:

> Beginning at an iron pin found on the southerly sideline of Turnpike Road, said point located on the westerly sideline of Map 257, Lot 16, now or formerly of Elizabeth Johnson and William H. Johnson. Thence running South 12º 08’ 03” East, a distance of 105.96 feet along a stone wall by land of said Johnson to a point in said stone wall. Thence running South 11º 49’ 49” East, a distance of 187.24 feet along said stone wall by land of said Johnston to a drill hole found. Thence running South 30º 28’ 53” East, a distance of 397.17 feet along said stone wall to a point in said stone wall. Thence running South 10º 57’ 29” East, a distance of 24.24 feet to a drill hole set at the true point of beginning of Parcel A.

The property comprising Tract A is bounded and described as follows:

> Beginning at the drill hole at the true point of beginning of Parcel A. Thence running South 11º 08’ 50” East, a distance of 426.84 feet along a stone wall to a point. Thence running South 12º 05’ 14” East, a distance of 60.41 feet along said stone wall to a point. Thence running South 09º 45’ 44” East, a distance of 90.36 feet along said stone wall to a point. Thence turning and running North 89º 32’ 40” West, a distance of 393.75 feet along said stone wall to a point at the intersection of another stone wall. Thence running South 86º 09’ 15’ West, a distance of 66.50 feet along said stone wall to a point. Thence running North 88º 32’ 00” West, a distance of 284.21 feet along said stone wall to a point. Thence running North 86º 08’ 25” West, a distance of 84.67 feet along said

stone wall to a point. Thence running North 88º 25’ 38” West, a distance of 203.35 feet along said stone wall to a point. Thence running North 89º 06’ 25” West, a distance of 206.85 feet along said stone wall to a point. Thence running North 86º 08’ 03’ West, a distance of 67.12 feet along said stone wall to a point. Thence running North 88º 12’ 25” West, a distance of 83.48 feet along said stone wall to a point. Thence running South 89º 12’ 09” West, a distance of 110.41 feet along said stone wall to a point. Thence turning and running North 02º 53’ 37” West, a distance of 227.06 feet to an iron pin. Thence turning and running North 39º 54’ 12” East, a distance of 463.73 feet to a point. Thence turning and running North 85º 13’ 42” West, a distance of 122.45 feet to a point. Thence turning and running North 04º 46’ 18” East, a distance of 50.00 feet to a point. Thence turning and running South 70º 47’ 45” East, a distance of 1,384.39 feet to the drill hole first mentioned above and the point of beginning.

The Town of Jaffrey Planning Department shall maintain plans on file which visually depict the boundaries of Tract A.

12.15 Industrial District (Annett)

Starting at the intersection of Squantum Road and Mill Road and running along the west side of Mill Road and the west side of Prescott Road to a point 500 feet north of Squantum Road; thence paralleling Squantum Road at a distance of 500 feet north of Squantum Road, running westerly a distance of 1,100 feet; thence southerly 500 feet to Squantum Road; thence easterly on the north side of Squantum Road to the intersection of the east edge of Sherwin Hill Road; thence southerly along the east side of Sherwin Hill Road to the Jaffrey/Rindge line; thence east along the Jaffrey/Rindge line 600 feet; thence northeast 500 feet to the intersection of Squantum Road and Mill Road, being the point of beginning. (Rewritten March 13, 1990)

12.16 Mountain Zone

The boundaries of the Mountain Zone are described in Section 4.7. (Amended 1992, 2008)

12.17 Rural

All land not specifically identified in the above-defined districts.

## OVERLAY DISTRICTS

12.18 Main Street Program Area

The boundaries of the Main Street Program Area are shown on a map on file with the Planning Office and attached to this Code.

12.19 Wetlands Conservation District

The boundaries of the Wetlands Conservation District are described in the Wetlands Ordinance (Section III and XI).

12.20 Floodplain Development

The boundaries of the Floodplain Development Ordinance are all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the County of Cheshire, NH” as amended.

12.21 Shoreland

The boundaries of the Shoreland District are described in the Shoreland Ordinance (Article II).

## **SECTION XIII: INNOVATIVE LAND USE PLAN** (Amended March 2002, March 2003, March 2008)

General: Pursuant to 674:21 the Planning Board will administer Innovative Land Use controls including Open Space Development and Village Plan Alternative.

13.1 Definition

An Open Space Development Plan (OSDP) or Village Plan Alternative (VPA) as defined in RSA 674.21 VI. is a form of residential subdivision whereby a developer may be permitted an increase in development density above traditional zoning densities and added flexibility in lot size, frontage, and setbacks provided that (1) common open land is permanently preserved, (2) viewsheds, watersheds, and other natural resources are protected, including shoreline protection overlay and wetlands conservation districts, (3) the development meets Planning Board criteria for approval (*see PB criteria under provisions*), and (4) goals of the Master Plan are met.

13.2 Purpose

An OSDP or VPA has several advantages to the Town of Jaffrey and reflects the goals of the Master Plan. An OSDP or VPA (1) provides a means of preserving open space for conservation, agriculture, recreation, etc., (2) preserves and enhances the rural character of neighborhoods, and the town as a whole, by protecting natural features and viewsheds, (3) protects natural resources including wildlife corridors, (4) reduces the number of roadside curb-cuts and reduces the spread of "cookie cutter" development along public roadways, and (5) promotes the more sensitive siting of buildings and better overall site planning.

There are several advantages to an OSDP or VPA from the standpoint of the developer. Subject to the provisions noted below, an OSDP or VPA may provide a development density incentive for a developer. To a developer, an OSDP or VPA also (1) permits economies in road construction, road maintenance, public utilities and public service, (2) provides flexibility in creating housing in pleasant, natural surroundings, presumably increasing property marketability, (3) creates ability to place open space into conservation easement, and (4) permits flexibility of building requirements such as lot sizes, frontages and setbacks.

13.3 Definitions

As used in this section, the following definitions apply:

13.3.1 "Open Space Land" means any and all farm land, forest land, or unproductive land intended for preservation in perpetuity.

13.3.2 "Farm Land" shall be a tract or tracts of undeveloped land devoted to, or capable of the production of agricultural or horticultural crops. Land containing roads constructed solely in support of agricultural or horticultural activities shall be included in farm land.

13.3.3 “Forest Land” shall be a tract of undeveloped land actively devoted to, or capable of, growing trees. Land containing roads constructed solely in support of forest purposes shall be included in forest land. Forest land that has been subjected to clear cutting shall still qualify as forest land.

13.3.4 “Unproductive land” shall be one of the following: (1) a tract of unimproved land that has no structures, does not produce agricultural or forest crops, and is being left in its natural state without interference with the natural ecological process: or (2) a tract of unimproved wetland that is incapable of producing agricultural or forest crops; and by reason of wetness is being left in its natural state.

13.3.5 “Usable land” shall be the total area of the lot less (1) all land with slopes greater than 25%, (2) all wetlands as defined in Section XX of the Wetlands Conservation District Ordinance.

13.4 Provisions

An OSDP or VPA will adhere to all of the following provisions.

13.4.1 A visual buffer will be established or maintained between the development and the public way as determined by the Planning Board.

13.4.2 All land in the wetlands as defined in Section 20.13of the Wetlands Conservation District ordinance and at least 40% of all remaining acreage in the OSDP proposal shall be land to be conserved in perpetuity

13.4.3 Open space may be held and be preserved by a home-owner’s association; the developer; the town or other regional entity; or a conservation trust or similar organization. Open space will be common in nature and made accessible to all residents of the subdivision and to the public if agreed upon by the developer and the Planning Board. Provisions must be submitted by the applicant for the maintenance (if any) and preservation of open space.

13.4.4 Formation of a homeowner’s association or similar entity will be required when land, roadways and /or community septic system improvements are held in common amongst property owners. Association documents will stipulate that a lien may be placed on the property of an owner who does not pay his/her dues. Association documents will be recorded as part of the deed.

13.4.5 Single family duplex and multifamily units not exceeding 4 units per structure are permitted in all zones except the Mountain Zone where only single family detached structures are permitted.

13.4.6 Existing zoning and subdivision regulations relating to emergency access, fire prevention, and public health and safety concerns including any setback requirement for wells, septic systems, or wetland requirement imposed by the Department of Environmental Services shall apply to the developed portion of an OSDP. In addition, all requirements of the Jaffrey Wetlands Conservation District and the Shoreland Overlay District shall apply to the developed portion of an OSDP.

13.4.7 As found in Section VI of the Jaffrey Zoning Ordinance, lot size regulations and dimensional requirements having to do with frontage and spacing measured from all new property lot lines, and lot size regulations, as well as density regulations shall not apply. Notwithstanding, spacing between dwelling structures will be no less than 30 feet or the height of the taller structure**,** whichever is greater**.** In the Mountain Zone setbacks between dwelling structures will be no less than 60 feet.

13.4.8 All utilities will be underground in accordance with accepted engineering practices.

13.4.9 All roadways will be constructed in accordance with Appendix A of the Subdivision Regulations.

13.4.10 Impervious surfaces will be kept to a minimum.

13.4.11 An OSDP or VPA will be final as approved by the Planning Board and no incremental development will be permitted. An applicant, however, may present a phased OSDP or VPA.

13.4.12 The addition of accessory structures not presented in the original plan may be permitted upon favorable Site Plan Review.

13.4.13 Planning Board criteria for acceptance of an OSDP or VPA will be the following:

a) The proposed OSDP or VPA will be deemed more desirable than a traditional subdivision.
b) The OSDP or VPA will harmoniously integrate into the surrounding neighborhood.
c) The development shall be environmentally sensitive in nature.
d) The development shall preserve existing and potential water sources.
e) The OSDP or VPA will preserve to the maximum extent possible the scenic open space, particularly that visible from the public way.

13.4.14 Conditional Use Permit

The purpose and use of a Conditional Use Permit is to allow certain uses that are not normally permitted under these zoning provisions. A Conditional Use shall be approved if the application is found to be in compliance with the approval criteria in paragraph (E) (8) below in the findings of fact by the Planning Board. Further conditions may be placed on the Conditional Use Permit by the Planning Board to ensure that the Conditional Use permit will prevent negative economic, fiscal, public safety, environmental, aesthetic and /or social impact on the town.

13.4.15 The development adheres to all state rules and regulations.

13.4.16 The minimum lot size for an OSDP shall be 10 acres.

13.4.17 Major subdivisions (4 or more lots) on parcels totaling 20 or more acres shall be developed as an OSDP except when conventional development is deemed more feasible as determined by the Planning Board. The exception to an OSDP shall be accomplished through a Conditional Use permit issued by the Planning Board as described in paragraph E under Procedures.

13.4.18 Minor subdivisions of parcels totaling 20 or more acres may be developed as a conventional subdivision provided that all parcels became legal lots of record at least 2 years prior to the date of subdivision application to the Planning Board.

13.4.19 Parcels between 10 and 20 acres may be developed as a conventional subdivision provided that all parcels became legal lots of record at least 2 years prior to the date of subdivision application to the Planning Board.

13.5 Procedures

The Planning Board requires that an applicant considering an OSDP or VPA come before the board for a Preliminary Conceptual Consultation or a Design Review Phase (both provided for in Section IV of the Subdivision Regulations) and representatives of the Planning Board shall view the subject parcel. At this time the Planning Board may provide site-specific advice or recommendations to the development of the parcel as an OSDP or VPA.

The following procedure will be followed by a developer applying for an OSDP or VPA:

13.5.1 The base number of units shall be determined by the total "Usable land" divided by the minimum lot size for that zone and rounded down to the nearest whole number.

13.5.2 An OSDP or VPA plan will be presented describing the entire subdivision; including road and drive layouts; building location, size, type; open space; buffer landscaping (if any); scenic view amenities; size and location of wetlands/watersheds; and topography**.** Setbacks, lot sizes, building locations are encouraged to vary from lot to lot within the subdivision to retain significant, natural vegetation along the roadway, provide increased privacy for residents and increase the visual variety provided by the homes within the subdivision.

13.5.3 The developer will submit a Completed Application as stipulated in Section IV of the Subdivision Regulations.

13.5.4 If a VPA is restricted to no more than 20% of the buildable area of the original tract, the remaining open space will be eligible for a conservation easement when the owner provides the town with a recorded easement.

13.5.5 Conditional Use Permit (CUP) procedure:

a) Application is to be made by the owner of the affected property or designated agent on a form obtainable from the Planning Board Clerk. The completed application and nonrefundable fee as set by the Board of Selectmen shall be submitted to the Planning Board Clerk. The form shall

provide for the reasons for subdividing the land in a manner precluding OSDP/VPA land use.

b) The completed application shall be transmitted to the Planning Board for consideration at their next regularly scheduled meeting.

c) The review and evaluation of the CUP by the Planning Board may proceed only after notification of abutters and general public as required by RSA 676:4 I. (d).

d) Upon approval or denial by the Planning Board, the application and all subsequent information, evaluations, recommendations and decisions shall be placed on permanent file with the Planning Board Clerk, and, in the case of approval, findings of fact and conditions of approval shall be recorded at the Cheshire County Registry of Deeds.

e) Should the Planning Board deny the application, no re-submittal of the application for the same or similar use may be made for 1 year from the date of denial unless sufficient new evidence or conditions demonstrate circumstances have altered and further consideration may be warranted.

f) Upon determination of the Building Inspector that there is a reasonable basis to believe that the conditions of approval have been violated, notice shall be made to the applicant and abutters pursuant to RSA 676:4 I. (d) of a hearing before the Planning Board to determine if conditions of approval have been violated in whole or in part. In the event of a revocation, a declaration of revocation shall be recorded. Nothing in these provisions shall impair any statutory or constitutional rights of the applicant or the Town.

g) Transferability—Once granted a CUP with its terms and conditions shall run with the Lot or use and not be affected by transfer of ownership.

h) Criteria for approval—A CUP shall be granted only if the Planning Board determines that the application conforms to all of the following criteria:

i) The site is suitable for the use given the availability of adequate public services and the absence of environmental constraints.

ii) Impact on public and private rights of others shall not be greater than the impacts of other permitted uses in the zone.

iii) The proposed layout, design and structures shall not be incompatible with the established character of the neighborhood.

iv) The proposed use of the site will not affect natural, cultural, historic and scenic resources on the site.

v) The proposed use will not diminish surrounding property values.

vi) The proposed use will not result in extraordinary fiscal impact to the Town. The Planning Board may commission at the applicant's expense an independent analysis of fiscal impact.

vii) OSDP/VPA development is not reasonably feasible given the unique characteristics of the site.

viii) The proposed use is not contrary to the intent of the Master Plan and this ordnance.

ix) Economic hardships and personal, family circumstances shall be considered.

13.5.9 Incentives- The following increases in base density shall be applied if certain performance criteria are met:

i) Base density bonus of 10%, excluding the Mountain Zone.

ii) Increase open space =5% bonus for every 10% above 40% minimum of the parcel minus wetlands. Maximum bonus of 5% in Mountain Zone.
iii) Open Space contiguous with existing open space or conservation easement = 5% including the Mountain Zone.
iv) Provision for workforce or senior housing = 5% excluding the Mountain Zone and Rural Zone.
v) Maximum bonus not to exceed 25%.

## SECTION XIV: PERSONAL WIRELESS SERVICED FACILITIES

### 14.1 Definition

Personal Wireless Service Facility (PWSF): Facility or device for the provision of personal wireless services, as defined by the telecommunications act of 1996, as amended.

### 14.2 Purpose

14.2.1 To conform with the law defined in the telecommunications act of 1996, as amended or replaced.

14.2.2 To guard against adverse impacts of such facilities of devices on environmentally sensitive areas, historically significant locations, scenic viewsheds as defined by the Jaffrey Zoning Ordinance (ZO), on safety by injurious accidents to persons and/or property, or diminuation of property values.

### 14.3 Provisions

14.3.1 No PWSF may exceed 125' in height; when feasible height will be less.

14.3.2 All connected utilities, including but not limited to electric and telephone, will be underground in accordance with accepted engineering practices.

14.3.3 The site development will provide a vegetative buffer compatible with the immediate surrounding environment at the ground level.

14.3.4 Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

14.3.5 PWSF's will blend with the natural or built setting in the immediate environment.

14.3.6 All facilities shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal or state government having the authority to regulate such facilities.

14.3.7 PWSF's whose height extends above the tree line must be of modular construction in order to facilitate removal of any modular component of the facility, that may become obsolete.

14.3.8 PWSF's will be built in accordance with accepted engineering practices, and plans must be approved by a NH licensed engineer whose stamp shall be placed on the plans

submitted to the Jaffrey Planning Board.

14.4 Procedures

14.4.1 All PWSF's are subject to Site Plan review.

14.4.2 All PWSF's must comply with applicable building codes and safety standards.

14.4.3 All municipalities within twenty (20) miles of the proposed location will be notified of the public hearings by certified mail, postage to be paid by the applicant.

14.4.4 The applicant shall demonstrate that falling ice will not be a safety hazard.

14.4.5 The applicant shall furnish the Office of State Planning with a copy of the application for Site Plan review.

14.4.6 The applicant will provide a demonstration of visual impact. (e.g. balloon test)

14.4.7 The Town of Jaffrey may require a performance guarantee for construction for the PWSF.

14.4.8 The applicant shall provide a bond to the Town of Jaffrey in an amount sufficient to cover the costs of removal and disposal of the facility's components. The Planning Board shall determine the amount and form of the security. The minimum standard shall be $2,000 plus $100 per foot of the height of the facility. Review of the exercise of the bond shall begin at twelve months of the non-use of the facility or any portion thereof.

## SECTION XV: SMALL WIND ENERGY SYSTEMS (added March 13, 2010)

Tower-mounted Small Wind Energy Systems, also referred to as "SWES" shall be permitted, up to Sixty (60) kW, as an accessory use in specified zoning districts by Conditional Use Permit in accordance with the Land Use Plan and the Site Use Plans and Regulations. Construction of small roof-mounted or wall-mounted units up to a 5 kW design rating requires submittal of a building permit application; these units shall be permitted by right when in complete compliance with the applicable local, state, federal and international building and electrical codes and laws.

15.1 Purpose

This SWES ordinance is adopted in accordance with RSA 674:62 – 66 as amended plus the purposes outlined in RSA 672: 1 III a, as amended . This section is to promote the safe, effective and efficient use of small wind energy systems that are installed to reduce the on-site consumption of utility supplied electricity, subject to reasonable conditions that will protect the public health, safety and welfare.

15.2 Findings

The Town of Jaffrey finds that wind energy is an abundant, renewable and non-polluting energy resource and that its conversion to electricity will reduce dependence on nonrenewable energy resources and decreasing the air and water pollution that results from the use of conventional energy sources.

The Town of Jaffrey finds that appropriately sited SWES will complement the goals laid out in the Master Plan update of 2007 as stated policy to promote local renewable energy options.

15.3 Definitions

SMALL WIND ENERGY SYSTEMS also referred to as a SWES, shall mean: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics of rated capacity consistent with net metering specifications of RSA 362 –A:9 as amended, which is intended to primarily reduce on-site consumption of utility power.

SYSTEM HEIGHT shall mean: The distance from the surface of the ground level to the tip of the wind turbine blade when at its highest point.

15.4 Permitted Use

No tower-mounted SWES shall be erected, constructed, installed or modified without first obtaining a Conditional Use Permit after a public hearing from the Planning Board. A SWES may be permitted in all zoning districts except The Historic District, and the Mountain District. Uses are subject to the issuance of a Conditional Use Permit and further provided that the use is maintained and complies with all requirements set forth herein and as described in the Conditional Use Permit.

No Conditional Use Permit shall be granted unless the Board determines:

That the SWES shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts resulting from the SWES.

The proposed SWES complies with the general siting and design criteria.

That the use will be sited, constructed and operated in a manner that minimizes any adverse effect on any abutter's scenic views as described in the Town's Master Plan.

If the Board finds that the information is not adequate or complete, it may continue the application process to allow the applicant time to submit additional information which may be needed for a decision.

A Conditional Use Permit issued for a SWES may impose reasonable conditions on construction safeguards and limitations on time and use. The applicant may be required to implement all reasonable measures to mitigate reasonably foreseeable adverse impacts of the wind facility.

15.5 Conditional Use Permit Application Requirements

15.5.1 Application for a Conditional Use Permit submitted to the Planning Board shall contain a completed Jaffrey application checklist including all items on the checklist.

15.5.2 The applicant shall provide to the Planning Board, a list of abutters to the applicant's property.

15.5.3 Abutter and Regional Notification: In accordance with RSA 674:66 as amended, the Building Inspector shall notify all abutters and the local governing body, by certified mail upon application for a building permit and/or conditional use permit to construct a small wind energy system. The Building Inspector shall review the application for regional impacts per RSA 36:55 as amended. If the proposal is determined to have

potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV as amended.

15.5.4 If a conditional use permit is required there will be a public hearing conducted in accordance with the procedures for notice and hearing as set forth in RSA 676:4 on the application prior to the issuance of the conditional use permit. If a conditional use permit is *not* required, abutters will be afforded 30 days to submit comments to the Building Inspector prior to issuance of a building permit.

15.5.5 The applicant shall provide a scaled, surveyed plot plan depicting property boundaries, abutting landowners and uses.

15.5.6 The applicant shall provide engineered drawings of the wind turbine, including the tower, base, tower footings, tower anchoring devices shown in sufficient detail for a determination by the Building Inspector that the proposal complies with the State Building Code.

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

15.5.8 Site plan. Site plans must be submitted, prepared to scale accompanied by a photo to show scale for the proposed SWES location, property lines for the site parcel, outline and distances of existing and proposed structures within the allowed tower setbacks including utility lines and other significant features, as well as any proposal for landscaping and screening.

15.5.9 If deemed necessary by the Planning Board, the applicant shall provide a report estimating current ambient sound at appropriate locations and maximum projected sound from the proposed SWES. Manufacturer's specifications may be accepted when, in the opinion of the Planning Board, the information provided satisfies the requirements.

15.5.10 Certification by the applicant's engineer that the SWES complies with applicable regulations of the Federal Aviation Administration (FAA) including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

15.6 General Siting Standards

15.6.1 System Height

The maximum system height shall be restricted to 35 feet above the tree canopy within 300 feet of the SWES. In no situation shall the system height exceed 150 feet. A lesser height may be imposed by the Federal Aviation Administration (FAA) regulations, other applicable State or Federal laws and this ordinance.

15.6.2 Setbacks

Each SWES structure shall be set back from the property line a distance no less than 1.5 times its total system height.

15.6.3 Design Standards

a) Support Towers. SWES shall be of a simple design with the smallest overall profile. Monopole towers are the recommended type of support.

b) The minimum distance between the ground and any part of a rotor or turbine blade, shall be thirty (30) feet.

c) All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.

d) Colors and surface treatment of the installation shall minimize visual disruption, by painting with non-reflective, non-obtrusive colors.

e) Compliance with State and Federal Aviation Regulations. Small wind energy systems must comply with applicable FAA regulations, including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

f) No SWES shall be visibly lit, except to the extent required by the FAA or other governmental authority that regulates air traffic.

g) Small Wind Energy Systems shall not be used for displaying any advertising including all signs, flags, streamers and decorative items. The only allowed exceptions are appropriate warning signs and manufacturers ID notations.

h) Appropriate landscaping shall be provided to screen accessory structures from roads and adjacent residences.

i) Noise Levels: Prior to approval, the applicant shall provide documentation from the turbine manufacturer that the system will not produce noise levels in excess of the following standards. The maximum allowable noise level is 55 dbA as measured at the property line. This maximum may be exceeded on a temporary basis during short-term events such as utility outages and severe wind storms.

j) Prevention of Access. All related components of the SWES shall be designed and protected to prevent unauthorized access. Step bolts that are installed a minimum of twelve (12) feet from ground level to first ($1^{st}$) step may be required to control access to the SWES.

k) Facility Conditions. SWES owners and operators shall maintain the SWES in good condition and provide for the ongoing maintenance in accordance with the conditions of the Conditional Use Permit, manufacturer's specifications and governmental regulations for all structural, electrical and mechanical operations to ensure safe operation of the SWES.

l) All SWES construction and electrical components shall conform to the New Hampshire State Building Code (IEBC).

m) All SWES construction and electrical components shall conform to the International Electro-technical Commissions 61400-2 standards.

15.6.4 Abandonment

a) At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

b) Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner at the discretion of the Building Inspector. "Physically remove" shall include, but not limited to:

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

iii) In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After 12 months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the small energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the Building Inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

iv) If the owner fails to respond to the Notice of Abandonment or if, after review by the Building Inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 60 days of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the Building Inspector shall pursue legal action to have the small wind energy system removed at the owner's expense.

15.7 Additional Provisions

15.7.1 Safety Determination. Any SWES found to be in violation applicable local, state, federal and international building and electrical codes and laws by the Board of Selectmen or its designee shall be repaired or removed pursuant to their direction.

15.7.2 No SWES that is interconnected with the electric system may be put in operation prior to execution of an Interconnection Agreement with the local electric utility, consistent with RSA 362-A:9 as amended.

15.7.3 A copy of this agreement will be supplied to the Building Inspector (and the Planning Board if a conditional use permit is required).

15.7.4 If the SWES owner or operator fails to remove the SWES in accordance with the requirements of this section, the Town of Jaffrey shall have all the remedies available under the laws of the State of New Hampshire.

15.7.5 The Planning Board may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a review will be at the expense of the applicant.

15.7.6 Signal Interference: The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the SWES.

15.7.7 Shadow flicker: Shadow flicker is the visible flicker effect when rotating blades of the wind generator cast shadows on the ground, roads and nearby structures causing a repeating pattern of light and shadow. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker on any roads or Occupied Buildings.

15.7.8 Testing Towers: Testing towers for the purpose of testing wind speeds to determine the potential for wind energy turbines shall be allowed for a period not to exceed two (2) years from the installation date, except as this time may be extended by a Conditional Use Permit issued from the Planning Board.

15.7.9 Expiration: A Conditional Use permit issued pursuant to this ordinance shall expire if; (a) the SWES is not installed and functioning within 24 months from the date the permit is issued; (b) the SWES is abandoned.

15.7.10 Violations. It is unlawful for any person to construct, install, modify or operate a SWES that is not in compliance with this ordinance or with any condition contained in a Conditional Use permit decision or building permit issued pursuant to this ordinance. SWES installed prior to adoption of this ordinance are exempt.

15.8 Enforcement and Penalties

The enforcement of this ordinance shall be by the Board of Selectmen or its designee, who shall, upon any properly instituted complaint of violation, promptly investigate any complaint of alleged violation and take action to cause the offending violation to be removed or to punish the offenders or both.

Violation of this ordinance shall be governed by any and all penalties available in law, including but not limited to the provisions of RSA 676:15-17-b *et. al.*.

15.9 Appeals

Any person who is aggrieved of an administrative decision made by the Building Inspector under the provisions of this ordinance may appeal to the Board of Adjustment.

Any person who is aggrieved of a decision made by the Planning Board under the provisions of this ordinance may appeal pursuant to the applicable provisions of state law. See RSA 676:5 and RSA 677:15.

15.10 Performance Guarantee

As a condition of approval, the Planning Board may require the posting of a performance guarantee in an amount sufficient to defray costs of removal.

15.11 Severability

If any phrase, section, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and as such holding shall not affect the validity of the remaining portions thereof.

## SECTION XVI: SIGNS (effective March 11, 1986, amended March 13, 2004, amended March 14, 2009, amended March 13, 2010)

16.1 Purpose and Intent.

The purpose of the sign ordinance is to protect the health, safety, and welfare of the townspeople and visitors, and to improve the appearance of the town while recognizing the economic importance of signs to our business community. This ordinance is also intended to recognize that signs are a unique and important medium for sharing political, religious, or personal messages within the community. The display of signs should be in keeping with the community goals set forth in the Jaffrey Master Plan and any other documents adopted by reference therein. It is further the intent of this section that signs should not destroy or detract from the scenic vistas or buildings and surroundings of historical or cultural importance, compete unnecessarily with the natural environment, or proliferate in an unrestricted manner. This ordinance encourages the use of graphics and materials that are architecturally appropriate and compatible with community character, readable and clear, non-distracting to vehicular and pedestrian traffic, and are maintained in good repair.

16.2 Districts.

Recognizing that the downtown district of Jaffrey reflects a diverse business climate that must allocate for close proximity of vehicular, pedestrian, and multi-directional activity, this ordinance establishes the following districts for the purpose of permitting signs: The Downtown District (as described and bounded in Section 14.2.1) and all other zoning districts as described in Section XII of the Jaffrey Zoning Ordinance.

Downtown District.

This district shall encompass the Main Street Program Area as approved by town vote in 1999, and also the Downtown Jaffrey National Register Historic District which falls within those bounds. All properties fronting from the southerly edge of Ridgecrest Road to the northerly edge of Gilmore Pond Road on NH Route 202, the westerly edge of Oak Street to the easterly edge of Highland Avenue on NH Route 124, NH Route 137 to Cross Street, Goodnow Street, Bradley Court, Ellison Street, Union Street, Stratton Road (the intersection of Union and Ellison to Main Street), Blake

Street, Laundry Way, Christian Court, Sunset Way, Driscoll Way, School Street, and Charlonne Street. (See Map)

16.3 General Definitions.

For the purposes set forth in this ordinance, the following definitions shall apply:

AWNINGS & CANOPIES — Any structure consisting of pipes, wood, metal, and canvas or other like material attached to the exterior of a building for the purpose of providing shade or shelter from the elements.

BANNERS- A sign composed of light weight material, either affixed to a structure by ropes, pins, cables, etc. or by framing.

BUSINESS FRONTAGE — The exterior portion of a building devoted to a particular business establishment, which is coterminous with all or part of a primary or secondary business building frontage.

BUSINESS SIGN — An on-premises sign, which directs attention to any primary business, industry or other activity which is sold, offered, or conducted on the premises.

BRACKETED OR HANGING SIGN — Any sign which is affixed perpendicular to the exterior wall of a building or structure.

CHANGEABLE COPY SIGN — A sign on which message copy can be changed. "Changeable copy" sign includes a sign which has automatic switching, limited to time and temperature.

CONSTRUCTION SIGN — A sign advertising an architect, lending institution, developer, contractor, or engineer for a building project, when such sign is placed on the premises under construction.

FLAG — A sign, constructed of cloth and attached to a staff or pole.

FLUSH MOUNT OR WALL SIGN – Any flat sign painted onto or affixed to the exterior wall of a building.

FREESTANDING SIGN — Any sign supported by poles, pylons, uprights, braces, cables, ropes, and or chains and placed upon the ground.

ILLUMINATION — The directing of light onto a sign, whether the light fixture is attached to, directed at, or located on the ground at the sign structure, or the lighting of the sign from a source within the sign itself.

MAINTAIN — To permit the repair or refurbishing of a sign or sign structure.

MARQUEE — A permanent roof-like structure, including the structural support system, projecting beyond a building wall at the entrance to a building or extending along and projecting beyond the building wall.

NONCOMMERCIAL SIGN — A sign that is not related to or connected with trade and traffic, or commerce in general.

NONCONFORMING SIGN — Any sign that existed lawfully prior to the adoption of the Sign Ordinance (amended April 2004) which now does not conform with the provisions of the ordinance.

OFF-PREMISES DIRECTIONAL — A sign on private property whose only purpose is to direct vehicular traffic for deliveries and visitation and is not intended to be used as a form of advertisement.

OFF-PREMISES SIGN — A sign, which pertains to a business, industry, or other activity which is not located on the premises upon which the sign is located.

PERMANENT SIGN — A sign that is displayed for more than a total of ninety (90) days in any one year.

PERMITTED SIGN — A sign must be specifically authorized by this section in order to be "permitted".

POLITICAL SIGN — A temporary sign that advertises or promotes a) the candidacy of any individual for elected local, county, state or federal office, or b) a position on a referendum question, warrant article, or any other matter submitted for a public vote at an election.

PORTABLE/SANDWICH SIGN — Any sign not permanently attached to the ground or to a building or building surface.

PREMISES—A lot or number of lots on which are situated a building or group of buildings designed as a unit or on which a building or group of buildings are to be constructed housing multiple businesses.

PRIMARY BUILDING FRONTAGE — The exterior building wall or walls facing a traveled public right-of-way or private roadway, or any other exterior wall or walls facing an on premise parking lot which contains the public entry to the occupants premises.

PROPERTY MAINTENANCE SERVICE SIGN — A sign advertising an independent contractor who provides maintenance services to a property, including, but not limited to window washing, grounds keeping, painting, and the like.

PUBLIC, CIVIC, or EDUCATIONAL SIGN—A sign which denotes the public, civic, or educational nature of buildings or activities and non profit activities or events.

REAL ESTATE SIGN — A sign, which advertises only the sale, rental or lease of buildings or land on which the sign is located.

SECONDARY FRONTAGE — The exterior wall or walls that are not described as primary frontage, but face a traveled public right-of-way or private roadway.

SIGN — Any device, illuminated or non-illuminated, or by presentation by words, letters, figures, pictures, or designs, publicly displayed to give notice relative to a person, goods, a business, products, a service, an action, or a solicitation. "Sign" includes identification, advertising and informational signs and also includes an emblem, logo, or trademark that is designed or intended to

announce, attract, promote, or direct. For the purpose of removal, "sign" shall also include a balloon, banner, pennant, flag, awning, canopy or other figure of similar character located outdoors, whether or not constituting a structure, vehicle, or any part thereof, or whether or not painted, attached to, or in any other manner represented on a building, structure, or commercial site which is used to attract, announce, direct, advertise, or otherwise promote.

SIGN STRUCTURE — Any structure, which supports or is capable of supporting any sign, including decorative cover. A "sign structure" may be a single pole and may or may not be an integral part of a building or structure.

SITE FRONTAGE — The length of the property line parallel to and along each traveled public right-of-way or private roadway.

TEMPORARY SIGN — A sign not constructed for or intended for permanent use. Temporary signs may not be displayed for more than a total of ninety (90) days in any one year.

TRAILER SIGN — A sign mounted, located or painted upon a vehicle or trailer for the primary purpose of advertising an activity or business not located in the trailer.

WINDOW/DOOR SIGN — A sign located on the glass or inside a window or door, visible from the exterior.

16.4 Measurement of Signs

16.4.1 Size of a Sign—When determining the size of a sign the area of the lettering, background, and frame shall be included, but the foundation and supports or brackets shall be excluded, unless the foundation and supports are of such size or prominence by painting or identification by word or logo as to become part of the sign itself. Sign shapes shall be determined to be a square, rectangle, circle, oval, triangle, parallelogram, trapezoid or combination of shapes such that a generally accepted geometric formula(s) may be used to determine the area.

16.4.2 Irregular Shapes—Shall be determined to fall within the perimeter of a shape as outlined above, and the measurement of the entire perimeter used to determine the area.

16.4.3 Individual Pieces—When signs are constructed of individual pieces or shapes attached to a building wall or window, the sign area shall be determined by drawing a perimeter around all pieces.

16.4.4 Three Dimensional Sign—Any three-dimensional sign shall have its area determined by projecting a plane on the largest cross section.

16.4.5 Double Faced Signs—Only the area of one side of a double faced sign is counted.

16.4.6 Height—The height of a sign shall be measured from the grade directly below the sign to the highest point of the sign or sign structure.

16.5 No sign or advertising device, including advertising devices affixed to vehicles that are allowed to remain on premises with intent to serve as a sign, shall be erected on any premises or affixed to any structure, or be visible from the outside of any structure, except as specified herein.

16.6 Existing Nonconforming Uses.

16.6.1 Every sign lawfully in existence at the time of the adoption of this ordinance may continue in existence and be maintained but may not be changed in any of its dimensions or character, or to be moved except to comply with this ordinance.

16.6.2 Any nonconforming sign, the use of which has been discontinued for a period of twelve calendar months or more, shall not be re-established, restored, or repaired unless it is made to comply with this ordinance.

16.7 Signs that do NOT require a permit:

No permit is required for these signs. Persons wishing to display a sign that does not meet the specific criteria listed in this subsection, and is not otherwise prohibited in section 16.10, Prohibited Signs, may apply for a sign permit under the provisions of section 16.9, Signs that Do require a Permit.

16.7.1 Signs not exceeding one square foot in area and bearing only property numbers, postal numbers, names of occupants, and other non-commercial identification.

16.7.2 Street signs, no greater than four square feet in area.

16.7.3 Directional signs, no greater than four square feet in area such as those indicating entrances, exits, and parking.

16.7.4 Any sign required by federal, state, county, or local law.

16.7.5 Legal notices such as “No Trespassing” or “No Hunting” signs; not to exceed one square foot in area.

16.7.6 Business name and directional signs located over or adjacent to doorways. Maximum size: three square feet.

16.7.7 Signs located on rolling stock of licensed common carriers or registered motor vehicles fit for highway use.

16.7.8 Noncommercial flags not exceeding thirty two (32) square feet in area.

16.7.9 Commercial signs not exceeding one square foot, with any of the following messages: “Open”, “Closed”, “Welcome”, “Vacancy”, “No Vacancy”. Also announcement-type commercial flags (e.g., “Welcome”, “Open”, “Sale”), pennants or “sock-type” flags not to exceed fifteen (15) square feet. Maximum number of flags per business is two.

16.7.10 Window and door signs. Window and/or door signs, including flyers, in the downtown or general district shall not require a sign permit, provided that their aggregate surface covers no more than twenty five percent (25%) of the window or door on which they are placed. Flyers and posters with noncommercial messages shall not be calculated in the allowable twenty five percent (25%). (Added March 2000)

16.7.11 For a religious institution, nonprofit organization, public service agency, public school, or municipal building: One changeable copy board no greater than fifteen (15) square feet in size.

16.7.12 For fraternal or social clubs, local service and philanthropic organizations: One multi-organizational sign, not to exceed fifteen (15) square feet in size, identifying meeting locations.

16.7.13 For a parking lot, to identify aisles or reserved areas or spaces, identification signs no greater than three (3) square feet; business name and directional signs no greater than three (3) square feet.

16.7.14 Construction sign. For construction work in progress: One sign identifying owner, contractor, architect, or developer to be removed within one month of completion or occupancy of the project, not to exceed fifteen (15) square feet in size.

16.7.15 Signs identifying Customary Home Occupations shall comply with the provisions of section 4.16 of the Jaffrey Zoning Ordinance.

16.7.16 Real Estate Signs. "For Rent" or "For Sale" signs placed: On site –no more than one sign for every three hundred (300) feet of site frontage; maximum size of twelve (12) square feet. Off-site, a maximum of two off premises directional signs are allowed, each sign not to exceed six (6) square feet in size. These signs may only be used in conjunction with the sale or rental of a specific property and must be removed within four (4) days of the sale closing date or the property rental date.

16.7.17 "Open House" signs no larger than twelve (12) square feet may be erected no more than seven (7) days prior to the event and shall be removed immediately thereafter. The placement and number of signs shall conform to the placement and number cited in section 16.7.16.

16.7.18 Property Maintenance/Service Sign. One (1) sign per provider, up to and including a maximum of six (6) square feet, to be removed when the project or service is completed.

16.7.19 Permanent noncommercial signs not exceeding fifteen (15) square feet may be placed on private property with the owner's permission.

16.7.20 Temporary noncommercial signs not exceeding thirty two (32) square feet may be placed on private property with the owner's permission.

16.7.21 Temporary signs promoting an event are to be placed not more than three (3) weeks in advance of the event and shall be removed not later than two (2) days after the event is concluded. Back to back promotions are not permitted.

16.7.22 No entity may erect temporary signs for more than a total of ninety (90) days in any one year.

16.7.23 Political signs not exceeding thirty two (32) square feet may be displayed in compliance with NH RSA 664:17, and as it may be amended from time to time.

16.8 Substitution

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this ordinance. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

16.9 Signs that Do require a permit:

Any sign not listed in section 16.7, Signs that do NOT require a Permit, requires a permit, is subject to the limitations listed in this subsection, and is also subject to the prohibitions listed in section 16.10, Prohibited Signs .

16.9.1 No sign shall exceed 10% of the area of the business frontage as measured by the width of the wall containing the main public entrance by the height (measured from the floor level to the top of the first floor cornice area, or to one foot below second story windows).

16.9.2 One free-standing sign (one side only of two dimensional sign is used for calculating area) per premise not to exceed thirty two (32) square feet if the sign is located within two hundred (200) feet of the centerline of the traveled way. A sign set back more than two hundred (200) feet may have the area increased to forty-eight (48) square feet. In addition, each business establishment located within a premise may have one sign affixed to the wall of a building. In the case of a business establishment containing more than one business activity (e.g., stationer's and fax services), only one sign is permitted. (Amended March 2000).

a. The frame or support for the sign shall not be computed in the overall area unless they are intended to draw attention or be part of the advertising.
b. If the sign is an irregular shape such that it cannot be divided into accepted geometric shapes for the purpose of measurement, then the area shall be computed by drawing a regular shape around the extremities of the sign.

16.9.3 One sign, not to exceed thirty-two (32) square feet, affixed to a vertical wall of a building that is located within two hundred (200) feet of the centerline of the traveled way. A sign set back more than two hundred (200) feet is permitted to increase the size to forty-eight (48) square feet. This may be in addition to a free standing sign. Within the Downtown District only, the thirty-two square foot limitation may be divided between two permitted signs, a flush mount, hanging sign, awning, or canopy provided that the total square footage does not exceed thirty-two square feet of area, and all other criteria are met.

16.9.4 Projecting from and attached to a building, one hanging sign, not to exceed fifteen (15) square feet in area.

16.9.5 For structures housing more than one business, a directory sign not to exceed thirty-two (32) square feet may be used as an alternative to a freestanding sign.

16.9.6 For Industrial parks, complexes, and shopping centers of more than ten acres, each lot (dimensions as per Section 5.1) may have one free standing sign not to exceed thirty-two (32) square feet and one sign not to exceed thirty-two square feet affixed to the wall of a building in addition to a directory sign located at the entrance to the industrial park, complex, or shopping center.

16.9.7 Internally lighted signs (with the exception of neon signs) that meet all other provisions of this ordinance are permitted in the General Business/Commercial and Industrial Zones.

16.9.8 For Restaurants with "Drive-Thru" windows, one menu board sign may be constructed, provided that the "informative side" is not directly visible from the street and that any lighting of the sign (internal or external) is turned off when the restaurant is closed. (Amended 2002)

16.9.9 For Businesses within the Downtown District, one portable/ sandwich board sign, may be permitted per business to alert the general public to sales or other special events of general interest. The sign shall not exceed twelve (12) square feet in area and in no case shall it exceed sixty-six (66) inches in height. These signs shall be placed so as to not interfere with public rights of ways and must be stored inside during storms and when the business is not open. The town may cause the removal of any such sign, which is not properly maintained or is a hazard to public health, safety or welfare.

16.9.10 For more than 4 businesses within one building in the Downtown District signs must not exceed 10% of each business frontage, but in no case shall exceed thirty-two (32) square feet. Like natures, sizes, graphics and colors are deemed to be desirable.

16.9.11 Dual (2) Businesses on the same business frontage set back thirty five (35) feet from the traveled way may be allowed one freestanding sign, not to exceed thirty-two (32) square feet, and one flush mount or hanging sign, provided that all other criteria are met.

16.9.12 Off premises directional signs may be allowed for businesses fronting on a dead end street within the Downtown District, not to exceed four (4) square feet in area, provided permission is obtained in writing from the property owner on whose premises the sign is to be placed. In the case of multiple businesses, such signs must conform to the criteria of freestanding signs, but no individual business sign shall exceed four (4) square feet. These signs shall be so positioned as to not obscure any portion of a road, intersection or sidewalk.

16.9.13 Businesses with both primary and secondary frontage on the publicly traveled way may be permitted a sign, not to exceed twenty (20) square feet on secondary frontage in addition to the sign allowed on the primary business frontage, provided all other criteria are met.

16.9.14 Awning, Canopy and Marquee Signs: In addition to any limitations or conditions set forth elsewhere in this ordinance, all marquee, awning, and canopy signs shall be subject to the following provisions:

a) Area- The sign face area of any sign affixed or imprinted upon the surface of any awning, marquee, or canopy shall be subtracted from the maximum allowable wall mount area allowed for this district. If the awning, canopy, or marquee sign has only a logo, establishment's name or monogram on it not exceeding one (1) square foot, that area need not be subtracted from the maximum allowable wall mount area for this district.

b) Height- The lowest portion of any marquee, awning, or canopy, including any sign mounted on it, shall not be less than seven (7) feet six (6) inches above the level of a sidewalk or public right-of-way, whichever is greatest.

c) Number of messages or logos: Marquees, awnings, or canopies may have signage on the front, side, or ends of the marquee, awnings, or canopy and/or any combination thereof. All such signage shall be considered as one sign. Said signage may contain the same message or logo. If any front, side, or end of a marquee, awning, or canopy is greater than ten (10) feet in length, a message and/or logo may be repeated up to a maximum of three (3) times, provided each message or logo is at least five (5) feet in length.

d) Setback: No marquee, awning, or canopy shall be located closer than two (2) feet from the street edge of a curb.

16.10 Prohibited Signs:

16.10.1 Any off premises advertising signs, except those solely connected with the sale of agricultural products, the majority of which are grown locally, and "For Sale" and "For Rent" signs as specified in 16.7.16.

16.10.2 Moving objects, sign rotation, or movement such as shimmer or ripple. Exceptions are traditionally moving signs such as barber signs and signs that show time or temperature.

16.10.3 Any placement of signs that would be unsafe, interfere with pedestrian or traffic view or passage, or that would be similar to traffic or directional signs and, thus, confuse motorists.

16.10.4 Any sign illumination that throws light directly onto any street or highway, onto any adjacent property, onto any building being used in whole or in part for residence, or upward into the sky.

16.10.5 Any flashing lights, intermittent lighting, or changing lighting or lettering, except as provided in 16.10.2 above.

16.10.6 Any signs affixed to the roof of any structure in such a way as to be above the vertical height of the structure.

16.10.7 Any free-standing sign having the advertising portion of the sign greater than fifteen (15) feet above the normal, undisturbed level of the ground or the supporting structure greater than seventeen (17) feet above ground level.

16.10.8 Signs that emit odors, vapors, sound, or noise.

16.10.9 Signs placed in the Public Right-Of-Way; however, signs affixed to buildings and hanging above sidewalks are permitted.

16.10.10 Sound trucks of any sort.

16.10.11 Internally lighted signs in Residence A, B, and Rural Districts.

16.10.12 External use of wall-mounted, window-mounted, or free-standing neon signs.

16.10.13 Obsolete Signs. Any sign relating to or identifying a business or activity that has not been conducted on the premises for six months. Any sign referring to a transpired election or event, or to a political party or organization that no longer exists.

16.11 Application, Enforcement, and Penalties

16.11.1 Except as stated in Section 16.7, Signs that do not require a permit, it shall be unlawful for any person to erect, redesign, alter or relocate any sign within the Town of Jaffrey without a permit.

16.11.2 Application for a sign permit shall be to the Board of Selectmen, or their designee who shall devise and make public an application form and establish an appropriate fee schedule.

An application shall contain at a minimum the following information:

a. Name, signature, address and telephone number of the applicant.

b. Owner's authorization for the application, if not the applicant.

c. Location of the building, structure or lot to which the sign will be located.

d. The district in which the sign will be located.

e. A representative drawing of the sign, showing location, size, method of illumination, types of materials used in construction, number of all other existing signs on the lot and/or building. A fully completed application shall be included with a Site Plan Review application when required.

16.11.3 Upon review of application, the Board of Selectmen, or their designee shall approve the sign permit provided that the sign meets all requirements of the ordinance and all other applicable electrical, life safety and building code requirements. The Board of Selectmen, or their designee shall notify the applicant in writing within ten (10) business days after the receipt of a completed application whether it has been approved or disapproved. The applicant must notify the Selectmen or their designee once the sign is erected so that it may be inspected as to conformity with the application. The sign must be erected within one year from the date of approval or the permit shall be void.

16.11.4 The enforcement of this ordinance shall be by the Board of Selectmen, or their designee, who shall, upon any properly instituted complaint of violation, promptly investigate any complaint of alleged violation.

16.11.5 The property and/or sign owner upon which any sign is found to be in violation of this Ordinance shall be notified in writing of the violation. An appropriate time frame shall be stipulated for correcting the violation. Written notice shall also inform the property and/or sign owner of their right to appeal to the Board of Adjustment.

16.11.6 If the violation is not corrected within the time frame specified or within the appeal period for the Board of Adjustment, the Board of Selectmen, or their designee may then cause the sign to be removed.

16.12 Appeals.

Any person who is aggrieved of an administrative decision made under the provisions of this ordinance may appeal to the Board of Adjustment, who, under the provisions of RSA 674:33 I(a) shall have the power to review the administrative decision and determine whether the permit criteria specified in the ordinance have been applied correctly.

16.13 Severability

If any article, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this zoning ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

## SECTION XVII: IMPACT FEE ORDINANCE

17.1 Authority

This ordinance is established pursuant to New Hampshire RSA 674:21 as an innovative land use control. Under this authority, new development in the Town of Jaffrey may be assessed impact fees in proportion to its demand on the public capital facilities of the Town and the School District.

The Planning Board is hereby authorized to assess impact fees upon new development, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this Ordinance and to delegate the administrative functions of impact fee assessment, collection and disbursement.

17.2 Intent and Purpose

This ordinance shall govern the assessment of impact fees for public capital facilities to accommodate the demands of new development on these facilities. These provisions are intended to:

17.2.1 Assist in the implementation of the Master Plan and Capital Improvements program;

17.2.2 Provide for the public capital facilities necessitated by new development or expansion of existing use;

17.2.3 Assess an equitable share of the cost of public capital facilities to new development in proportion to the facility demands of that development.

17.3 Findings

17.3.1 The Town of Jaffrey is responsible for and committed to the provision of public capital facilities and services at levels necessary to support residential and non-residential growth and development.

17.3.2 Such facilities and services have been and will be provided by the Town using funds allocated via the Capital Improvements Program which will be annually updated by the Town pursuant to New Hampshire RSA 674:5.

17.3.3 Development enabled through this zoning ordinance will create a need for the construction, equipping or expanding of public capital facilities.

17.3.4 The imposition of impact fees is one of the preferred methods of ensuring that new development bears a proportionate share of the cost of public capital facilities necessary to accommodate such development.

17.3.5 The fees established by the Impact Fee Schedules for the categories identified in section 17.7 are derived from, based upon, and do not exceed the costs of:

a) Providing additional public capital facilities necessitated by new development or

b) Compensating the Town of Jaffrey or the Jaffrey-Rindge School District for expenditures made for existing public facilities that were constructed in anticipation of new development.

17.4 Definitions

The following definitions shall apply specifically to this section, Section XVI: Impact Fees Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Jaffrey.

APPLICANT - A person (either individual, partnership or corporation) applying for the issuance of a building permit, permit for manufactured home installation, subdivision, site plan or other local land use decision, permit or approval.

ASSESSED PROPERTY - Any land or buildings comprising new development that is subject to an impact fee assessment.

ASSESSMENT- With respect to an impact fee means a notification issued to an assessed property by the Town of Jaffrey, its Planning Board, or its Code Enforcement Officer, stating the amount of an impact fee due and the conditions or schedule for its collection.

COLLECTION or COLLECTED - With respect to an impact fee means the actual delivery of payment of the fee to the Town of Jaffrey on behalf of an assessed property.

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

EXPANSION OF USE – Any development which results in the creation of additional dwelling units on a site or creates more than 1000 sq ft of non-residential construction (threshold for minor site plan review).

IMPACT FEE - A fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or

operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including public open space.

LIVING AREA - The effective area of a residential unit as indicated in the assessment files. It includes finished space that is heated, but excludes heated garages and outbuildings which do not include living quarters.

NEW DEVLEOPMENT - Any building activity which results in:

a) The creation of a new dwelling unit or dwelling units;
b) The conversion of a non-residential use to a dwelling unit or dwelling units.
c) Construction of new non-residential facilities, however
d) New development shall not include the replacement of an existing manufactured housing unit or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed, and
e) New development does not include the construction of any accessory structure which would not increase the demand for facilities by the principal structure.

OFF SITE IMPROVEMENT/EXACTION - Means those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the Planning Board.

PUBLIC CAPITAL FACILITIES - Assets, facilities, and equipment which are owned and operated by the Town of Jaffrey, the Jaffrey-Rindge School District, or cooperatively with other municipalities and which have a useful life of no less than five years. Public capital facilities do not include the costs associated with the operation, maintenance, or repair of such facilities but does include reasonable costs for planning, engineering, design, land acquisition, and other reasonable costs associated with such facilities.

SCHOOL DISTRICT - The Jaffrey-Rindge Cooperative School District.

17.5 Standards and Basis of Assessment

17.5.1 The amount of any impact fee shall be a proportional share of public facility improvement costs which are reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee.

17.5.2 The Planning Board may prepare, adopt, or amend studies, reports, or cost allocation procedures that are consistent with the above standards, and which define a basis for impact fee assessment for public capital facilities, and the impact fee assessment schedules therefore.

17.5.3 No methodology, cost allocation procedure, or other basis of assessment, nor related

impact fee schedules, or changes in the basis of assessment or the fee schedules, shall become effective until it shall have been the subject of a public hearing before the Planning Board, in accordance with RSA 675:6,7.

17.5.4 In the case of new development created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this Ordinance.

17.5.5 Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

17.6 Establishment and Review of Fees

17.6.1 Establishment. In order to establish an impact fee schedule, the Planning Board shall adopt a document setting forth the basis for the amount of the impact fee assessment and an Impact Fee Schedule.

17.6.2 Impact Fee Schedule. The Impact Fee Schedule shall be prepared in accordance with RSA 674:21, using methods which yield an amount that represents a proportionate share of municipal capital improvement costs which is reasonably related to the capital needs created by the development.

17.6.3 In developing and updating the impact fee schedule, the Planning Board shall use the most recent data available in order to calculate the fee. The basis of assessment may specify those land uses which are subject to, or exempt from, the impact fee schedules. The fee basis may also establish the maximum quantity of new development which may be assessed impact fees based on the assumptions of proportionate demand on capacity used to establish the fee.

17.6.4 Review of Impact Fees. To ensure any established Impact Fee Schedule(s) are consistent with projects and recommendations included in the Capital Improvements Program, the Planning Board may, on an annual basis, review established Impact Fee Schedule(s) following the annual review and adoption of the Capital Improvements Program. The Planning Board shall modify an Impact Fee Schedule if it finds that new data is available that will refine the schedule. This may include the replacement of figures used in the Impact Fee Schedule with more accurate or recent projections, data and figures.

17.7 Assessment and Collection of Impact Fees

17.7.1 Any person, who after the effective date of this ordinance and as amended, seeks to undertake new development within the Town of Jaffrey, New Hampshire, and who is not vested with respect to impact fees under RSA 674:39, is hereby required to pay an impact fee in the manner set forth in Articles VI of this Ordinance, in accordance with any Impact Fee Schedule adopted by the Planning Board.

17.7.2 Impact fees shall be assessed at the time of Planning Board approval of an application for subdivision or site plan.

17.7.3 When no Planning Board approval is required, or has been made prior to the adoption or amendment of the impact fee ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or permit for manufactured home installation.

17.7.4 Impact fees shall be collected at the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected as a condition when the development is ready for its intended use.

17.8 Computation of Impact Fees

17.8.1 The amounts of the impact fees shall be determined using the values contained in the Impact Fee Schedules for the following types of facilities in accordance with RSA 674:21.V.

a) Public school facilities
b) Public capital facilities
c) Public road systems and rights-of-way

17.8.2 Impact Fee Schedules shall be established and reviewed as set forth in Article VI. : Establishment and Review of Fees.

17.8.3 In the case of change of use, redevelopment, or expansion or modification of an existing use which constitutes new development, the impact fees shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use.

17.8.4 If an applicant elects to dispute the amount of the impact fee, the applicant may prepare and submit to the Planning Board an independent fee calculation study for the new development activity which is proposed. The Planning Board or its designee shall review such study and render a decision. All costs incurred by the Town for the review of such study shall be paid by the applicant.

17.9 Payment of Fees

17.9.1 The applicant shall pay the impact fees required by this Ordinance to the Town of Jaffrey prior to the issuance of an occupancy permit.

17.9.2 Upon agreement by the Town Manager and the fee payer, the public capital facilities impact fee may be paid in equal installments, including interest accrued at six percent (6%) per annum, over a period of not more than three (3) years. If the fee payer chooses this extended form of payment, he/she shall execute and file with the Town Clerk a condition of the building permit, a “Notice of Capital Facilities Impact Fees Due”, which shall be recorded by the Town as a lien against the subject property and entitle the Town to such remedies as are available as a lien holder.

17.9.3 All unpaid fees shall constitute a lien on the property and will be collected as allowed by law.

17.10 Waivers

The Planning Board may grant full or partial waivers of impact fees to an assessed property where the Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

17.10.1 An assessed property may apply for a full or partial waiver of public school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on restricted-occupancy units where it finds that the dwelling unit will be bound by lawful deeded restrictions limiting occupancy to senior citizens age 62 or over.

17.10.2 An assessed property may apply to the Planning Board for a full or partial waiver of impact fee assessments imposed by this Ordinance on the basis of other contributions toward public capital facilities. The amount of such a waiver shall not exceed the value of land, facilities construction, or other contributions for public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver under this Ordinance. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. All costs incurred by the Town for the review of a proposed waiver, including consultant and counsel fees, shall be paid by the applicant.

17.11 Appeals under This Section.

17.11.1 A party aggrieved by an administrative decision by the Planning Board's designee in the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board within 30 days of the administrative decision, and not afterward.

17.11.2 As set forth in RSA 676:5, II, or 677:2-14, a party aggrieved by a decision of the Planning Board under this Section may appeal to the Zoning Board of Adjustment, or may appeal to the Superior Court as provided by RSA 677:15, as amended.

17.12 Administration of Impact Fees.

17.12.1 All funds collected shall be properly identified and promptly transferred for deposit into an individual public capital facilities impact fee account for each of the categories under which impact fees are assessed, and shall be used solely for the purposes specified in this Ordinance. Impact fee accounts shall be segregated, non-lapsing accounts which shall under no circumstances be commingled with the Town's general fund.

17.12.2 Impact fees shall be paid out or applied to the provision of public capital facilities

only upon specific authorization by the Board of Selectmen.

17.12.3 The Town shall record all fees paid, by date of payment, name of the person making payment, and the parcel, lot or building for which the fee has been paid. The Town shall maintain an updated record of the current ownership, tax map and lot reference number of each property for which an impact fee has been paid and the amount of that fee for a period of at least six (6) years.

17.12.4 Funds withdrawn from the public capital facilities impact fee accounts shall be used solely for the purpose of acquiring, constructing, expanding or equipping public capital facilities or improvements made within the individual categories established by the fee schedules and basis of assessment adopted by the Planning Board.

17.12.5 Funds withdrawn from a designated Impact Fee account may be withdrawn through an annual requisition of funds made to the Board of Selectmen by the Town Manager for Town Funds or by the Superintendent of Schools for School Funds in accordance with the Capital Improvements Program. At the end of each fiscal year, the Town Manager shall make a report, giving a particular account of all impact fee transactions during the year.

17.12.6 In the event that bonds or similar debt instruments have been issued for public capital facilities which were constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this Ordinance, impact fees may be used to pay debt service on such bonds or similar debt instruments.

17.13 Refund of Fees Paid.

17.13.1 A refund shall be made to the owner of record of an assessed property for which an impact fee has been paid, where:

a) The calculation of an impact fee has been predicated upon some portion of capital improvement costs being borne by the Town or the School District, and the Town, or in the case of school impact fees the School District, has failed, within the period of six (6) years after the date of the payment of such fee, to appropriate the municipal share of related capital improvement costs; or

b) The impact fee has not been encumbered or otherwise legally bound to be spent for the purpose for which it was collected within a period of six (6) years after the date of the payment of the fee.

17.13.2 The Town shall provide all owners of record who are due a refund, written notice of the amount due, including accrued interest.

17.14 Other Authority Retained

This Ordinance shall not be deemed to affect other authority of the Town or the Jaffrey Planning Board over subdivisions or site plans, or rules and regulations pertaining to the Town's water and sewer systems including, but not limited to:

17.14.1 The authority of the Planning Board to require the payment of exactions for off-site improvements for highway, drainage, sewer and water upgrades necessitated by the development, in accordance with the provisions of RSA 674:21, V (j); or

17.14.2 Other authority of the Town of Jaffrey to assess other capital investment fees or system development charges under the authority of other statutes, Town Ordinances, or through the Site Plan Review and Subdivision Regulations of the Jaffrey Planning Board.

17.14.3 Nothing in this Section shall be construed to limit the existing authority of the Planning Board to disapprove proposed development which is scattered and premature, in accordance with RSA 674:36 II (a), or which would require an excessive expenditure of public funds, or which would otherwise violate applicable Ordinances and regulations. Nothing in this Section shall be construed to limit the Board's authority to require off-site work to be performed by the applicant, or the Board's authority to impose other types of conditions of approval. Nothing in this Section shall be construed to affect types of fees governed by other statutes, Town Ordinances or regulations.

17.15 Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

17.16 Effective Date.

This Ordinance shall become effective on March 18, 2006 (Amended 2013, 2014).

## SECTION XVIII: FLOODPLAIN DEVELOPMENT ORDINANCE

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

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Cheshire, NH." dated May 23, 2006 or as amended, together with the associated Flood Insurance Rate Maps dated May 23, 2006 or as amended, which are declared to be part of this ordinance and are hereby incorporated by reference. (Amended 2001, March 2006, March 2008)

18.1 Definition of Terms

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

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within the Town of Jaffrey subject to a 1 percent or greater chance of flooding in any given year. The area is designated as Zone A and AE on the Flood Insurance Rate Map. (Amended 2001, March 2006)

BASE FLOOD means the flood having a one percent possibility of being equaled or exceeded in any given year.

BASEMENT means any area of a building having its floor subgrade on all sides.

BUILDING (*see "Structure*")

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment. (Amended March 2006)

FEMA means the Federal Emergency Management Agency.

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.

b) the unusual and rapid accumulation or runoff of surface water from any source.

FLOOD ELEVATION STUDY means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination and determination of mudslide or flood - related erosion hazards.

FLOOD INSURANCE RATE MAP ("FIRM") means an official map incorporated with this ordinance on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Jaffrey.

FLOOD INSURANCE STUDY (*see "Flood Elevation Study*")

FLOODPLAIN or FLOOD-PRONE AREA means any land area susceptible to being flooded by water from any source (*see definition of "Flooding"*).

FLOOD PROOFING means any combination of structural and nonstructural 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.

FLOODWAY (*see "Regulatory Floodway"*)

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.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b) Certified or preliminarily determined by the Secretary of the Interior as 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 that 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.

LOWEST FLOOR means the lowest floor or 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 the 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.

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 attached 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. (Amended March 2006)

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. (Amended March 2006)

MEAN SEA LEVEL means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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.

100-YEAR FLOOD (*see "base flood"*)

RECREATIONAL VEHICLE means a vehicle that is: (I) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or

permanently towable by a light-duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. (Amended 2001, March 2006)

SPECIAL FLOOD HAZARD AREA means an area having a flood, mudslide, and/or flood-related erosion hazards and shown on the FIRM as Zone AE. (*See "Area of Special Flood Hazard"*) (Amended 2001)

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.

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 slabs 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.

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.

SUBSTANTIAL IMPROVEMENT means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds 50 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 purpose 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 that 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."

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

18.2 Permit Requirements

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. All proposed development in any special flood hazard areas shall require a permit. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall: (Amended 2008)

18.2.1 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;

18.2.2 be constructed with materials resistant to flood damage;

18.2.3 be constructed by methods and practices that minimize flood damages; and

18.2.4 be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

18.3 Certification Requirements

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 Building Inspector with assurance that 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 on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

18.4 Information Required

For all new or substantially improved structures located in Zones A and AE the applicant shall furnish the following information to the Building Inspector: (Amended 2001, 2008)

18.4.1 the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.

18.4.2 if the structure has been flood proofed, the as-built elevation (in relation to NGVD) to which the structure was flood proofed.

18.4.3 any certification of flood proofing.

The Building Inspector shall maintain for public inspection and shall furnish such information upon request.

18.5 Federal and State Approvals

The Building 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.

18.6 Alteration of Watercourse

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

18.6.2 The applicant shall submit to the Building 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.

18.6.3 Along watercourses that have not had a Regulatory Floodway designated or determined by a Federal, State, or other source, 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. (Amended 2001)

18.6.4 The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge. (Added 2008)

18.7 Determination of Flood Elevation

18.7.1 In special flood hazard areas, the Building Inspector shall determine the 100-year flood elevation in the following order of precedence according to the data available:

a) In zones AE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM. (Amended 2001)

b) In Zone A the Building Inspector shall obtain, review and reasonably utilize any 100 year flood elevation data available from any Federal, state, or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals). (Added 2008)

18.7.2 The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in zones A and AE that: (Amended 2001, 2008)

a) all new construction or substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation;

b) that all new construction or substantial improvements of nonresidential structures have the lowest floor (including basement) elevated to or above the 100-year flood level or, together with attendant utility and sanitary facilities, shall:

i) be flood proofed so that below the 100-year 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;

18.7.3 All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level and be securely anchored to resist 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;

18.7.4 all recreational vehicles placed on sites within zones A and AE shall either: (Amended 2001, 2008)

a) be on the site for fewer that 180 consecutive days,

b) be fully licensed and ready for highway use, or

c) meet all standards of Section 60.3(b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "Manufactured Homes" in Paragraph (c) (6) of Section 60.3.

18.7.5 for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted providing 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) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for

meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

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

18.8 Variances and Appeals

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

18.8.2 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: (Amended 2001)

a) that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

b) that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

c) that the variance is the minimum necessary, considering the flood hazard, to afford relief.

18.8.3 The Zoning Board of Adjustment shall notify the applicant in writing that:

a) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage; and

b) such construction below the base flood level increases risks to life and property. Such notifications shall be maintained with a record of all variance actions.

18.8.4 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.

## SECTION XIX: SHORELAND OVERLAY DISTRICT

19.1 Purpose

To establish standards for the subdivision, use, and development of shore lands adjacent to public waters for the purpose of minimizing degradation of shore lands and assuring retention of the benefits provided by such shore lands. All development within the boundaries of this district shall be subject to the provisions of RSA 483-B; except where standards in this section are more stringent, the more stringent shall apply.

19.2 District Boundaries

The Shoreland Overlay District extends 250 feet inward from the reference line (as defined in section 19.9 and hereinafter referred to as the "shoreline") of the following water bodies[1], and any other water body that exceeds 10 acres in size.

| | | |
|---|---|---|
| Black Reservoir | Gilmore Pond | Parker Pond |
| Cheshire Pond | Gilson Pond | Thorndike Pond |
| Contoocook Lake | Hodge Pond | Wildlife Pond (Ainsworth Pond) |
| Cummings Meadow | Island Pond | |
| Frost Pond | Mountain Brook Reservoir | |

19.3 Permitted Uses

19.3.1 Residential Development

a) Single-family Dwellings
b) Duplex dwellings where otherwise authorized by this Ordinance.
c) Uses customarily accessory to residential uses.

19.3.2 All other uses are subject to the provisions of RSA 483-B.

19.4 Minimum Lot Requirements

19.4.1 Lot Size

The minimum lot size for new lots dependent upon on-site septic systems shall be determined on soil types in accordance with Department of Environmental Services (DES) Rules Env-Ws 1000. New lots shall have a minimum Shoreland frontage of 200 feet, as defined in section 19.9.

[1] As identified in the *Official List o Public Waters in New Hampshire*, New Hampshire Department of Environmental Services, August 1990, amended May 1991.

19.4.2 Setbacks

a) Primary structures shall be set back a minimum of 75 feet from the shoreline.
b) Accessory structures (excluding garages) may be located within the 75-foot setback by special exception provided:

i) an existing vegetated buffer area is maintained;
ii) the structure is usually customary and incidental to a legally authorized use in the district.

19.4.3 Buffer Zone

Where already existing, a natural woodlands buffer shall be maintained within 150 feet of the shoreline, subject to standards outlined in RSA 483-B:9,V.

19.5 Subsurface Wastewater Disposal Systems

19.5.1 All new lots, regardless of size, are subject to subdivision approval by DES.

19.5.2 Setbacks for septic systems and leaching fields shall be based on soil types in accordance with the standards of the USDA Soil Conservation Service, as follows:

a) 125 feet where the soils data indicate porous sand and gravel with a percolation rate faster than two minutes per inch.
b) 100 feet where the soils data indicate restrictive layers within 18 inches of the natural soil surface.
c) 100 feet where the soils data indicate the presence of all other types of soils.

19.6 Nonconforming Structures

19.6.1 Preexisting structures may be repaired, improved or expanded, consistent with the provisions of the Jaffrey Zoning Ordinance regarding non-conforming uses, structures, and lots; however any expansion that increases the sewerage load requires a permit from DES. (Amended 2001)

19.6.2 Expansion may not extend the structure closer to the water.

19.7 Commonly Used Waterfront Lots

19.7.1 Waterfront lots intended for use for common access by nonshore land property owners shall:

a) Contain a minimum of two acres.
b) Have a minimum of 200 feet of Shoreland frontage for the first residential unit and an additional 30 feet for each additional unit.

19.7.2 No structures other than toilet facilities or picnic shelters are permitted.

19.7.3 Leach fields shall be set back 125 feet from the shoreline.

19.7.4 Off-street parking shall be provided at the rate of 300 square feet per dwelling unit for each unit located 1/4 mile or more from the common area.

19.7.5 Swimming areas shall be separated from boating areas by appropriate markers.

19.8 Erosion and Sedimentation Control

19.8.1 All construction and/or development shall follow the standards of the *Stormwater Management and Erosion Control Handbook for Urban and Developing Areas in New Hampshire* (USDA Soil Conservation Service).

19.8.2 Any disturbance of 50,000 contiguous square feet of land requires an Alteration of Terrain Permit from the Department of Environmental Services.

19.9 Definitions

DISTURBED AREA - An area in which natural vegetation is removed exposing the underlying soil.

NATURAL WOODLAND BUFFER - A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

PRIMARY STRUCTURE - A structure other than one that is used for purposes wholly incidental or accessory to the use of another structure on the same premises.

PROTECTED SHORELAND - For natural freshwater bodies without artificial impoundments, for artificially impounded freshwater bodies, and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters.

PUBLIC WATERS - For the purpose of this ordinance, shall mean all freshwater bodies listed in the official list of public waters published by the Department of Environmental Services pursuant to RSA 271:20, II, whether they are great ponds or artificial impoundments.

REFERENCE LINE:

a) for natural freshwater bodies without artificial impoundments, the natural, mean high-water level as determined by the Division of Water Resources of the Department of Environmental Services.

b) for artificially impounded freshwater bodies, the waterline at full pond as determined by the elevation of the top of the impoundment structure.

REMOVAL or REMOVED - Cut, sawed, pruned, girdled, felled, pushed over, buried, burned, killed, or otherwise destructively altered.

SHORELAND FRONTAGE - The average of the distances measured along the reference line and along a straight line drawn between the points at which the reference line intersects the side lines of the property.

STRUCTURE - Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, as well as anything constructed or erected with a fixed location on or in the ground, exclusive of fences.

## SECTION XX: WETLANDS CONSERVATION DISTRICT ORDINANCE

Adopted March 17, 1979
Amended March 13, 1990; Amended March 9, 1993

20.1 General

The Wetlands Conservation District shall be considered as overlaying any other Districts established by this ordinance. Any use permitted in the portions of the Districts so overlaid shall only be permitted subject to all provisions of this Section.

20.2 Purposes

The Purposes of these regulations are:

20.2.1 To further the maintenance of safe and healthful conditions of waters within the Town of Jaffrey; to prevent and control water pollution, protect spawning grounds, fish, aquatic life, bird, and other wildlife habitat; control building sites, placement of structures, and land uses; and conserve shore cover and visual as well as actual points of access to wetlands and natural beauty including scenic views. (Amended 2001)

20.2.2 To prevent necessary or excessive expenses to the Town's endeavors to provide and maintain essential services and utilities, which expenses might arise because of inharmonious use of wetlands.

20.2.3 To encourage those uses that can be appropriately and safely located in wetland areas.

20.3 Applicability

The Wetlands Conservation District comprises all ponds, rivers, intermittent and perennial streams, ephemeral ponds, and wetlands; this district includes the upland area within 75 feet of these features.

20.4 Use Regulations

Permitted Uses

Any of the following uses that do not result in the erection of any primary structure or dwellings or alter the surface configuration by the addition of fill and that are otherwise permitted by the Land Use Ordinance:

20.4.1 Forestry in compliance with the New Hampshire State Forestry and Timber Laws (RSA 244:44A).

20.4.2 Agriculture, including grazing, farming, truck gardening, and harvesting of crops; but not including the stockpiling of manure.

20.4.3 Water impoundments and well supplies, public and private.

20.4.4 Drainage ways: streams, creeks, or other paths of normal runoff water.

20.4.5 Wildlife refuge.

20.4.6 Parks and such recreation uses as are consistent with the purpose and intentions of paragraph B of this section.

20.4.7 Conservation areas and nature trails.

20.4.8 Open space, as permitted by subdivision regulations.

20.5 Nonconforming Uses

20.5.1 Any lawful use of buildings, structures, premises, land, or parts thereof existing at the effective date of this Section or amendments thereto and not in conformance with the provisions of this section shall be considered to be a nonconforming use.

20.5.2 Any nonconforming use may continue and any may be maintained, repaired, and improved. Without a variance from the Board of Adjustment, no such nonconforming use may be:

a) Expanded;

b) Changed to another nonconforming use; or

c) Renewed after it has been discontinued for a period of 12 months or more.

20.6 Special Exceptions

The Board of Adjustment, after proper public notice and public hearing, may grant special exceptions for the following uses within the Wetlands Conservation District.

20.6.1 Streets, roads, and other access ways and utility rights-of-way easements including power lines and pipe lines if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands.

20.6.2 The undertaking of a use not otherwise permitted in the Wetlands Conservation District that may include the erection of an accessory building or an addition to an accessory structure; dredging, filling, draining, or otherwise altering the surface configuration of land may also require a permit from the New Hampshire Department of Environmental Services or the Wetlands Board.

20.7 Placement of Buildings

No primary building, impervious cover, or driveway shall be located within the Wetlands Conservation District.

20.8 Forest Conservation and Clearing

In order to preserve the natural beauty of the forest, protect the shorelines from erosion and pollution, protect stream temperature and aquatic life, and provide important and necessary wildlife habitat, any

cutting of trees within the Wetlands Conservation District shall conform to the provisions of RSA 224:44A and RSA 483-B.

20.9 Mineral Exploration

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods that shall create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration that exceeds the limitations above.

20.10 Residential Lot Standards

Lots abutting public waters as defined in Section XIII shall conform to the provisions of RSA 483-B. All other lots within the Wetlands Conservation District shall have a minimum shore frontage of 200', as measured at the normal high water level, except noncontiguous wet areas under one acre are not included here for purposes of meeting frontage requirements.

20.11 Subsurface Sewage Disposal Setbacks

The placement of underground sewage disposal facilities within 250' of public water as defined in Section XIII shall conform to the provisions of RSA-483B. In all other cases, the minimum setback shall be no less than 100 horizontal feet. Where daily sewage flow exceeds 2,000 gallons, the minimum setback shall be 200 feet.

20.12 Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil, or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant or aquatic life.

20.13 Definitions

Terms not defined herein shall have the customary dictionary meaning. As used in this section, the following definitions shall apply:

> ACCESORY BUILDING - A subordinate building located on the same lot with the main building and the use of which is customarily incidental to the main building. This building shall be a single-story building with dimensions not exceeding two hundred (200) square feet and may be located as close as thirty (30) feet to the normal high water mark.
>
> BASAL AREA - The cross sectional area of a tree measured at a height of four and one half feet above the ground (usually expressed in square feet per acre for a stand of trees).
>
> EPHEMERAL PONDS - Topographic depressions that flood seasonally at a time of high water table.
>
> INCORRECT DESIGNATION OF SOILS - In the event that an area is incorrectly designated as having poorly drained or very poorly drained soils on the Town of Jaffrey "Wet Soils and Wetlands Map" and evidence to that effect is satisfactorily presented to the Planning Board, the restrictions contained in this regulation shall not apply. Such

evidence may be obtained by adequate onsite soils investigation and analysis conducted by a soils scientist qualified in field analysis.

INTERMITTENT STREAM - A drainage channel with running water only during times of high water table or high runoff volume due to snowmelt or rainstorms; typically seasonal flow, as with spring snowmelt.

NORMAL HIGH WATER MARK - That line on the shores and banks of nontidal waters that is apparent because of the contiguous, different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (*i.e.*, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, pines, cedars oaks, spruce, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water cannot be easily determined (*e.g.*, rockslides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be estimated from places where it can be determined from the method above.

PERENNIAL STREAM - Any stream channel flowing water year round.

POND - Any inland body of water that has a surface area in excess of ten or more acres or where such body of water is made and in addition is completely surrounded by land held by a single owner or those privately owned ponds that are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

PUBLIC WATERS - Those water bodies designated by the Department of Environmental Services in the official "List of Public Waters in New Hampshire;" in the Town of Jaffrey, those water bodies consist of: Gilson Pond, Thorndike Pond, Frost Pond, Parker Pond, Cheshire Pond, Black Reservoir, Hodge Pond, Gilmore Pond, Scott Pond, Cummings Pond, and Wildlife Pond.

RIVER - Any free-flowing body of water from that point at which it provides drainage for a watershed of twenty-five square miles to its mouth.

WETLAND - Wetlands mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Amended March 8, 2005)

20.14 Emergency Operations

Emergency operations shall include operations conducted for the public health, safety, or general welfare (*e.g.*, protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury).

20.15 Enforcement

The Board of Selectmen is hereby authorized and empowered to adopt such rules of organization and procedures as are necessary for the efficient administration and enforcement of this ordinance.

Upon any well founded information that this ordinance is being violated, the Selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other appropriate legal action.

20.16 Amendment

Regulations embodied in the Wetlands Conservation District may be amended by a majority vote at any legal Town Meeting, when such amendment is published in the Warrant calling for the meeting and when such amendment has received two public hearings, which hearings have been advertised and given legal fifteen (15) days' notices.

20.17 Penalties

Infraction of any provision hereof is a misdemeanor, punishable by a fine of not more than One Hundred Dollars ($100.00). Each day of infraction constitutes a separate offense.

# APPENDICES

**CONDITIONAL USE PERMIT APPLICATION: INNOVATIVE LAND USE**

**Date Received: _____ Amount Paid: _____**

**Planning Board Clerk's Signature: _____**

**Application must be filed with the Planning Board clerk at least 21 days before Planning Board scheduled meeting.**

1. **Property description:**
   **Street Address_____**
   **Tax Map # _____ Lot #_____ Zone_____**

2. **Owner(s):**
   **Name_____**
   **Address _____**
   **_____**
   **Phone_____ Fax _____**

3. **Applicant:**
   **Name_____**
   **Address _____**
   **_____**
   **Phone_____ Fax _____**

   **In the event that the applicant is not the land owner, suitable evidence of agency must be submitted with the application.**

4. **Abutters:**
   **Attach a separate sheet listing by Map and Lot number, each owner's name and mailing address of all abutters within 300 ft of the property.**

   **The list of abutters MUST include any holders of conservation, preservation or agricultural preservation restrictions in accordance with RSA 676:4(I)(d).**

5. **Name & Address of Licensed Professionals (as applicable):**

   **Engineer_____**
   **Land Surveyor_____**
   **Architect_____**
   **Soil Scientist_____**
   **Attorney_____**

6. **Proposed Use:**

_____
_____
_____

**Attach any plans or sketches relating to the proposed use separately.**

**7. Facts supporting this Request:**

**Attach separately a comprehensive written statement demonstrating that the request meets the following factors:**

**a) The site is suitable for the use given the availability of adequate public services and the absence of environmental constraint.**

**b) Impact on public and private rights of others shall not be greater than the impacts of other permitted uses in the zone.**

**c) The proposed layout, design and structures shall not be incompatible with the established character of the neighborhood.**

**d) The proposed use of the site will not affect natural, cultural, historic and scenic resources on the site.**

**e) The proposed use will not diminish surrounding property values.**

**f) The proposed use will not result in extraordinary fiscal impact to the Town.**

**g) OSDP/VPA development is not reasonably feasible given the unique characteristics of the site.**

**h) The proposed use is not contrary to the intent of the Master Plan and the OSDP ordinance.**

**i) Economic hardships and personal, family circumstances to be considered.**

**8. Certification:**

**I hereby certify that all information provided in support of this application is true and accurate to the best of my knowledge and belief:**

**Applicant's signature _____Date _____**

**CONDITIONAL USE PERMIT: SMALL WIND ENERGY SYSTEMS**
**Checklist**

The standards set forth in this checklist are to insure the safe installation and operation of a Small Wind Turbine generation of power according to the Jaffrey SWES ordinance and in conformance with RSA 674:63.

Date: _____ Building Permit No: _____

Applicant's Name: _____
Project Address: _____

Application deemed complete/reviewed by: _____

Note: Applications which are not complete will not be scheduled for public hearing.

Requests for waivers from these standards must be in writing and accompany the application.

GENERAL PLAT REQUIREMENTS

_____1. Location of site, names and addresses of owners of record and all abutting landowners and uses of abutting land

_____2. Name and address of surveyor, date of survey and North arrow

_____3. Boundary lines of the area included in the site, bearings, dimensions and lot area

_____4. Size, shape, height and location of all structures within and around site's boundaries. Location and height of treeline

_____5. A vicinity sketch (1"=500') showing the location of the site in relation to existing public roads and any prominent natural features

_____ 6. Zoning district and boundaries for the site and where applicable within 1000' of the site

Specific Site Data

_____ 1. Location and size of tower foundation on the site. If guyed location of support points and description of method of attachment. Location shall be no less than 1.5 times tower height from boundaries and structures and no less than 200' from the street, and to be stamped by a licensed engineer.

_____ 2. Height of structure measured to the tip of turbine blade in highest vertical position. Height of turbine blade from the ground in the lowest vertical position

_____3. Noise level shall be measured from the property boundaries and not to exceed 55dbA. Where the ambient noise level is greater than 55dbA an increase of 2 dbA is permitted for the SWES. The date, location, number of readings and wind direction taken by a qualified professional shall be submitted.

_____ 4. Shadow Flicker shall be mitigated through siting or other measures. Significant shadow flicker is defined as more than 30hours per year on abutting occupied structures. The applicant has the burden of proving that the shadow flicker will not have a significant impact on adjacent uses.

_____ 5. Certification by a licensed electrician shall be required to insure shutdown of the system in the event of a utility power failure to prevent feedback if connected to the utility system

_____ 6. Description of system installed to prevent uncontrolled operation or speed

_____7. Description of method of limiting access to the tower

**REGULATIONS**

# SITE PLAN REVIEW REGULATIONS

Adopted May 13, 1980, and as Amended

## SECTION I: AUTHORITY AND PURPOSE

Pursuant to the authority vested in the Jaffrey Planning Board by the voters of the Town of Jaffrey at Town Meeting March 12, 1979, and in accordance with the provisions of 674:43 and 44, New Hampshire Revised Statutes Annotated, the Jaffrey Planning Board hereby adopts the following regulations governing the development or change or expansion of use of tracts for nonresidential uses or multifamily dwelling units (more than two units), whether or not such development includes a subdivision or re-subdivision of the site. These regulations shall be known as the Site Plan Review Regulations.

The general purpose of these regulations is to promote the health, safety, and prosperity of the town and to preserve and enhance the quality of life, including protection of the community's environment. Specific aims include safe and attractive development preservation of scenic views consistent with the surrounding properties with particular consideration given to structures or features of historic, cultural, or natural significance; safety from fire, flood, and other dangers; prevention of the overcrowding of land; protection of the quality and availability of water supply and of the quality of light and air; promotion of healthful, safe, and pleasant conditions of habitation; and assurance that the environment will be preserved and protected from avoidable harm and from undesirable and preventable elements of pollution. (Amended 2001)

## SECTION II: DEFINITIONS

The definitions contained in the Jaffrey Zoning Ordinance and in the Subdivision Regulations shall apply to the Site Plan Review Regulations where applicable.

## SECTION III: PROCEDURE

(A) General

Whenever any development or change of use of a site governed by these regulations is proposed or whenever any changes are proposed that differ from an existing site plan as previously approved by the Planning Board, before any construction, land clearing, building development or change is begun; before any permit for the erection of any building or authorization for development on such site shall be granted; the owner of the property or his authorized agent shall apply for and secure from the Planning Board approval of such proposed site development in accordance with procedures outlined in this regulation.

Where there is any doubt as to whether a project requires Site Plan Review, the affected party should request a determination from the Planning Board. Said determination as provided for in Section IV of RSA 674:43 shall be recorded in the minutes of the Planning Board.

In an effort to clarify what constitutes a change of use of sufficient magnitude or impact to trigger Planning Board action, the following guidelines will be observed:

(1) Activities most likely to be subject to site plan review.

a) new construction

b) change of use category
c) external modification or impact, including parking areas
d) projects involving a property which has never been subject to site plan review for previous non-residential or multi-family use.

(2) Activities not likely to be subject to site plan review.

a) projects that involve no change in use or level of activity
b) internal modification to non-residential use that do not affect scale of impact of existing use
c) re-use of premises for which site plan review has been conducted, provided the new use is not different in type or impact.

(B) Filing of Application

(1) Application forms and a checklist are available from the Planning Board Clerk at the Jaffrey Town Offices during regular business hours. Upon completion of all submission requirements including four copies of the plat, the applicant shall return the materials to the Planning Board Clerk no later than 30 days prior to the next regularly scheduled Board meeting.

(2) The Building Inspector or other designated agent of the Board will then review the plan for completeness. If the plan is incomplete, the applicant will be advised of the need for a meeting to discuss the necessary steps to take in completing the application. An incomplete application will not be submitted to the Board.

(3) Upon determination that the application is complete, the Planning Board Clerk will be advised in writing that the application is ready for submission to the Board. A copy shall be sent to the applicant.

(4) Submission and acceptance of an application shall only occur at a regular meeting of the Planning Board after due notification has been given according to RSA 676:4,I(d). Acceptance will be by affirmative vote of a majority of the Board members present.

(5) When a completed application has been accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of acceptance, which is the start of the 65-day review. (Amended 2001)

(C) Board Action on Completed Application

(1) The Board shall begin consideration of the accepted application within 30 days of its submission. The Board shall act to approve, conditionally approve, or disapprove the accepted application within 65 days of submission. (Amended 2001)

(2) The Board may apply to the Selectmen 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 Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable (RSA 676:4,I[f]).

(3) Approval of the application shall be certified by written endorsement on the plat and signed and dated by the Chairman of the Board. If any application 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 144 hours of the decision. (Amended 2001)

(D) Public Hearing

Prior to the approval of a site plan, a public hearing shall be held as required by RSA 676:4,I(d) with notice given to the applicant, abutters, and the public as follows:

(1) Notice of submission of a completed application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the hearing.

(2) The public will be given notice at the same time by posting in the Town Offices and the Post Office and publication in the local weekly 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 Board, shall include a general description of the proposal that 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 is made known at the meeting.

(E) Concurrent and Joint Hearings

The Planning Board may hold a hearing on a site plan review in conjunction with a subdivision hearing if both are required for the same project. A hearing for site plan review may also be conducted at the same time and place as hearing before the Historic District Commission or the Zoning Board of Adjustment.

(F) Approvals

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one year, the approval is considered null and void, and the applicant must resubmit a new site plan application. A further public hearing is not required when such conditions:

(1) are administrative in nature; or

(2) involve no discretionary judgment on the part of the Board; or

(3) involve the applicant's possession of permits and approvals granted by other boards or agencies (*e.g.*, the Department of Transportation, the Wetlands Board, or the Water Supply and Pollution Control Division). Any subsequent change to the plan based upon such approvals shall require a new application submission.

Site plan approval shall be considered void if no substantial work is done on the project in one year's time. The Planning Board may specify the scope of work to be completed within a year's time that will constitute active and substantial development in order for the four-year exemption to apply. All conditions shall be noted on the plat.

(G) Developments Having Regional Impact

All applications shall be reviewed for potential regional impacts according to a determination of the Board. Upon such a finding, the Board shall furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the determination is made. The copies shall be sent by certified mail within 144 hours of the meeting. At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission and the affected municipalities of the date, time, and place of the hearing and of their right to appear as abutters to offer testimony concerning the proposal. (Amended 2001)

(H) Special Flood Hazard Areas (Amended March 2006)

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.

The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include base flood elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation). The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading, and land treatment plans) so as to allow determination that:

(1) all such proposals are consistent with the need to minimize flood damage;

(2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) adequate drainage is provided so as to reduce exposure to flood hazards.

(I) Failure of the Planning Board to Act

In the event that the Planning Board does not act on an accepted application within the prescribed 65 days, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days. If the Planning Board fails to act within 40 days of this directive, the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan. (Amended 2001)

**SECTION IV: FEES**

All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved in processing applications. The following fee schedule is in effect:

(1) Minor Site Plan: $50
(100 – 1000 sq ft)

(2) Nonresidential Construction

(a) less than 10,000 square feet: $250
(b) 10,000 square feet or more: $500

(3) Multifamily Construction (per dwelling unit): $100

(4) Plus $4.50 for each abutter.

All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to not accept the application as complete.

Pursuant to RSA 676.4 I (g), it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses, and other matters that may be required to make an informed decision on a particular application. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

**SECTION V: PERFORMANCE GUARANTEE**

As a condition of approval, the Planning Board may require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets, public improvements (*e.g.*, drainage structures, water and sewer drains, landscaping, lighting, and signage). The amount of the security shall be based on an estimate of costs provided by the applicant and, at the discretion of the Planning Board, reviewed by a licensed engineer. All costs of any such review shall be paid by the applicant.

(A) The security shall be approved as to form and sureties by the Board and the municipal counsel. The amount of the security shall include fees to cover the cost of periodic inspections.

(B) Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.

(C) Each approved plat shall contain a time limit for the completion of streets and public improvements.

(D) The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee in accordance with the plan approved by the Board.

**SECTION VI: SUBMISSION REQUIREMENTS**

(A) Existing Data

(1) Name of project, if applicable, location of site, names and addresses of owners of record, all abutting landowners, and uses of abutting land.

(2) North arrow, date of the plan, scale (1"=40' suggested); name, address, license number, and seal of person preparing the plan. Such map shall be prepared by a licensed land surveyor or registered professional engineer, in accordance with the procedures and technical standards adopted by the New Hampshire Board of Licensure for Land Surveyors.

Name and address of person or firm preparing other data and information, if different from preparer of map.

(3) The boundary lines of the area included in the site, including angles or bearings of the lines, dimensions, and the lot area in acres and square feet.

(4) The existing grades, drainage systems, structures, and topographic contours at intervals not exceeding five feet with spot elevations where the grade is less than 5 percent. A bench mark to be located in an area not likely to be disturbed during construction. (Amended 2003)

(5) The shape, size, height, and location of existing structures located on the site and those within 200 feet of the site.

(6) Natural features such as streams, marshes, lakes, or ponds. Wetlands, as defined by the Town of Jaffrey Wetlands Conservation District Ordinance.

(7) Man-made features such as, but not limited to, existing roads, utility connections, and structures. The map will also show clearly which man-made features are to be altered or removed.

(8) The capacity or size and location of all existing public utilities. This shall include the location and size of existing public utilities located off site and to which connection is planned.

(9) A vicinity sketch (suggested scale 1"=500') showing the location of the site in relation to the existing public streets; the zoning district and boundaries for the site and within 1,000 feet of the site shall be shown where applicable.

(10) Soil survey data from the Town of Jaffrey Soils Map.

(B) Proposed Plan

(1) The proposed grades, drainage systems, structures, and topographic contours at intervals not exceeding 2 feet, with spot elevations where appropriate.

(2) The shape, size, height, location, and use of proposed structures, including expansion or alteration of existing structures. Drawings should show exterior design and appearance.

(3) Width and inside radii of curves of all proposed streets, driveways, and sidewalks, with indication of direction of travel for any that are one way.

(4) Location and total number of parking spaces, loading spaces, and other similar facilities associated with the structure shall be shown.

(5) The size and location of all proposed public and private utilities, to include location and distance to all fire hydrants.

(6) The location, types, and size of all proposed landscaping and screening.

(7) The location, type, and nature of all proposed exterior lighting.

(8) A storm drainage plan, including plans for the retention and slow release of storm water where necessary, and plans for snow removal and/or storage.

(9) A circulation plan for the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of access to the site, curb cuts, and proposed changes (if any) to existing streets, including traffic control devices necessary in conjunction with the site development.

(10) Road Standards

(a) For all roads intended to be dedicated for public use, the applicant will meet the town road standards, as detailed in the "Jaffrey Subdivision Regulations."

(b) For all roads, approaches, and driveways intended to remain in private ownership, the applicant will meet town road standards unless he can demonstrate to the satisfaction of the Board that a lesser standard will meet all usage and safety needs.

(C) Necessary Permits

The application shall be accompanied by any necessary Federal, State, or local permits and approvals (refer to Site Plan Review Checklist).

(D) Additional Information

The Planning Board may require such additional information as it deems necessary in order to apply the regulations contained herein. The cost of obtaining such information or conducting necessary study shall be borne by the applicant.

(E) "As Built" Plans

Supplemental information may be required by the Board to update the final plat to reflect "as built" conditions and details. The plan shall show any easements and dedicated roadways. A security bond may be required to guarantee performance of the applicant's obligations as described herein. "As built" plans shall be submitted to the Board on mylar.

## SECTION VII: DESIGN AND CONSTRUCTION REQUIREMENTS

(A) Design Guidelines for new construction and renovations to existing structures can be found in the Land Use Code.

(B) Traffic access to the site from town streets shall ensure the safety of vehicles and pedestrians.

(C) Improvements to existing streets shall include signal devices if necessary because of increased traffic generated by the project.

(D) Landscaping and screening shall be provided relative to adjacent properties, the public highway, and within the site, including interior landscaping of large (over three rows) parking areas.

(E) Circulation (vehicle and pedestrian) shall be designed to ensure safety and also passage of emergency vehicles.

(F) Storm drainage shall be designed for a 25-year flood, and if the existing drainage system to which the site drains is inadequate, provisions shall be made for retention and gradual release of storm water in order to meet the 25-year flood demand. In cases and situations where the terrain and

location make it advisable, the Planning Board may require that the design meet requirements for a 25-year flood.

(G) Provision shall be made for snow storage during winter months.

(H) Provision shall be made for the site to be serviced by necessary utilities that may include fire prevention, domestic use, sanitary sewer, electricity, fuel storage, and gas.

(I) Underground fuel storage tanks shall comply with the standards of the NH Water Supply and Pollution Control Division, as set forth in Part Env-WS 411, NH Code of Administrative Rules.

(J) Provision shall be made for outdoor lighting. Exterior lighting shall be of such design and construction as to ensure safe lighting for the site, but not to intrude onto structures not part of the site, onto any road, or overhead.

(K) Provision shall be made for the protection of natural features including scenic views, both on and off site. (Amended 2001)

(L) All development shall meet the standards and requirements of applicable town ordinances and regulations dealing with the use of land.

(M) Construction requirements shall be in accordance with the established standards of the State of New Hampshire and the Town of Jaffrey. Alternate provisions, where permitted, may be considered by the Planning Board. The exterior surface materials shall be specified to include nature, color, and texture.

(N) The proposal must be consistent with the need to minimize flood damage. All public utilities and connections will be so designed and constructed as to reduce to a minimum exposure to flood hazards and to minimize infiltration of floodwaters into water supply systems or sanitary sewer systems. On-site waste disposal systems shall be designed and located as to avoid impairment of contamination from them in the event of flooding.

(O) Specifications and construction features that will attenuate or otherwise prevent the emission of undesirable and preventable elements of pollution (*e.g.*, as noise, smoke, soot, particulate, or any other discharge into the environment that might prove harmful to persons, structures, or adjacent properties) will be included in supporting documentation.

(P) For reasons of public safety the Planning Board may require that the applicant furnish an easement enforceable by the Town of Jaffrey to control present or future vegetation which might impinge on sight distances on public or private roads.

(Q) The Planning Board may require as a condition of approval for a subdivision or site plan that development shall be so designed and so executed as to preclude runoff onto public or private ways or adjacent properties to include wetlands. In this connection, the Planning Board recommends that new development or changes to existing development adhere to the best management practices as published in the NH Department of Environmental Services booklet “Nonpoint Source Pollution” Dated January 2004. (Amended 2004)

**SECTION VIII: STANDARDS OF PERFORMANCE** (amended 2012)

(A) Nothing in these regulations is intended to supersede Federal or State standards, to which, as a minimum, all construction and operations must conform.

(B) All construction shall also conform with the standards and provisions of the current version of ICC and Life and Safety Codes as applicable.

(C) The standard for avoidance of undesirable and preventable elements of pollution (*e.g.*, noise, smoke, soot, particulate, or any other discharges into the environment that might prove harmful to persons, structures, or adjacent properties) is that the applicant will employ the best technology economically available at the time.

**Criteria Relative to Noise**

NOISE CRITERIA DEFINITION - words and phrases used herein are defined as follows, in accordance with American Standard S1, 1-1960 entitled Acoustical Terminology:

‘A’ BAND LEVEL - A band level is the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit of measurement is the dB(A).

DECIBEL - Decibel is one-tenth root of ten (10), and the quantities concerned are proportional to power.

FREQUENCY - Frequency is measured in the number of sound vibrations in one second.

Leq - The sound pressure level (SPL) which if integrated over a specific time period interval would result in the same energy as a variable SPL integrated over the same period.

SOUND ANALYZER - A sound analyzer is a device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

SOUND LEVEL METER - A sound-level meter is an instrument including a microphone, an amplifier, and output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner.

SOUND PRESSURE LEVEL - A sound pressure level in decibels of sound is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure which reference pressure must explicitly state.

*Noise Measurement* - The measurement of sound or noise shall be made with a sound level meter and octave band analyzer meeting the standards prescribed by ANSI S1.4-1971, TYPE 1 and IEC 179. The instruments shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specifications. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement of diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. The slow meter response of the sound level shall be used in order to best determine that the average amplitude has not exceeded the limiting noise spectra set forth. The

measurement shall be made at the nearest edge of the residential zoned district on which such noise is perceived, as appropriate, four feet above ground. In the case of an elevated or directional sound or noise source, compliance with the noise limits is to be maintained at any elevation at the boundary.

SPLs will be measured in the A Weighted Decibel Scale (dBA). The Leq shall be employed when SPL are measured over a period of time rather than individual SPL measurements taken at fixed points in time to assess noise impact. The Leq will be integrated over a specific time period interval. The Leq will be measured over a 2 hour, 4 hour or 24-hour period at the nearest edge of the residential zoned district.

*Application of Noise Control Methods* - Consideration will be given to the application of noise control methods that may be applied to control noise emission sources at the point of generation that are by their very nature noisy (e.g., generators, high velocity/flow pumps, air conditioning units, etc.) as a means to achieve the maximum sound pressure limits as noted in the ordinance. Architectural designed and constructed walls/barriers and acoustical enclosures are sound reduction methods which can result in reducing the sound as the energy passes through the material as a transmission loss (TL). A barrier wall (or other equal means) constructed of concrete, stone, rock or a composite material capable of reducing the SPL to acceptable limits as specified in this ordinance are encouraged.

*Noise Limits.* The Jaffrey Site Plan regulations limit daytime and nighttime noise that is "continuous, regular or (a) frequent source of sound". During the daytime, a maximum sound pressure limit of 60 dBA measured at the nearest edge of the residential zoning district is allowed. During the nighttime, a maximum sound pressure limit of 50 dBA measured at the nearest edge of the residential zoning district is allowed. The sound is measured at a height of four feet.

These standards may be enhanced by adjusting the decibel level limit to sounds that are not continuous and smooth, as follows:

a. Noise source operated at less than 20% of any one hour period – Plus 5 to limit.
b. Noise source operated at less than 5% of any one hour period – Plus 10 to limit.
c. Noise source operated at less than 1% of any one hour period – Plus 15 to limit.
d. Impulsive/repeating noise character during any one hour period (e.g. – hammering) Minus 5 to limit.

Noise from safety alarms/signals, warning devices (excluding standard back-up signals on equipment), emergency pressure relief valves, emergency vehicles, emergency work (to protect persons or property), construction noise between the hours of 7:00 am and 7:00 pm on weekdays and 9:00 am and 7:00 pm on weekends and holidays, and unamplified human voices shall be exempt from these standards.

**Wellhead Protection**

In any areas designated by the Town of Jaffrey as groundwater protection and wellhead protection areas for community water systems, as defined in RSA 485:C,2, (WPAs) and depicted on the map "Wellhead Protection Areas, Town of Jaffrey, 2012" the following performance standards are proposed:

(A) Approval of a stormwater management and pollution protection plan consistent with the standards for industrial operators contained in the *New Hampshire Stormwater Manual Volumes I-III*, New Hampshire Department of Environmental Services, as may be revised from time to time (the "Stormwater Manual"), shall be provided, demonstrating (i) minimization of the release of regulated substances into stormwater, and (ii) best available technology in any infiltration or discharge of stormwater to the ground to mitigate all contaminants.

(B) Approval of a Deicing Management Plan consistent with the standards contained in the Stormwater Manual for streets, roads and parking areas in WPAs so that direct application of road salt is the minimum necessary while maintaining safety, together with a drainage plan that slopes stormwater from such surfaces away from WPAs, where practicable.

(C) All regulated substances in containers with a capacity of five gallons or more shall be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains and outside drains. Such containers shall be secured in facilities to protect against unauthorized entry.

(D) Secondary containment shall be provided for any outdoor storage of regulated substances if they are stored in a container with the capacity to hold five (5) gallons or more.

(E) Approval of a Spill Prevention, Control and Countermeasure Plan shall be provided if regulated substances are stored within WPAs, which must contain adequate measures to prevent, contain and minimize releases of regulated substances.

(F) Activities prohibited within the Wellhead Protection Areas include, but are not limited to hazardous waste disposal facilities, as defined in RSA 147-A, solid waste landfills, as defined in RSA 149-M, outdoor bulk storage of road salt or other deicing chemicals, snow dumps for storage of snow transported from off-site for disposal, junkyards, petroleum bulk plants or terminals, gasoline stations, dry cleaning or laundry facilities, subsurface storage of petroleum products (except propane, generator and heating fuels with corrosion control, leak detection and secondary containment), or aboveground storage of petroleum products (except propane, generator or heating fuels with corrosion control, leak detection and secondary containment) in excess of 500 gallons per lot.

(G) All Uses and Activities subject to these regulations shall comply with all applicable state and federal requirements including RSA 147-A, Hazardous Waste Management and Env-Wq 401, Best Management Practices for Groundwater Protection Rules.

**Odors**

*Odors*. Discharges causing odors which are regulated by the State of New Hampshire (pursuant to RSA 125-C, *et seq.*) and/or United States Environmental Protection Agency through the issuance of air permits shall be governed by such emission statutes and regulations.

Discharges that are not regulated by the State of New Hampshire (pursuant to RSA 125-C, *et seq.*) and/or the United States Environmental Protection Agency shall be governed by the following standards:

(A) The emission of odorous air contaminants from any source which results in detectable odors at the lot line of the source, as defined below, shall be prohibited:

i. For areas used for residential purposes, it is a violation if odors are detected after the odorous air has been diluted with seven (7) volumes of odor free air.

ii. In all other land use areas, it is a violation if odors are detected after the odorous air has been diluted with fifteen (15) volumes of odor free air.

(B) For the purposes of the Regulation, two odor measurements shall be made within a period of one hour, these measurements being separated by at least fifteen (15) minutes. These measurements shall be made outside the property line of the property from which the emission originates.

(C) The Barnebey-Cheney Scentometer, suitably calibrated, or any other equivalent instrument, device, or technique may be used in the determination of the intensity of an odor and may be used as a guide in the enforcement of this performance standard.

**SECTION IX: VESTING OF APPROVED PLANS (added May 11, 2010)**

In accordance with RSA 674:39, Five Year Exemption, subdivision plats approved by the Planning Board and properly recorded at the registry of deeds and site plans approved by the Planning Board shall become vested from subsequent changes to subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances for a period of five (5) years, provided active and substantial development as defined by the Planning Board at the time of approval, has been achieved within twenty four (24) months of the date of final approval. If active and substantial site development and/or construction has not been commenced within twenty four (24) months, the plan shall not be vested and is subject to subsequent changes in zoning and regulations. Further, if substantial completion of site development or construction as defined by the Planning Board at the time of approval, has not been achieved within 5 years from the date of approval, the plan shall not be vested.

**SECTION X: ADMINISTRATION AND ENFORCEMENT**

These regulations shall be administered by the Planning Board. Enforcement shall be by the Board of Selectmen. The Building Inspector or the Selectmen acting in that capacity shall not issue any building permit for construction that requires site plan approval until or unless such planned construction has received site plan approval by the Planning Board.

**SECTION XI: WAIVERS**

Any portion of these regulations may be waived where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of the regulations.

**SECTION XII: APPEALS**

Decisions of the Planning Board are appealable to Superior Court as set forth in RSA 677:15.

**SECTION XIII: VALIDITY**

If any provision of these regulations shall be held invalid for any reason by a court, such holding shall not invalidate in any manner any other provision contained herein.

**SECTION XIV: AMENDMENTS**

Amendments to these regulations may be made by the Planning Board following a duly constituted public hearing on such amendments.

- - - - -

Adopted September 15, 1992, after Public Hearing held on September 15, 1992.

**APPLICATION FOR SITE PLAN REVIEW, NONRESIDENTIAL/MULTI-FAMILY**

**Date Received:** _____ **Amount Paid:** _____

**Town Clerk's Signature** _____

**Applicant's Name:** _____

**Address:** _____

**Phone No's:** _____

**Email:**_____

**Owner's Signature:**_____

**Name:** _____

**Address:** _____

**Phone No's:** _____

**Email:**_____

**Property Address:** _____

**Map/Lot:** _____

**Site Plan Proposal for:** _____

_____

**Names, addresses, and zip code of all abutters (include a separate document if necessary)**

_____

_____

_____

_____

_____

**List and attach supporting documents (*see checklist*)**

_____

_____

_____

_____

_____

**Filing Fee:**

**Nonresidential construction 10,000 square feet or more (major): ..... $500.00**
**Nonresidential construction less than 10,000 square feet (minor): ..... $250.00**
**Multifamily residential site plans: ..... $100.00 per dwelling unit**
**Minor Site Plan:..... $50.00**
**Plus $4.50 for applicant, owner, and each abutter**

**Contact Information:**

**Erlene Lemire, Planning Board Clerk (lemiree@townofjaffrey.com)**
**Jo Anne Carr, Planner / Econ. Dev. (jacarr@townofjaffrey.com)**
**Rob Deschenes, Building Insp. / Code Enforcement (rdeschenes@townofjaffrey.com)**

****Incomplete applications will not be scheduled for public hearing (Section III-B:2) and may be subject to additional fees ****

**Date:** _____

**Applicant:** _____

**Property Location:** _____

**Proposal:** _____

_____

**A preliminary review of the proposal above indicates the use is compatible with the site. The Jaffrey Fire Department requires the plans comply with the *Life Safety Code*. Final review of the plans will take place after the site plan has been approved.**

**Comments:**

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

**David Chamberlain**
**Fire Chief**

**<u>** Comments will be obtained by Town Personnel **</u>**

**Date:** _____

**Applicant:** _____

**Property Location:** _____

**Proposal:** _____

_____

**Driveway Proposal:** _____

_____

**A preliminary review of this proposal for water usage indicates:** _____

_____

**A preliminary review of sewer usage on this site indicates:** _____

_____

**Additional Comments:**

_____

_____

_____

_____

_____

_____

_____

_____

_____

**Randy Heglin**
**Public Works Director**

**<u>** Comments will be obtained by Town Personnel **</u>**

**Date:** _____

**Applicant:** _____

**Property Location:** _____

**Proposal:** _____

_____

**Additional Comments:**

_____

_____

_____

_____

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_____

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_____

_____

**Bill Oswalt**
**Police Chief**

**<u>** Comments will be obtained by Town Personnel **</u>**

**Building Occupancy Permit No.** _____

**Date:** _____

**Applicant:** _____

**Property Location:** _____

**Proposal:** _____

_____

**The applicant hereby agrees to adhere to any requirements of *The National Building Code* (ICC) and the *Life Safety Code* as applicable for this proposal.**

_____
**Signature**
**Applicant/Owner**

**Building Occupancy Permit No. _____**

**Date: _____**

**Applicant: _____**

**Property Location: _____**

**Proposal: _____**

_____

**Will there be any potentially unpleasant or noxious emissions including noise, light, smoke, soot, odors, or particulates emanating from the site?**

**If so, please describe and explain:**

_____

_____

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**SITE PLAN CHECKLIST SUBMISSION REQUIREMENTS**

Date:_____

Map:_____ Lot:_____

Applicant Name:_____ Application Number:_____

Applicant Email:_____

Project Address: _____

Major Site Plan_____ Minor Site Plan_____

Is this a Development having Regional Impact? _____Yes _____No

Performance Guarantee: _____

Application Reviewed by: _____Date:_____

Application Determined _____
_____

Complete Incomplete

**PLEASE NOTE:**

This checklist will be completed by the Planning Board Review Committee; however the applicant is encouraged to use it as a guide in preparing for Site Plan Review. Applications which are not complete will not be scheduled for public hearing.

If the applicant is seeking a waiver by the Planning Board of any conditions stated in the Site Plan Review Regulation, *written* request for that waiver must accompany the application.

## SITE PLAN APPLICATION CHECKLIST

**Date:** _____

**Applicant's Name:** _____

**Project Address:** _____

| SUBMITTED | WAIVER REQUEST | | Existing Data |
|---|---|---|---|
| _____ | _____ | 1. | Name of project, if applicable, location of site, names and addresses of owners of record and all abutting landowners, and uses of abutting land. |
| _____ | _____ | 2. | Name and address surveyor, date of survey, scale, and North arrow, seal of person preparing the plan. |
| _____ | _____ | 3. | Boundary lines of the area included in the site, angles or bearings of the lines, dimensions, and lot area. |
| _____ | _____ | 4. | Existing grades and drainage - Identify and provide topographic contours for any areas where slopes are 15% or greater. |
| _____ | _____ | 5. | Size, shape, height, and location of existing structures on the site and within 200 feet of the site's boundary. |
| _____ | _____ | 6. | Streams, marshes, lakes, ponds, wetlands, and other natural features. Soils data is available from the Town of Jaffrey soils map. Delineation by Soils Scientist may be required by the Town. |
| _____ | _____ | 7. | Existing roads, structures, and other man-made features, including any that are to be altered or removed. |
| _____ | _____ | 8. | Capacity or size and location of all existing public utilities, including any that are off site and to which connection is planned. |
| _____ | _____ | 9. | A vicinity sketch (1"=500') showing the location of the site in relation to the existing public streets and any prominent natural features. |
| _____ | _____ | 10. | Zoning district and boundaries for the site and, where applicable, within 1,000 feet of the site. |
| _____ | _____ | 11. | Soil survey data from the Town of Jaffrey soils map. |

## SITE PLAN APPLICATION CHECKLIST

**Date: _____**

**Applicant's Name: _____**

**Project Address: _____**

| SUBMITTED | WAIVER REQUEST | | Proposed Plan |
|---|---|---|---|
| _____ | _____ | 1. | Proposed grades, drainage systems, and topographic contours at intervals of two feet must be delineated as required by the town. |
| _____ | _____ | 2. | Shape, size, height, location, and use of the proposed structures, including exterior design and appearance. |
| _____ | _____ | 3. | Sketch plan and photos depicting the building placement in context with neighboring properties |
| _____ | _____ | 4. | Applicability of Design Guidelines |
| _____ | _____ | 5. | Any proposed expansion or alteration of existing structures. |
| _____ | _____ | 6. | Width and inside radii of curves for proposed streets, driveways, and sidewalks, with indication of direction of travel for any streets that are one way. |
| _____ | _____ | 7. | Location, area, and total number of parking spaces. |
| _____ | _____ | 8. | Size and location of loading spaces and other similar facilities. |
| _____ | _____ | 9. | Size and location of all proposed public and private utilities, and location and distance to fire hydrants. |
| _____ | _____ | 10. | Location, type, and size of all proposed landscaping and screening. |
| _____ | _____ | 11. | Comprehensive storm drainage plan and snow removal or storage. |
| _____ | _____ | 12. | Auto and pedestrian circulation plan for the interior of the lot. |
| _____ | _____ | 13. | Plan showing means of access to the site, existing streets, including any necessary traffic control devices. Documentation that Town of Jaffrey Road and Driveway Standards have been met. |
| _____ | _____ | 14. | Application for wireless communication facilities shall include provisions (in writing) for the removal of the structure if it ceases to be employed for the permitted use. These provisions may require a performance guarantee to ensure their implementation (*see Site Plan Regulations Section V*). (Amended 2001) |

## SITE PLAN APPLICATION CHECKLIST

**Date:** _____

**Applicant's Name:** _____

**Project Address:** _____

| SUBMITTED | WAIVER REQUEST | | Items to Accompany Site Plan Review Application |
|---|---|---|---|
| _____ | _____ | 1. | Driveway access approval from the New Hampshire Department of Public Highways. |
| _____ | _____ | 2. | Town Water - Approval from the Jaffrey Water Department. |
| _____ | _____ | 3. | Town Sewer - Approval from Selectmen. |
| _____ | _____ | 4. | Written disclaimer for hazardous materials, with a copy to the state. |
| _____ | _____ | 5. | Written statement of the amount of any hazardous waste. |
| _____ | _____ | 6. | Comments and recommendations by Jaffrey's Fire Chief, Police Chief and Department of Public Works. |
| _____ | _____ | 7. | Statement: Project will adhere to ICC family of codes and Life Safety codes as adopted. |
| _____ | _____ | 8. | Statement: Project will conform to exterior lighting requirements as contained in Site Plan Review Regulations. |
| _____ | _____ | 9. | Statement: Project will conform to noise limitation requirements as stated in Site Plan Review Regulations. |
| _____ | _____ | 10. | Copy of variance or special exception granted by the Zoning Board of Adjustment, if applicable. |
| _____ | _____ | 11. | Statement concerning any potential unpleasant or noxious emissions. |
| _____ | _____ | 12. | All permits and approvals granted by other boards or agencies (*e.g.*, Department of Transportation, Water Supply and Pollution Control Division, Department of Public Health). |
| _____ | _____ | 13. | If the applicant is not the property owner a letter of authority must be submitted with the application. |

# RULES AND REGULATIONS TO CONTROL SUBDIVISIONS

Adopted August 11, 1992
Amended May 11, 1993
Amended March 17, 2007
Amended December 14, 2010

## SECTION I: AUTHORITY AND PURPOSE

Pursuant to the authority vested in the Jaffrey Planning Board by the legislative body of the Town of Jaffrey and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, as amended, the Jaffrey Planning Board adopts the following regulations effective September 10, 1973, and as amended, governing the subdivision of land in the Town of Jaffrey New Hampshire. These regulations are designed to accomplish the purposes set forth in RSA 674:36 and for the purposes of protecting the health, safety, convenience, and economic and general welfare of our citizens. A summary of this statutory authority is presented in Appendix B to these regulations.

## SECTION II: DEFINITIONS

ABBUTTER shall mean:

(1) any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board; and

(2) affected municipalities and the regional planning commission(s) in the event of developments having regional impact.

(3) For purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

(4) For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

AGENT shall mean a person duly authorized by the landowner to act in his or her stead, demonstrated by a signed letter from the landowner to the Planning Board.

ANNEXATION shall mean the sale, transfer, or other conveyance that involves merely an exchange of land among adjacent landowners and that does not increase the number of parcels, lots, or owners, and on which no sewerage disposal system is proposed to be constructed.

APPLICANT shall mean the owner of record of the land to be subdivided.

APPLICATION (Submitted) shall mean information submitted by an applicant to the Planning Board that may or may not be complete enough to warrant acceptance by the Board.

APPLICATION (Complete) shall mean the application form and all supporting documents, as specified in these regulations, that contain all the information the Planning Board needs to review

a subdivision proposal and make an informed decision. All fees and administrative expenses, as indicated in these regulations, must be included.

APPLICATION (Accepted) shall mean an application that has been accepted by a majority vote of the members at a regular Planning Board meeting.

APPROVAL shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these regulations and, in the judgment of the Board, satisfies all criteria of good planning and design.

APPROVAL (Conditional) shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions are met.

BOARD shall mean the Planning Board of Jaffrey.

CONDOMINIUM shall mean a building, group of buildings, or any land in which units are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Condominiums shall be considered a subdivision under the requirements of RSA 356-B and reviewed accordingly.

ENGINEER shall mean the Public Works Director of the Town of Jaffrey or a consultant assigned by the Board.

LICENSED LAND SURVEYOR shall mean a person who engages in the practice of land surveying and is licensed by the State of New Hampshire under RSA 310-A:53.

LOT shall mean a parcel of land capable of being occupied by one principal use that is of sufficient size to meet the minimum requirements for use, building coverage, and area.

LOT LINE ADJUSTMENT shall mean the exchange of abutting land that does not increase the number of lots. A lot line adjustment is considered to be the same as a technical subdivision.

PLAT shall mean the map, drawing, or chart on which the plan of subdivision is presented to the Jaffrey Planning Board for approval and that, if approved, will be submitted to the Registry of Deeds of Cheshire County for recording.

PREAPPLICATION REVIEW shall mean the two steps (Conceptual Consultation and Design Review) that an applicant may follow prior to filing a completed application.

PUBLIC HEARING shall mean a meeting, notice of which must be given per RSAs 675:7 and 676:4,I(d), at which the public is allowed to participate.

PUBLIC MEETING shall mean the regular business meeting of the Planning Board. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the option of the Board.

STREET shall mean a publicly approved road maintained for vehicular travel, a class VI road, or a private road, either of which appears on a subdivision plat approved by the Planning Board or is existing. (Amended 9/12/95)

SUBDIVISION shall mean the division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.

SUBDIVISION (Major) shall mean a subdivision of four (4) or more lots or one that involves the creation of new streets and/or utilities.

SUBDIVISION (Minor) shall mean a subdivision of land into not more than three (3) lots for building development purposes.

SUBDIVISION (Technical) shall mean a boundary or lot line adjustment that does not create a buildable lot or any increased potential for further subdivision.

**SECTION III: GENERAL PROVISIONS** (Amended 2004)

(A) Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision nor for such other uses as may increase danger to life or property or aggravate the flood hazard.

(B) The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services that necessitate the excessive expenditure of public funds for the supply of such services. The Planning Board may require as a condition of approval for a subdivision or site plan that development shall be so designed and so executed as to preclude runoff onto public or private ways or adjacent properties to include wetlands. In this connection, the Planning Board recommends that new development or changes to existing development adhere to the best management practices as published in the NH Department of Environmental Services booklet “Nonpoint Source Pollution” dated January 2004.

(C) Criteria considered by the Planning Board in evaluation of a proposed subdivision sgall include, but not be limited to, the following goals:

- Blend harmoniously with the surrounding neighborhood.
- Be environmentally sensitive.
- Protect existing and potential water sources.
- Preserve, wherever possible, scenic open space, particularly that visible from the public way.
- Provisions for landscaping and/or visual buffers between the area to be developed and the street(s) to which the subdivision has access.
  (Amended 2002, 2007)
  Further details on the criteria applied by the Planning Board in its deliberations regarding proposed subdivisions are presented in Appendix C to these regulations.

(D) Reserve strips that, in the opinion of the Board, show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.

(E) In areas not currently served by public sewer systems, it shall be the responsibility of the subdivider or his agent to provide the necessary state approvals for the installation and operation of an individual sewage disposal system. In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the Board that the existing septic system is in good working order.

(F) Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

(G) All water and sewer mains shall be installed at the extreme sides of proposed streets, to the extent possible and to the required specifications of the Jaffrey Public Works Department. In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the Board that the existing septic system is in good working order. (Amended 5/11/93)

(H) No more than two lots suitable for building may be served by any one driveway. (Amended 5/11/93)

(I) Specifications pertaining to driveways are found in Appendix D to these regulations. Per paragraph V, RSA 236:13, these specifications pertain to all driveways in the Town of Jaffrey other than those entering onto a Class I, II, or III highway.

(J) For reasons of public safety the Planning Board may require that the applicant furnish an easement enforceable by the Town of Jaffrey to control present or future vegetation which might impinge on sight distances on public or private roads.

(K) Subdivisions will be approved only along roads that meet applicable Town standards. Road design standards and acceptance regulations are found in Appendix A to these regulations.

## SECTION IV: SUBDIVISION PROCEDURES

(A) Preliminary Conceptual Consultation (Amended 2007)

(1) This phase is optional for minor subdivisions, but required for major subdivisions (as provided in RSA 674:35 Section I). The applicant for a minor subdivision may request a meeting with the Planning Board to discuss a proposal in conceptual form and in general terms. The applicant for a major subdivision must request a meeting with the Planning Board to discuss a proposal in conceptual form and in general terms. The Planning Board strongly suggests that all applicants avail themselves of the opportunity to resolve at this early stage any issues that might become a problem later on. Such preliminary review is directed toward reviewing the basic concepts of the proposal with regard to the Master Plan, Land Use Ordinances, state and local regulations, and a review of checklist items for required submission items.

(2) Preliminary conceptual consultation shall not bind the applicant or the Board. Such discussion may occur without formal public notice but must occur only at a posted meeting of the Board.

(B) Design Review Phase (OPTIONAL)

(1) Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for nonbinding discussions beyond the conceptual and general stage involving more specific design and engineering details of the potential application.

(2) The design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4,I(d).

(3) Persons wishing to engage in pre-application design review shall submit a "Request for Pre-application Review" and associated fees not less than 21 days before the regularly scheduled meeting of the Board. The request shall include:

(a) List of abutters and their addresses from municipal records not more than five (5) days before submission.

(b) A check to cover mailing and advertising costs.

(4) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

(C) Completed Application (REQUIRED)

(1) Application forms and a subdivision checklist are available from the Planning Board Clerk at the Jaffrey Town Offices during regular business hours. Upon completion of all submission requirements, the applicant shall return the materials to the Planning Board Clerk no later than 30 days before the next regularly scheduled Board meeting.

(2) All plans will be reviewed for completeness by the Building Inspector or other designated agent of the Planning Board. If the plan is incomplete, the applicant will need to schedule a meeting at which he or she will be advised what information is needed to constitute a complete application. An incomplete application will not be submitted to the Board.

(3) Upon determination that the application is complete, the Building Inspector or other agent shall inform the Clerk in writing that the application is ready for submission to the Board. A copy shall be sent to the applicant.

(4) Submission and acceptance of an application shall only occur at a regular meeting of the Planning Board after due notification has been given according to RSA 676:4,I(d).

Acceptance will be by affirmative vote of a majority of the Board members present.

(5) When a completed application has been accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of acceptance, which is the start of the 65-day review. (Amended (2001)

(D) Board Action on Completed Application

(1) The Board shall begin consideration of the accepted application within 30 days of its submission. The Board shall act to approve, conditionally approve, or disapprove the accepted application within 65 days of submission. (Amended 2001)

(2) The Board may apply to the Selectmen 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 Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable. (RSA 676:4,I[f])

(3) Approval of the application shall be certified by written endorsement on the plat and signed and dated by the Chairman of the Board. The Planning Board Clerk is responsible for the filing of the approved plat with the Registry of Deeds of Cheshire County. The applicant shall submit a check made out to the Town for payment of the recording fees. Any subdivision plan not filed within 90 days of approval shall be considered void.

(4) If any application 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 144 hours of the decision. (Amended 2001)

(E) Expedited Review

(1) The Planning Board may allow for an expedited review of applications for lot line adjustments or minor subdivisions, as defined in Section II of these regulations.

(2) The completed application may be submitted, accepted, and voted on at the same meeting, but no application shall be approved or disapproved without full notice to abutters and the public.

(3) The Board may waive certain plat requirements for minor and technical subdivisions. The Building Inspector, in his completeness review, may recommend to the Board in writing certain submission items to be waived. The Board reserves the final judgment in this matter.

(F) Failure of the Planning Board to Act

In the event that the Planning Board does not act on an accepted application within the prescribed 65 days, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days. If the Planning Board fails to act within 40 days of this directive, the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan. (Amended 2001)

(G) Conditional Approval

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one year, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:

(1) are administrative in nature;

(2) involve no discretionary judgment on the part of the Board; or

(3) involve the applicant's possession of permits and approvals granted by other boards or agencies (*e.g.*, Department of Transportation, Wetlands Board, Water Supply and Pollution Control Division); however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

(H) Public Hearing

Prior to the approval of a major subdivision, a public hearing shall be held as required by RSA 676:4, I, (d) with notice given to the applicant, abutters, and all engineers, architects, land surveyors, or soil scientists whose professional seal appears on the plat submitted, and the public. Public hearings may be waived for lot line adjustments. Minor or technical subdivisions do not require a public hearing, except that notice to abutters shall be given prior to approval of the application. If a public hearing is to be held, it shall follow the procedures as outlined in RSA 676: 4, I, (d).

(I) Notices

(1) Notice of a design review or submission of a completed application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the hearing.

(2) The public will be given notice at the same time by posting in the Town Offices and the Post Office and publication in the *Monadnock Ledger* or the *Peterborough Transcript*.

(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 Board; it shall include a general description of the proposal that 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 was made known at the prior meeting.

(J) Developments Having Regional Impact

All applications shall be reviewed for potential regional impacts according to a determination of the Board. Upon such a finding, the Board shall furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 144 hours of the meeting. (Amended 2001)

At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission and the affected municipalities of the date, time, and place of the hearing and of their right to appear as abutters to offer testimony concerning the proposal.

**SECTION V: FEES**

(A) All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved in processing applications. The following fee schedule is in effect:

| | |
|---|---|
| (1) Design Review Phase: | $25 plus $4.50 per abutter |
| (2) Lot Line Adjustment/Technical Subdivision: | $50 plus $4.50 per abutter |
| (3) Minor or Major Subdivision: | $100 first lot / $25.00 each additional lot plus $4.50 per abutter |

The applicant must also be notified of the proposal by certified mail at a cost of $4.50 in addition to the abovementioned fees.

(B) All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to not accept the application as complete.

(C) Pursuant to RSA 676.4 ,I, (g) it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses, and other matters that may be required to make an informed decision on a particular application. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

## SECTION VI: PERFORMANCE GUARANTEE

As a condition of approval, the Planning Board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets and public utilities (*e.g.*, water and sewer drains and drainage structures). The amount of the security shall be based on an estimate of costs provided by the subdivider and, at the discretion of the Planning Board, reviewed by a licensed engineer. All costs shall be paid by the applicant.

(A) The security shall be approved as to form and sureties by the Board and the municipal counsel.

(B) The amount of the security shall include fees to cover the cost of periodic inspections.

(C) Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.

(D) Each approved plat shall contain a time limit for the completion of streets and public improvements.

(E) The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee in accordance with the plan approved by the Board.

## SECTION VII: COMPLETED APPLICATION

A completed application shall consist of the following submission items unless a written waiver to the applicant has been granted by the Board:

(A) A completed application form accompanied by:

(1) names and addresses of all abutters taken from the Town records not more than five days before the filing; and

(2) names and addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat submitted; and

(3) payment to cover filing and notification fees.

(B) Four copies of the plat, prepared at any scale between 1"=20' and 1"=400'. The outside dimensions of the mylar shall be 17 x 22 inches, or 22 x 34 inches, except as may be otherwise specified by the Cheshire County Registry of Deeds. The plat shall show the following information:

(1) Proposed subdivision name or identifying title; name and address of the applicant and of the owner, if other than the applicant.

(2) North arrow, scale, date of the plan; name, license number and seal of the surveyor; signature block for Planning Board endorsement.

(3) Locus plan showing general location of the total tract within the town and the zoning district(s).

(4) Boundary survey including bearings, distances, and the location of permanent markers. The survey shall be conducted according to the standards outlined by the New Hampshire Land Surveyors Association (*see Appendix A*).

(5) Names of all abutting subdivisions, streets, easements, building lines, parks and public places, and similar facts regarding abutting properties.

(6) Location and profiles with elevations of existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.

(7) Existing and proposed easements, rights-of-way, driveways and buildings or other structures.

(8) Location of property lines, including entire undivided lot, lot areas in square feet and acres, frontage on public rights-of-way, and building setback lines. Each lot shall be numbered according to the Jaffrey tax map numbering system.

(9) Water courses, ponds, standing water, rock ledges, stonewalls, and other natural features; existing and proposed foliage lines; and open space to be preserved.

(10) Existing and proposed streets with names, classification, travel surface widths, and right-of-way widths.

(11) Final road profiles, center line stationing, and cross-sections.

(12) Existing and proposed topographic contours at two feet intervals based upon the United States Geological Survey (USGS) topographical data. For all major subdivisions, including Open Space Developments, a bench mark to be located in an area not likely to be disturbed during construction. (Amended 2003)

(13) Soil data based on Cheshire County Soil Survey, including wetland delineation and flood hazard areas.

(14) Location of percolation tests and test results; location of 75-foot well radius and 4,000 square-foot septic area.

(C) Other Information

(1) Plan for the control of sedimentation and erosion.

(2) State septic design approval or copy of application or certification by septic designer. (Amended 5/11/93)

(3) State highway/Town driveway permit, as applicable.

(4) Any deed restrictions and all deeds covering land to be used for public purposes, easements, and rights-of-way over property to remain in private ownership and rights of drainage across private property are submitted in a form satisfactory to the Board's counsel.

(5) Any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to traffic, school, fiscal, and environmental impact analyses. The Board reserves the right to request such information after an application has been accepted as complete as well as before acceptance.

(D) Subdivision "As Built" Plans

Supplemental information may be required by the Planning Board to update the final plat to reflect "as built" conditions and details. The subdivider shall submit an "as built" plan that shall be drawn to scale and shall indicate by dimensions, angles, and distances, as applicable to the location of wells, sewers, drains, Y-branches, manholes, catch basins, hydrants, valves, curb shut-offs, road profiles, and center line elevations, and final grading plan showing swales and ditches. The plan shall show easements and dedicated roadways. A security bond may be required to guarantee performance of subdivider's obligations as described herein. "As built" plans shall be submitted by the subdivider to the town on a mylar.

(E) Special Flood Hazard Areas (Amended March 2006)

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.

The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include base flood elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation). The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading, and land treatment plans) so as to allow determination that:

(1) all such proposals are consistent with the need to minimize flood damage;

(2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) adequate drainage is provided so as to reduce exposure to flood hazards.

**SECTION VIII: VESTING OF APPROVED PLANS (added May 11, 2010, amended April 8, 2014)**

In accordance with RSA 674:39, Five Year Exemption, subdivision plats approved by the Planning Board and properly recorded at the registry of deeds and site plans approved by the Planning Board shall

become vested from subsequent changes to subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances for a period of five (5) years, provided active and substantial development as defined by the Planning Board at the time of approval, has been achieved within twenty four (24) months of the date of final approval. If active and substantial site development and/or construction has not been commenced within twenty four (24) months, the plan shall not be vested and is subject to subsequent changes in zoning and regulations. Further, if substantial completion of site development or construction as defined by the Planning Board at the time of approval, has not been achieved within 5 years from the date of approval, the plan shall not be vested.

## SECTION IX: ADMINISTRATION AND ENFORCEMENT

(A) These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen.

(B) Modifications

The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding subdivision or condition of the land in such subdivision indicates that such modifications will properly carry out the purpose and intent of the Master Plan and these regulations.

(C) Penalties and Fines

Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.

## SECTION X: PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

Any owner or agent of the owner of any land located within a subdivision in Jaffrey who transfers or sells any land before a plat of the subdivision has been approved by the Planning Board and recorded with the Cheshire County Registry of Deeds shall forfeit and pay a penalty of $500 for each lot. The Town of Jaffrey may enjoin a transfer or sale that violates this section and may recover the costs of civil action.

## SECTION XI: VALIDITY

If any section or part of a 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 part of a section or paragraph of these regulations.

## SECTION XII: AMENDMENTS

These amendments may be amended or rescinded by the Planning Board but only following a public hearing on the proposed change. The Chairman or Clerk of the Board shall transmit a record of any changes to the Registry of Deeds of Cheshire County.

## SECTION XIII: MANUFACTURED HOUSING/MOBILE HOME SUBDIVISIONS

(A) A subdivision authorized under the provisions of RSAs 673:31 and 673:32 for the erection and occupancy of manufactured housing/mobile homes, as defined by RSA 674:31.

(B) Provisions for Manufactured Housing/Mobile Home Subdivisions

(1) Manufactured housing/mobile homes placed on individual lots shall comply with the lot size, frontage requirements, setbacks, and other similar requirements of the Jaffrey Zoning Ordinance.

(2) The minimum area for a manufactured housing/mobile home subdivision shall be ten (10) acres and the minimum number of lots in a manufactured housing/mobile home subdivision shall be five (5).

(3) The maximum number of dwelling units in any manufactured housing/mobile home subdivision shall be twenty-four (24).

# APPENDIX A: ROAD DESIGN STANDARDS AND ACCEPTANCE REGULATIONS

Roads serving proposed subdivisions must meet minimum standards dictated by the number of housing units being served. Major subdivisions are allowed only on class V Town roads, or on private roads that meet the class V road standards described in Section I and II. Minor subdivisions are allowed on class V Town roads, on private roads, and on class VI roads, provided that they meet the road standards described in Section III.

## SECTION I: CLASS V ROAD DESIGN STANDARDS

For major subdivisions or wherever a street or road is offered for acceptance to the Town of Jaffrey, the following minimum standards and acceptance regulations will apply:

(A) No street or highway right-of-way shall be less than fifty (50) feet in width. The finished roadway shall have a width of 22 feet with four-foot shoulders on both sides.

(B) No dead-end streets shall be constructed unless provided with a turnaround roadway at the end with a minimum radius of seventy-five (75) feet. Dead-end streets and cul-de-sacs should be kept to a minimum and streets in new subdivisions should be connected to existing parcels of land wherever practicable. (Amended July 9, 1991)

(C) The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their projection when adjoining property is not subdivided and shall be of a width at least as great as that of the existing connecting streets.

(D) Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed eight percent (8%). No street shall have a grade of less than one-half of one percent (.5%). Where practical, lots shall be graded toward the streets.

(E) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another with an angle of less than sixty (60) degrees. Corner radii shall not be less than 30'. (Amended July 9, 1991)

(F) Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.

(G) Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the Town of Jaffrey. Streets that join or are in alignment with new streets of abutting properties shall bear the same name. Names of all new streets shall be approved by the Selectmen.

(H) The width of blocks shall not be less than 200 feet nor shall the length exceed 1800 feet or be less than 500 feet.

## SECTION II: CLASS V ROAD IMPROVEMENT STANDARDS

(A) Monuments constructed of concrete or stone at least 4 inches square on the top and at least 30 inches long shall be set at all control corners.

(B) Pipes shall be set at all lot corners. Concrete or granite bounds shall be set at all points of curvature and all points of tangent for surveying purposes.

(C) All loam and other yielding material shall be removed from the roadway and replaced with approved material. Boulders and ledge shall be broken off to a depth of not less than 30 inches below finished grade; loose portions of ledge and boulders to be removed.

(D) All streets shall be subgraded with at least 12 inches of bank-run gravel to a width of at least 30 feet and topped with six (6) inches of crushed gravel to a width of 22 feet finished road width (*see attached sketch*). (Amended July 9, 1991)

(E) The surface course shall consist of two applications of Bituminous Concrete consisting of a 2" base course and 1" wearing course after compaction by a roller weighing not less than 10,000 pounds. (Amended July 9, 1991)

(F) All slopes shall be graded, loamed, hayed, and seeded. No slope, cut, or fill will be greater than two horizontal to one vertical in ledge, or 3 horizontal to one vertical in all other materials. (Amended July 9, 1991)

(G) All proposed drainage facilities and culverts shall be installed. Natural watercourses shall be cleaned and increased in size where necessary to take care of storm runoff. Drainage swales at least three feet in width and 16 inches in depth at their midpoint below centerline grade shall be constructed in the street right-of-way on both sides of the paved roadway. Drainage facilities must be adequate to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces. Roadway drainage shall be sized to accommodate the 25-year rain event; internal drainage shall be sized to accommodate the 10-year rain event. (Amended July 9, 1991)

(H) The recommendations of the Director of Public Works respecting locations of culverts, drainage, and type and quality of fill and subfill shall be followed.

(I) Application in writing for acceptance of the street or road shall be made by the owner to the Selectmen. A report from the Director of Public Works must accompany the applicant's request for acceptance. After holding a public hearing the Selectmen will take the request to Town Meeting for a vote. The owner shall post a bond for one year payable to the Town of Jaffrey at an amount set by the Selectmen in order to cover any problems that may arise from the construction of the road.

**SECTION III: ROAD STANDARDS FOR MINOR SUBDIVISIONS ON PRIVATE ROADS OR CLASS VI ROADS. (amended September 12, 1995, April 8, 2014)**

The Planning Board may approve a lesser standard for road design and construction for minor subdivisions within the Rural District and the Residence B District, as follows: (Amended July 10, 1991, September 12, 1995, December 14, 1999, March 2003)

(A) Building is permitted on private roads and class VI roads that meet the standards in Section III (B) provided that:

a. The Selectmen, after review and comment by the planning board, have voted to authorize the issuance of building permits for the erection of buildings on said road or portion thereof, and
b. The town of Jaffrey neither assumes responsibility for maintenance of said road or any damages resulting from the use thereof; and
c. Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the Cheshire County registry of deeds for the lot for which the building permit is sought.

(B) Private roads or class VI roads used for access to minor subdivisions shall, as a minimum, conform to the road standards hereinafter stated. Further, when a private road or class VI road used for access to a minor subdivision enters onto a class V road that is already paved, a minimum of the first twenty- five (25) feet shall be prepared and paved in accordance with the Class V Road Improvement Standards. Note that any proposed private improvements to class VI roads require approval by the Board of Selectmen, pursuant to RSA 236:9.

The following standards apply to private or Class VI roads serving up to two (2) dwelling units (whether existing or within a proposed subdivision):

1. Road to be clearcut for a minimum width of twenty – five (25) feet. All stumps within this 25 foot width shall be removed.
2. Travel way to be a minimum width of sixteen feet
3. All topsoil to be removed to a minimum width of 20 feet and stockpiled for pickup by the Town.
4. The roadway shall be prepped to the placement of gravel. Preparation shall include but not be limited to removal of all organic or unsuitable materials within the 16 foot travel-way plus 4 foot apron/ditches. Twelve (12) inches of compacted bank run gravel to be placed in the 20 foot roadway. Quality of the gravel to be approved by the Department of Public Works.
5. Six (6) inches of compacted crushed gravel to be placed on top of the bank run gravel material in the 16 foot travel way.
6. Cross slope of roadway to be ¼ inch per foot from the centerline of the roadway.
7. Stable drainage ditches to be installed at the edge of the 16 foot travel way allowing for 2 foot aprons between the edge of the travel way and the edge of the ditch.
8. Cross culverts installed as required to adequately handle runoff of a 25 year storm or as approved by the Department of Public Works.
9. Transitions to unimproved section of Class VI roadway to be smooth.
10. Installation of temporary turnaround with minimum radius of 50 feet. Hammer-head type turnaround may be considered if approved by the Department. of Public Works.

For private or Class VI roads serving three (3) or more dwelling units (whether existing or within a proposed subdivision) – same as above standards except:

1. Roadway clearance to be minimum of 33 feet, or as required or approved
2. Travel way width increased to twenty (20) feet
3. Unsuitable soils removed to width of 26 feet with gravel base material placed in width of 26 feet, and top course crushed gravel installed to width of 20 feet.
4. Drainage ditch installed allowing for 2 foot aprons between the 20 foot travel way and the edge of the drainage ditch.

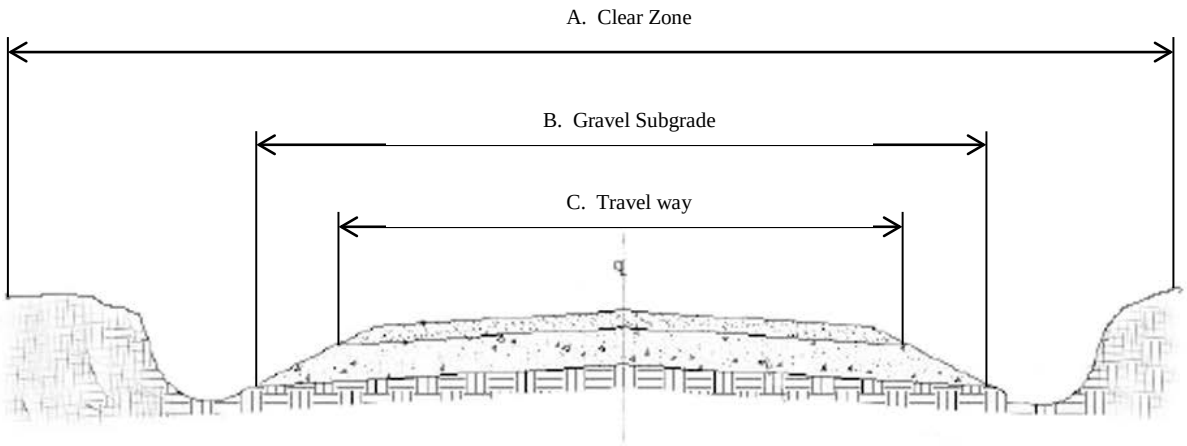


**Figure A1 - Typical Roadway Cross Section**

## Dimensions by Road Classification

| Road Classification | A. Clear Zone Width | B. Gravel Subgrade Width | C. Travel Way Width | | |
|---|---|---|---|---|---|
| | Clearcut, stumps removed | Topsoil removed, 12 inches of compacted bank run gravel | 6 inches of compacted crushed gravel | 2 inches of compacted base course bituminous concrete | 1 inch of compacted wearing course bituminous concrete |
| Gravel Private/Class VI Road serving up to two dwellings | 25’ | 20’ | 16’ | N/A | N/A |
| Gravel Private/Class VI Road serving three or more dwellings | 33’ | 26’ | 20’ | N/A | N/A |
| Paved Class V Town Road | 40’ | 30’ | 22’ | 22’ | 22’ |

**SECTION IV: ADDITIONAL PRIVATE ROAD REQUIREMENTS** (Amended April 8, 2014)

(A) No private subdivision road will be approved unless adequate provision is made for utilities serving the site. The plan submitted must show the location and size of necessary utility easements; and if private lines are to be connected to public lines, a public "turn-off" must be installed and maintained by the applicant at the end of the public line.

(B) Before final approval of a private subdivision road, the applicant shall post a bond or other surety to cover the cost of construction and maintenance of the road and utility lines, if any. One full year after completion of the private road, the construction portion of the bond may be released upon certification by the Director of Public Works that the construction was performed in conformity with these regulations and the road has no significant faults requiring construction or reconstruction. The maintenance portion of the bond remains until the maintenance agreement in paragraph D is complete.

(C) When a private road is approved by the Planning Board, the Board shall enter on the plat the following statement: "The ways shown on this plat are intended by the subdivider (name) and the Town of Jaffrey Planning Board to remain as private ways. The recording of this plat shall not be construed as an offer of dedication of these ways as public highways under the New Hampshire common law of dedication, nor shall the approval of this plat constitute as approval of these ways as public streets pursuant to RSA 674:40.

(D) A maintenance agreement shall accompany the plan to be recorded that states that each parcel or lot is responsible for maintenance of the private road. The agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made a part of a conveyance binding upon the parties thereto, their successors, and assignees. (Amended 5/11/93)

**SECTION V: WAIVERS**

The Planning Board may waive road design and construction standards on Class VI and private roads serving a proposed subdivision if it finds, by majority vote, that:

A) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
B) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.
C) Examples of specific circumstances that could factor into a waiver decision might include, but would not be limited to:
    1. Purpose of the subdivision application
    2. Condition of the nearest Class V town road providing access to the Class VI or private road.

## SECTION VI: SURVEY STANDARDS

All surveys shall be prepared according to the minimum standards for instrument surveys adopted by the NH Land Surveyors Association for Standard Property Surveys; these are as follows:

| Condition | "1" | "2" | "3" |
|---|---|---|---|
| Unadjusted Lineal Closure | 1:15,000 | 1:7,500 | 1:300 |
| Minimum Scale Graduation of Instrument | 20/sec. | 30/sec. | 1 |
| Distance Measurement Steel Tape/Stadia | EDM/ Steel Tape | EDM/Steel Tape | EDM/Steel Tape |
| Elevation Used to Determine Property Lines | 0.2' ± | 0.5 ± | 0.5 ± |

Condition "1" shall be required for any subdivision of less than 2 acres that involves building of any kind (*i.e.*, residential, commercial, or industrial). Condition "2" is adequate for subdivisions of 2 acres or more in a rural district. Condition "3" is acceptable for subdivisions involving wood lots, timber lots, or large tracts being dedicated to preservation or conservation. The standards of Condition "3" may be achievable with a tape and compass survey.

In the case of applications that involve large acreages from which one building lot is being subdivided, the Board may, upon written request, waive the requirement for a complete boundary survey when it is apparent that the remaining lot can meet existing frontage requirements and is suitable for building.

# APPENDIX B: PLANNING BOARD AUTHORITY

RSA 674:36 - Subdivision Regulations

I. Before the Planning Board exercises its powers under RSA 674:35, the Planning Board shall adopt subdivision regulations according to the procedures required by RSA 675:6.

II. The subdivision regulations that the Planning Board adopts may accomplish the following:

(A) Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.

(B) Provide for the harmonious development of the municipality and its environs.

(C) Require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality.

(D) Provide for open spaces of adequate proportions.

(E) Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings and be coordinated so as to compose a convenient system.

(F) Require, in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the Planning Board for approval shall show a park or parks suitably located for playground or other recreational purposes.

(G) Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses.

(H) Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health.

(I) Prescribe minimum areas of lots so as to assure conformity with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities.

(J) Include provisions that will tend to create conditions favorable to health, safety, convenience, or prosperity including scenic views. (Amended (2001)

III. The subdivision regulations of the Planning Board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. The regulations or practice of the Planning Board may also provide:

(A) For the conditional approval of the plat before such improvements and installations have been constructed, but any such conditional approval shall not be entered upon the plat.

(B) That, in lieu of the completion of street work and utility installations prior to the final approval of a plat, the Planning Board may accept a bond or other security in an amount and with surety and conditions satisfactory to it providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the Planning Board and expressed in the bond or other security; and provided further, that the municipality is granted the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.

(C) That, in lieu of the completion of street work and utility installations prior to the final approval of the plat, the regulations may provide for an assessment or other method by which the municipality is put in an assured position to do said work and to make said alterations at the cost of the owners of the property within the subdivision.

## APPENDIX C: CRITERIA FOR CONSIDERATION OF A PROPOSED SUBDIVISION

A. CRITERIA REVIEW

The Planning Board shall make such review and investigation of a proposed subdivision, as it deems necessary in the following areas: fiscal impact, harmonious development of the town, and safety and general welfare. In making its evaluations, the Board shall balance any deficiencies with consideration of the social benefits of the proposal.

B. THE FISCAL IMPACT

(1) The Board shall consider availability of support services necessitated by the subdivision, including but not limited to such public services as water supply, provisions for adequate sewage, roads and other transportation requirements, police and fire protection, and schools.

(2) Provision of public services such as enumerated above shall not necessitate an excessive expenditure of public funds.

(3) If necessary public services are planned for the future but are not presently in place, the subdivision shall be considered premature.

(4) To be approved, the subdivision layout shall be conducive to economic provision of public services so as not to cause an excessive expenditure of public funds.

C. HARMONIOUS DEVELOPMENT OF THE TOWN

(1) A proposed subdivision shall be in keeping with its surroundings.

(2) Lot sizes and configurations shall be such that normally anticipated additions (*e.g.*, garages, porches, decks, and breezeways can be accommodated without overcrowding the land or impinging in setbacks.

(3) The subdivision shall provide for open spaces, parks, playgrounds, and other recreational activities as appropriate.

(4) The proposed streets and other ways shall be compatible with the existing road network. They shall be coordinated so as to form a convenient system.

(5) The streets and other ways shall be of sufficient width and layout to accommodate existing and prospective traffic and afford light, air, and access for firefighting apparatus and travel by school busses.

(6) To avoid danger to traffic, the curb cuts shall not be excessive in number, nor shall they be placed in such a way as to involve limited sight distances.

(7) The proposed development shall be in keeping with the rural character of the Town, and scenic vistas shall be protected by plantings, vegetative screening, or retention of vegetation.

D. SAFETY AND GENERAL WELFARE

(1) The proposed subdivision shall not cause danger of erosion, siltation, or pollution of the surface waters of the Town.

(2) The proposed subdivision shall not threaten wetlands.

(3) If special provisions are necessary to prevent dangers of Items 1, 2, and 3 above, the application shall include detailed specifications for such prevention.

(4) If public sewer is not available, lot sizes shall be sufficient and soil suitable for onsite sanitary facilities.

(5) The land shall be of such character that it can be safely used for building purposes without danger to health and welfare. Terrain shall not include such undesirable features as large rock outcroppings, steep slopes, or excessive wetlands; such land shall not be platted for residential use (homesite).

(6) The general layout shall be conducive to the safety and welfare of the prospective inhabitants. Consideration of this criterion shall include the terrain, means of entrance and egress, and proposed traffic and circulation patterns. Provisions for lighting shall be adequate. Road shoulders shall provide for safe pedestrian walkways. If the proposed concentration of people makes it appropriate or necessary, sidewalks shall be provided. Lot sizes shall be of sufficient size to provide play areas for children. Alternatively, safe and convenient access to parks and playgrounds shall be provided.

(7) Parks and/or playgrounds shall be provided if the size and/or location of the proposed subdivision so dictate. The areas shall be adequate in size, nature, and location for the subdivision.

E. AMENITIES

Applicants shall list any special amenities (*e.g.*, scenic views, vistas, conservation, or any other desirable characteristics) the proposed development would offer.

## APPENDIX D: DRIVEWAY SPECIFICATIONS (DECEMBER 12, 2010)

A. Persons seeking subdivision or site plan approval from the Jaffrey Planning Board shall submit as part of the application a statement from the Jaffrey Director of Public Works that the lot or lots involved contain road access sufficient and appropriate to meet the requirements of the Jaffrey Driveway Specifications.

B. Persons seeking to construct or use a new driveway onto any town road, public and private, in the Town of Jaffrey must first obtain a driveway permit from the Director of the Department of Public Works (Department). The Department may require a bond to ensure that the construction meets the Town of Jaffrey Specifications.

C. Driveway Specifications

1. No driveway shall be constructed within fifty (50) feet of the intersection of two or more public roads.

2. When two proposed driveways on the same side of the road are within fifty (50) feet of each other, the Planning Board or Department may, for reasons of safety and topographical considerations, require that a common access be used.

3. Per subdivision regulations Section III (H): No more than two lots suitable for building may be served by any one driveway.

4. The intersection of driveways with a public road shall be as nearly perpendicular to the road as conditions of the terrain permit. Driveways should be slightly flared at the point of intersection.

5. The width of driveways shall be proposed by the applicant and approved by the Department. Driveways shall be of sufficient width and construction as to permit access and use by emergency vehicles. The Department reserves the right to approve a width different than proposed.

6. If a driveway intersects a paved Town road, the applicant shall pay for pavement of the Town right-of-way between his/her property line and the traveled way. This pavement to be constructed of at least 2 inches (compacted) bituminous concrete and finish grades such as to preclude runoff from the driveway from entering onto or crossing the road. This may be accomplished by having the elevation of the driveway at the intersection lower than the elevation of the side of the road or by construction of a swale or by other means necessary to preclude runoff onto the road. The Department reserves the right to require additional paving outside the right-of-way. The purpose of this provision is to ensure that vehicles leaving the intersection and entering onto the Town road do not damage the Town road.

7. Unless conditions or terrain preclude, a driveway shall be flat or gently sloping (at least 1% but not greater than 2%) away from the road for a distance of at least 20 feet (two standard car lengths). The Department may request that at least the first 4 feet of the driveway be constructed to prevent surface water from the roadway draining onto the property.

8. A driveway shall be so positioned as to permit a minimum of 200' safe sight distance in either direction. Minimum sight distances are as follows:

| Vehicle speed | Sight Distance (Minimum) (ft) |
|---|---|
| 30 | 200 |
| 35 | 250 |
| 40 | 305 |
| 45 | 360 |
| 50 | 425 |

Sight distances are to be measured as follows: Measured at the height of 3.5 feet to represent the height of the driver's eye in the vehicle stopped in the driveway at a distance of 12 feet back from the intersection of the driveway with the roadway; measured at the height of 3.5 feet to represent the object height of a vehicle on the street approaching the driveway.

9. No driveway is to have a slope greater than 10%.

10. Driveways shall be constructed as not to impede the natural lateral flow of water. If a culvert is required, the culvert shall be at least as long as the driveway is wide, of sufficient strength so as not to be crushed by the heaviest vehicle expected to use the driveway, and of sufficient diameter to accommodate the largest expected lateral flow of water. Maintenance of this culvert shall remain the responsibility of the property or driveway owner.

11. Driveways constructed in areas of sidewalks or granite curbing- Applicants desiring a new, altered, abandonment, or reconstructed driveway shall apply for a permit. The material of construction of the driveway to be the same as the sidewalk, unless approved by the Department. For concrete, the driveway apron shall consist of no less than 6" of 4000 psi, 7% entrained air concrete, finished with light broom finish, or as approved by the Department. The driveway apron to be constructed to comply with the American with Disabilities Act. Removed granite curbing shall remain the property of the Town. The driveway shall be constructed as approved by the Department.

12. If a proposed driveway crosses a wetland or a body of water, permits from the NH Wetlands Board shall be submitted with the driveway application as well as a copy of the Board of Adjustment approval of Special Exception as required by the Wetlands District.

13. Any bridges that may be required shall be constructed in accordance with New Hampshire State Standards and as approved by the Director of Public Works.

14. Driveways providing access for multi-unit residential, commercial, or industrial uses shall be designed to conform with good engineering practice using the New Hampshire Department of Transportation's (NHDOT) manual *Policy and Procedures for Driveways and Other Accesses to the State Highway System* as a guide.

15. Applicant or his/her agent shall provide 24-hour notice to the Director of Public Works before commencing construction. Final approval to use the driveway shall be granted upon inspection and determination that all work has been satisfactorily completed. Any surety will be released upon final inspection and approval of construction. (Amended 12/14/10)

**APPLICATION FOR SUBDIVISION**

**Date Received:** _____ **Amount Paid:** _____

**Town Clerk's Signature:** _____

**Applicant's Name:** _____

**Address:** _____

**Phone No's:** _____

**Email:** _____

**Owner's Signature:** _____

**Name:** _____

**Address** _____

**Phone No's:** _____

**Email:** _____

**Type of subdivision:** _____
**MAJOR (four or more lots) / MINOR (three or fewer lots) / TECHNICAL (no new lots created)**

**Title of subdivision:** _____

**Location and Description:** _____

**Name and address of Engineer, Surveyor, and/or Designer:** _____

_____

_____

**List lot numbers and the areas of each lot:** _____

_____

**Is public water system to be connected?** _____

**Is public sewer system to be connected?** _____

**Attach a copy of water and sewer approvals (if public). Attach copy of NH approval for subdivision if private sewer. WSPCD OK #**_____

**Proposed new street names:** _____

**Are there any structures on the property at present? If so, describe and locate:** _____

_____

**Does owner of record own or have any financial interest in abutting property?** _____

**If yes, please identify:** _____

**Is waiver from Jaffrey Rules and Regulations to Control Subdivision requested?** _____

**Is variance from the Jaffrey Zoning Ordinance and/or Jaffrey Wetlands Conservation District Ordinance required for this subdivision?** _____ **Date variance obtained:** _____

**List on the reverse side of this application or on a separate piece of paper the complete names and addresses (including zip codes) of all abutters to the property being subdivided. Include the map and lot # of each abutter**

**Attach and list accompanying documents (*e.g.*, driveway approvals, *etc.*)**

**Filing Fee:**

***Subdivision***

**Design Review Phase: . . . . . .$25.00**
**Lot mergers: . . . . . $50.00 first lot / $25.00 each additional lot**
**Minor or Major: . . . . . $100.00 first lot / $25.00 each additional lot**
**Technical subdivision: . . . . . $50.00**

**All applications: $4.50 per abutter (to include owner and any licensed stamp on plat)**

**Contact Information:**

**Erlene Lemire, Planning Board Clerk (elemire@townofjaffrey.com)**
**Jo Anne Carr, Planner / Econ. Dev. (jacarr@townofjaffrey.com)**
**Rob Deschenes, Building / Code Enforcement (rdeschenes@townofjaffrey.com)**

****Incomplete applications will not be scheduled for public hearing (as noted in Section IV, C) and may be subject to additional fees****

**Date:** _____

**Applicant:** _____

**Property Location:** _____

**Proposal:** _____

_____

**A preliminary review of the proposal above indicates the use is compatible with the site. The Jaffrey Fire Department requires the plans comply with the *Life Safety Code*. Final review of the plans will take place after the site plan has been approved.**

**Comments:**

_____

_____

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_____

_____

**David Chamberlain**
**Fire Chief**

**<u>** Comments will be obtained by Town Personnel **</u>**

**Date:** _____

**Applicant:** _____

**Property Location:** _____

**Proposal:** _____

_____

**Driveway Proposal:** _____

_____

**A preliminary review of this proposal for water usage indicates:** _____

_____

**A preliminary review of sewer usage on this site indicates:** _____

_____

**Additional Comments:**

_____

_____

_____

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_____

**Randy Heglin**
**Public Works Director**

**<u>** Comments will be obtained by Town Personnel **</u>**

**Date:** _____

**Applicant:** _____

**Property Location:** _____

**Proposal:** _____

_____

**Additional Comments:**

_____

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**Bill Oswalt**
**Police Chief**

**<u>** Comments will be obtained by Town Personnel **</u>**

**SUBDIVISION CHECKLIST SUBMISSION REQUIREMENTS**

Date:_____

Map:_____ Lot:_____

Applicant Name: _____ Application Number:_____

Applicant Email: _____

Project Address: _____

Major Subdivision: _____ Minor Subdivision: _____ Technical Subdivision: _____

Is this a Development having Regional Impact? Yes _____ No _____

Performance Guarantee: _____

Application Reviewed By: _____ Date:

Application Determined: _____ _____
Complete Incomplete

**Please Note:**
This checklist will be completed by the Planning Board Review Committee; however the applicant is encouraged to use it as a guide in preparing for Site Plan Review. Applications which are not complete will not be scheduled for public hearing.

If the applicant is seeking a waiver by the Planning Board of any conditions stated in the Subdivision Regulation, *written* request for that waiver must accompany the application.

**Date:** _____

**Applicant's Name:** _____

**Project Address:** _____

| SUBMITTED | WAIVER REQUEST | General Plat Requirements |
|---|---|---|
| _____ | _____ | 1. Proposed subdivision name. |
| _____ | _____ | 2. Name/address of owner of record. |
| _____ | _____ | 3. Names of owners of record of abutting properties taken from Town records not more than 5 days prior to filing. |
| _____ | _____ | 4. Name, address and stamp of surveyor; date of survey; north point and scale; signature block for Planning Board endorsement. |
| _____ | _____ | 5. Names and addresses of engineers, architects, or soil scientists whose professional seal appears on the submitted plat. |
| _____ | _____ | 6. Locus Plan showing general location of the total tract within the town and zoning district. |
| _____ | _____ | 7. Boundary survey including bearings, distances, and the location of permanent markers. |
| _____ | _____ | 8. Abutting subdivision names, streets and easements, building lines, alleys, parks and public open spaces, and similar facts regarding abutting properties. |
| _____ | _____ | 9. Location and profiles with elevations of existing and proposed water mains, sewers, culverts and drains, and alternative means of providing water supply and surface drainage. |
| _____ | _____ | 10. Existing and proposed easements, rights of way, driveways and buildings or other structures. |
| _____ | _____ | 11. Location of property lines, including the entire undivided lot, lot areas in sq ft and acres, frontage on public rights of way, and building setback lines. Each lot to be numbered according to the Jaffrey tax map numbering system. |

**Date:** _____

**Applicant's Name:** _____

**Project Address:** _____

| SUBMITTED | WAIVER REQUEST | General Plat Requirements |
|---|---|---|
| _____ | _____ | 12. Water courses, ponds or standing water, rock ledges, stonewalls, and other natural features; existing and proposed foliage lines; open space. |
| _____ | _____ | 13. Existing and proposed streets with names, classification, travel surface widths, and rights of way widths. |
| _____ | _____ | 14. Final road profiles, center line stationing, and cross sections. |
| _____ | _____ | 15. Existing and proposed topographic contours at 2 foot intervals. Major subdivisions shall locate a benchmark in an area not to be disturbed during construction |
| _____ | _____ | 16. Soil data based on Cheshire County Soil Survey, including wetland delineation and flood hazard areas. |
| _____ | _____ | 17. Location of perc tests and test results; location of 75 ft well radius and septic area. |
| _____ | _____ | 18. Sedimentation & erosion control plan. |

**Date:** _____

**Applicant's Name:** _____

**Project Address:** _____

| SUBMITTED | WAIVER REQUEST | Items to Accompany Subdivision Application |
|---|---|---|
| _____ | _____ | 1. Approval from New Hampshire Water Supply and Pollution Control if lots are less than five acres. |
| _____ | _____ | 2. Driveway access approval from New Hampshire Department of Public Works and Highways if the subdivision abuts a state highway. |
| _____ | _____ | 3. If proposed subdivision abuts a town road, preliminary approval by the Jaffrey Department of Public Works for proposed driveway(s) is required. |
| _____ | _____ | 4. Comments and recommendations by Jaffrey's Fire Chief, Police Chief and Department of Public Works. |
| _____ | _____ | 5. If the applicant is not the property owner a letter of authority must be submitted with the application. |

# DRIVEWAY REGULATIONS

(Adopted 12/14/2010)

## SECTION 1: AUTHORITY

Pursuant to the authority granted under the New Hampshire Revised Statutes Annotated 236:13 the Town of Jaffrey Planning Board hereby adopts the following regulations for driveway access to Town roads, public and private.

## SECTION 2: PURPOSE

The purpose of these regulations is to provide the framework for safe and efficient access to properties, to ensure public safety, preservation of the environment, and protection of Town roads and other Town property. It is the intent to apply appropriate access regulations to land development that will incorporate the needs of the users of the site as well as those using the nearby roadways. It is also the intent to incorporate provisions for safe access opportunities for other modes of transportation such as pedestrian and bicycle.

## SECTION 3: PROCEDURE

A. It shall be unlawful to construct or alter any driveway on any town road or construct a driveway as part of any site plan or subdivision review on any town or state-maintained road, except when paving an existing driveway and no substantial change is proposed that would in any way substantially affect the size or grade of any driveway, entrance, exit, or approach within the limits of the right-of-way of any highway that does not conform to the terms and specifications of a written permit issued by the Director of Public Works or designee (Department). Substantial change includes change of location, grade or layout and temporary access for Forest Cuts. Temporary access driveway permit applications shall be obtained from, and filed with the Director of Public Works at the same time as the Notice of Intent to Cut.

B. A New Hampshire Department of Transportation driveway permit is also required for any Class I, II or III roads in the Town of Jaffrey. These roads include U.S. Route 202, State Routes 137 and 124, as well as Dublin Road and Troy Road. In cases where there is a conflict of standards with the Town of Jaffrey, the more restrictive standard shall apply.

C. A written construction permit application must be obtained from, and filed with, the Director of Public Works by any owner, or authorized agent affected by the provisions of Section 3.A. Before any construction or alteration work is commenced, said permit application shall have been reviewed, and a construction permit issued by the Department. Said Permit shall meet the following specifications:

### Driveway Specifications

A. No driveway shall be constructed within fifty (50) feet of the intersection of two or more public roads.

B. When two proposed driveways on the same side of the road are within fifty (50) feet of each other, the Planning Board or Department may, for reasons of safety and topographical considerations, require that a common access be used.

C. Per subdivision regulations Section III (H): No more than two lots suitable for building may be served by any one driveway.

D. The intersection of driveways with a public road shall be as nearly perpendicular to the road as conditions of the terrain permit. Driveways should be slightly flared at the point of intersection.

E. The width of driveways shall be proposed by the applicant and approved by the Department. Driveways shall be of sufficient width and construction as to permit access and use by emergency vehicles. The Department reserves the right to approve a width different than proposed.

F. If a driveway intersects a paved Town road, the applicant shall pay for pavement of the Town right-of-way between his/her property line and the traveled way. This pavement to be constructed of at least 2 inches (compacted) bituminous concrete and finish grades such as to preclude runoff from the driveway from entering onto or crossing the road. This may be accomplished by having the elevation of the driveway at the intersection lower than the elevation of the side of the road or by construction of a swale or by other means necessary to preclude runoff onto the road. The Department reserves the right to require additional paving outside the right-of-way. The purpose of this provision is to ensure that vehicles leaving the intersection and entering onto the Town road do not damage the Town road.

G. Unless conditions or terrain preclude, a driveway shall be flat or gently sloping (at least 1% but not greater than 2%) away from the road for a distance of at least 20 feet (two standard car lengths). The Department may request that at least the first 4 feet of the driveway be constructed to prevent surface water from the roadway draining onto the property.

H. A driveway shall be so positioned as to permit a minimum of 200' safe sight distance in either direction. Minimum sight distances are as follows:

| Vehicle speed | Sight Distance (Minimum) (ft) |
|---|---|
| 30 | 200 |
| 35 | 250 |
| 40 | 305 |
| 45 | 360 |
| 50 | 425 |

Sight distances are to be measured as follows: Measured at the height of 3.5 feet to represent the height of the driver's eye in the vehicle stopped in the driveway at a distance of 12 feet back from the intersection of the driveway with the roadway; measured at the height of 3.5 feet to represent the object height of a vehicle on the street approaching the driveway.

I. No driveway is to have a slope greater than 10%.

J. Driveways shall be constructed as not to impede the natural lateral flow of water. If a culvert is required, the culvert shall be at least as long as the driveway is wide, of sufficient strength so as not to be crushed by the heaviest vehicle expected to use the driveway, and of sufficient diameter to accommodate the largest expected lateral flow of water. Maintenance of this culvert shall remain the responsibility of the property or driveway owner.

K. Driveways constructed in areas of sidewalks or granite curbing- Applicants desiring a new, altered, abandonment, or reconstructed driveway shall apply for a permit. The material of construction of the driveway to be the same as the sidewalk, unless approved by the Department.

For concrete, the driveway apron shall consist of no less than 6" of 4000 psi, 7% entrained air concrete, finished with light broom finish, or as approved by the Department. The driveway apron to be constructed to comply with the American with Disabilities Act. Removed granite curbing shall remain the property of the Town. The driveway shall be constructed as approved by the Department.

L. If a proposed driveway crosses a wetland or a body of water, permits from the NH Wetlands Board shall be submitted with the driveway application as well as a copy of the Board of Adjustment approval of Special Exception as required by the Wetlands District.

M. Any bridges that may be required shall be constructed in accordance with New Hampshire State Standards and as approved by the Director of Public Works.

N. Driveways providing access for multi-unit residential, commercial, or industrial uses shall be designed to conform with good engineering practice using the New Hampshire Department of Transportation's (NHDOT) manual *Policy and Procedures for Driveways and Other Accesses to the State Highway System* as a guide.

O. The applicant or his/her agent shall provide 24-hour notice to the Director of Public Works before commencing construction. Final approval to use the driveway shall be granted upon inspection and determination that all work has been satisfactorily completed. Any surety will be released upon final inspection and approval of construction.

**SECTION 4: BONDS & FEES**

A. **Residential Driveways.** Applicants for a residential driveway access permit shall submit a $50.00 application fee and a $1500.00 security bond to be held until it has been determined by the Director of Public Works, or his designee, that the construction of the driveway is in compliance with this regulation or poses no liability to Town Roads. Upon such determination, the security bond will be returned to the applicant.

B. **Multi-Unit Residential, Commercial or Industrial Driveways.** Applicants for all Multi-Unit Residential, Commercial or Industrial driveway access permit shall submit a $50.00 application fee and a $1500.00 security bond to be held until it has been determined by the Director of Public Works, or his designee, that the construction of the driveway is in compliance with this regulation or poses no liability to Town Roads. Upon such determination, the security bond will be returned to the applicant.

C. **Improperly Constructed Driveways.** If the access is determined to be not properly constructed or poses a liability to Town Roads, the bond will not be returned and the Town shall place a lien on the property in order to recover any additional costs incurred to protect Town Roads.

D. **Permit Expiration and Fees.** Driveway access permits expire one year from the initial date of construction permission. Permits may be renewed prior to the expiration without additional fees, provided substantial construction of the driveway has occurred (substantial construction shall be determined by the Director of Public Works or his designee). If not qualified for renewal, the applicant must apply for a new permit and shall pay the additional permit fee of $50.00.

**SECTION 5: ADMINISTRATION & ENFORCEMENT**

A. These regulations shall be administered by the Jaffrey Planning Board and Director of Public Works. The enforcement of these regulations is vested with the Jaffrey Board of Selectmen and the Code Enforcement Officer.

B. The standards of these regulations may be modified or waived by the Director of Public Works, when specific circumstances surrounding the proposal, or the condition of the land, indicate that strict adherence to the standards would not be possible or create an unnecessary burden for the landowner, and such modification or waiver will not be in conflict with the purpose and intent of these regulations. The Planning Board or Director of Public Works may require the owner or authorized agent to engage the services of a professional engineer or other qualified professionals in order to adequately assess the potential results of granting a waiver to the regulation. All costs incurred shall be the responsibility of the owner.

## REGULATIONS GOVERNING EARTH EXCAVATIONS

### SECTION I: AUTHORITY

Chapter 155-E of the New Hampshire Revised Statutes Annotated (RSA) stipulates that, with some exceptions, all earth excavations in the State are subject to regulation from the local municipality in which the operation occurs. Pursuant to the authority vested in the Jaffrey Planning Board by the voters of the Town of Jaffrey and by New Hampshire RSA 155-E, the Planning Board adopts the following regulations to govern the excavation of earth materials in the Town of Jaffrey, New Hampshire.

### SECTION II: PURPOSE AND SCOPE

The goals of this regulation are:

(A) to provide for reasonable opportunities for excavation;

(B) to minimize safety hazards that can be created by open excavations;

(C) to ensure that the public health and welfare will be safeguarded;

(D) to protect natural resources including scenic views and the environment; and (Amended 2001)

(E) to maintain the aesthetic features of the Town.

For the purpose of achieving these goals, no earth materials in the Town shall be removed except in conformity with these regulations.

Applicants are advised to comply with related regulations including but not limited to: RSA 485-A Alteration of Terrain, RSA 72-B1 Excavation Tax, RSA 236-13 Driveway Regulations, and RSA 12-E Mining.

### SECTION III: DEFINITIONS

ABUTTER means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. For the purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of notification and receiving testimony, “abutter” means all affected towns and the regional planning commission(s) in the case of a development having regional impact, as determined by the Board. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII, B.

AGRICULTURAL EXCAVATION means excavation of earth by the owner of the land to be used on the owner’s land exclusively for agricultural use, including farming, dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry.

APPLICANT means the owner of the property to be excavated or the owner's agent, so designated in writing as part of the excavation application.

BOARD means the Planning Board of Jaffrey.

COMMERCIAL EXCAVATION means excavation of earth intended for commerce, this may also include excavation that is strictly intended for the purpose of alteration, renovation, improvement or construction to the property on which the excavation takes place. Any commercially useful earth material (≥ 1,000 cubic yards) leaving the property for whatever reason is considered to be a commercial operation.

CONTIGUOUS means land whose perimeter can be circumscribed without interruption in common ownership, except for roads or other easements, in a single town.

DIMENSION STONE means rock that is cut, shaped, or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include "earth" as defined below.

EARTH means sand, gravel, rock, soil, or construction aggregate produced by quarrying, crushing, or any other mining activity or such other naturally occurring, unconsolidated materials that normally mask the bedrock.

EXCAVATING means extracting earth from a site that is in a natural state, or a site that is reclaimed or naturally reclaimed, by any method, such as dredging, blasting, digging out and removing or forming a cavity or a hole in any land area.

EXCAVATION means the action or process of excavating.

EXCAVATION AREA means the area within an excavation site where excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit area.

EXCAVATION SITE means any area of contiguous land in common ownership upon which excavation takes place.

EXISTING EXCAVATION means any excavation that lawfully existed as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979 and had submitted a report as required by RSA 155-E2, I, (d).

EXPANSION means excavation beyond the limits of the Town and/or the area that in 1979 had been contiguous to and in common ownership with the excavation and has been appraised and inventoried for tax purposes as part of the same tract.

EXPRESS STANDARDS means those operational and reclamation standards as outlined in this regulation that apply to any excavation not requiring a permit.

INCIDENTAL EXCAVATION means excavation of earth which has been granted an exception from an excavation permit by the regulator.

MINOR TOPOGRAPHICAL ADJUSTMENT means a one-time removal of earth from the site of less than 1,000 CY that is exclusively necessary to change the physical configuration of the land for a specified use or situation.

MINIMUM STANDARDS means that the operational and reclamation standards outlined in this regulation are considered to be the minimum standards applied to any excavation that requires a permit. The Planning Board may apply more stringent standards than these minimums to such excavations.

NORMAL LANDSCAPING means the on-site alteration and contouring of the land exclusively to be devoted to improving the functional utility and planting of the grounds.

RECLAMATION means the restoring of an excavation site to a minimum standard as outlined in Section X of these regulations.

REGULATOR means the Planning Board of the Town of Jaffrey.

STATIONARY MANUFACTURING and/or PROCESSING PLANTS means facilities that are permanently placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying, or processing excavated earth materials.

**SECTION IV: PROJECTS REQUIRING A PERMIT**

(A) Any excavation of earth unless specifically exempted by either RSA 155-E:2 or in Section V of these regulations.

(B) Any change of scope of an existing permitted excavation such that the size or location of the excavation, the rate of removal, or the plan for reclamation is changed requires a new permit.

**SECTION V: PROJECTS EXEMPT FROM A PERMIT**

(A) All excavations in Jaffrey shall comply with the express standards shown in Sections IX, X and XI of these regulations, even if a permit is not required. The owner/operator may be required to present an excavation plan at a fully noticed public hearing if the regulator deems it necessary, even if a permit is not required. No excavation may be started until any and all required state and local permits have been issued.

(B) The following projects are exempt from an excavation permit;

Excavation that is incidental to the lawful construction or alteration of a building or structure, a parking lot, or way, including a driveway, on a portion of the premises where removal occurs; and excavation that is incidental to agricultural or silvicultural activities, normal landscaping, or minor topographical adjustment. In the event that $\geq$ 1,000 CY of material will be removed from the excavation site, a PA 38, Notice of Intent to Excavate shall be filed with the Town. In all cases the regulator shall determine whether or not the excavation is incidental.

**SECTION VI: ABANDONED EXCAVATIONS**

In the event the Planning Board determines that any abandoned excavation presents a hazard to the public health, safety, or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above or to complete reclamation within a reasonable period of time. Should reclamation not be completed, the Planning Board may request the Town to authorize reclamation at the Town's expense. The Town's costs shall constitute an assessment against the owner and shall create a lien against the property. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

## SECTION VII: PROHIBITED PROJECTS

(A) Excavation within 50 feet of the boundary of a disapproving abutter or within 10 feet of an approving abutter unless approval is requested by said abutter.

(B) Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Planning Board shall give particular consideration to such factors as: noise, traffic, dust, fumes, danger from operation, or any such other factors that may relate to and impact on the orderly, coordinated, and harmonious physical development of the Town.

(C) Where existing visual barriers would be removed, except to provide access to the excavation.

(D) Where the excavation would substantially damage a known aquifer, as designated by the United States Geological Survey, or defined wellhead protection areas (reference Town of Jaffrey Land Use Code: Wellhead Protection Area Map, 2012).

(E) When the excavation cannot receive necessary land use permits from state or federal agencies.

(F) Where the excavation is not permitted by zoning or other applicable ordinances, provided, however, that reasonable opportunities for excavation exist in town, as described in RSA 155-E:4, III.

(G) Where the project cannot comply with the requirements of Sections IX, X, and XI of these regulations.

## SECTION VIII: CRITERIA FOR NONCONFORMING EXPANSIONS

Expansion of existing excavations located in an area in which excavations are no longer permitted by local zoning in effect on August 4, 1989, may be restricted or modified with conditions by the Planning Board if, after notice to the owner and a public hearing, the Board finds that the expansion will have a substantially different and adverse impact on the neighborhood. Any potential impacts will be determined by the Planning Board during a public hearing. Impacts will vary depending upon the particular neighborhood; nevertheless, the following criteria will be taken into consideration:

(A) The excavation will not cause a diminution in area property values or unreasonably change the character of the neighborhood.

(B) The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.

(C) The excavation will not create any nuisance or create health or safety hazards.

## SECTION IX: MINIMUM AND EXPRESS OPERATIONAL STANDARDS

For excavations not requiring a permit, the following express standards apply. For those excavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied as deemed necessary by the Board.

(A) No excavation shall be permitted closer than 150 feet to an existing dwelling or to a site for which a building permit has been issued at the time the excavation permit is granted.

(B) No excavation shall be permitted below road level within 50 feet of the right-of-way of any public highway as defined in RSA 229:1 unless such excavation is for the purpose of said highway.

(C) Vegetation shall be maintained or provided within the peripheral areas of paragraphs A and B of this section.

(D) No fuels, lubricants, or other toxic or polluting chemicals shall be stored on site unless in compliance with State laws or rules pertaining to the storage of such materials.

(E) Where temporary slopes will exceed a 1:1 grade, a fence or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.

(F) Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods. Excavation practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.

(G) No excavation shall be permitted within 75 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area or within 25 feet of any other stream, river, or brook that normally flows through-out the year or any naturally-occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 482-A:15, I, or any other wetland greater than 5 acres in area as defined by the Wetlands Board.

(H) Any excavation located within the Jaffrey Wetlands Conservation District is subject to the provisions of that ordinance.

(I) Earth material shall be stockpiled in accordance with the permit.

(J) Processing earth materials, by crushing or blasting or other means, shall be in accordance with approved permit, including machinery placement, maintenance, hours of operation, and machinery removal.

(K) Construction debris, building materials, or other solid waste shall not be stored or buried in the excavation site. Vegetative material generated in the excavation may be stored/composted at the excavation site.

(L) If an Alteration of Terrain permit is required, a copy of that permit and update plans shall be filed with the regulator.

(M) If an excavation permit is required, a copy of the permit shall be posted at the entrance of the excavation site.

## SECTION X: MINIMUM AND EXPRESS SITE RECLAMATION STANDARDS

For excavations not requiring a permit, the following express standards apply. For excavations requiring a permit, these standards are considered the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied as deemed necessary by the Board. Within 12 months of the expiration date in a permit issued under these regulations or the completion of any excavation, whichever occurs first, the excavated area shall be reclaimed in accordance with the following standards:

(A) Areas visible from a public way from which trees have been removed shall be replanted with tree seedlings set out in accordance with acceptable horticultural practices. Native species are preferred, but alternatives listed in the UNH Cooperative Extension “Alternatives to Invasive Landscape

Plants" are acceptable. (B) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or any other soil capable of maintaining vegetation and shall be planted with seedlings or grass suitable to establish permanent vegetation.

(C) All earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.

(D) All slopes, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the Board. Changes of slope shall not be abrupt but shall blend with the surrounding terrain.

(E) Any standing bodies of water created by the excavation that are judged to constitute a hazard to health and safety shall be eliminated.

(F) The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow.

(G) For excavation projects requiring a permit from the Division of Water Supply and Pollution Control, the provisions of RSA 485-A:17 shall supersede this regulation. Copies of all such permits shall be filed with the Board.

**SECTION XI: INCREMENTAL RECLAMATION**

Except for excavation sites of operating stationary manufacturing plants, any excavated area of five contiguous acres or more that is depleted of commercial earth materials, excluding bedrock, or any excavation from which earth materials of sufficient weight or volume to be commercially useful have not been removed for a 2-year period shall be reclaimed in accordance with Section X of these regulations within 12 months following such depletion or nonuse, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. A reclamation plan, including a reclamation timetable for the depleted areas within the reclamation site, shall be submitted to the Planning Board for approval.

**SECTION XII: PERFORMANCE BOND** (Amended 2004, 2005, 2015)

Prior to the granting of any permit or to the removal of any topsoil or other overburden material from a new area within an existing excavation site, the applicant shall submit to the Selectmen a bond with sufficient surety, as determined by the Planning Board, to guarantee compliance with the permit.

Establishment of a commercial excavation site or crushing / processing site may require a bond for town road upgrade and/or damage repair. Such requirement will depend on location, expected quantity of earth material to be transported, etc. The regulator will determine the need for any "Road Bond" when reviewing the Permit Application.

The surety may be in the form of a performance bond, cash, or mortgages or property escrow, irrevocable letter of credit, or any other form approved by the Board. The surety may be phased to coincide with the phasing of work in an amount sufficient to guarantee reclamation of the applicable section to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the Board is satisfied that all conditions of the site reclamation plan have been complied with. In requiring a bond or an irrevocable letter of credit, the Planning Board shall include provisions for partial release, upon satisfactory completion or portions of the development or excavation under consideration.

## SECTION XIII: ADDITIONAL PERMIT REQUIREMENTS

For any excavation requiring a permit, the standards of Sections IX and X are considered minimum standards; the operation may be subject to additional conditions of the permit, consistent with the purpose of these regulations, as deemed necessary by the Planning Board.

## SECTION XIV: EXCEPTIONS

Due to the diverse nature of excavation operations that vary in scale and scope, and due to the varying conditions of the land to be excavated, the Board may, upon application and following a duly-noticed public hearing, grant any exception in writing to the standards contained in Sections IX, X, XI, and XII for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

## SECTION XV: APPLICATION FOR EXCAVATION

The applicant for an excavation permit shall submit to the Planning Board a completed application form, an excavation and a reclamation plan, any other submission documents as requested, and the filing fee. At least three copies of all plans shall be filed with the Planning Board on the second Tuesday one month prior to a regularly scheduled Board meeting, and one copy shall be sent to the Conservation Commission. The plans shall be at a scale of 1" = 100'.

(A) Excavation Plan

The excavation plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall, at a minimum, contain the following items unless waived by the Board:

(1) name and address of the owner, the excavator (if different) and all abutters;

(2) name, address, seal, and signature of the licensed engineer preparing the plan; date, bar scale, and north arrow;

(3) zoning district boundaries of the proposed area and within 200 feet of the boundary of the project;

(4) sketch and description of the location and boundaries of the proposed and any existing excavations, the area in square feet and acres, and affected towns;

(5) the location of existing buildings, structures, septic systems, and wells within 200 feet of the boundary;

(6) lot lines, public streets, driveways, intersections, rights-of-way, and all easements within 200 feet;

(7) topography at contour intervals of five feet or less;

(8) all surface drainage patterns including wetlands and standing water;

(9) sketch and description of existing and proposed access roads, including width and surface materials;

(10) the breadth, depth, and slope of the proposed excavation and the estimated duration of the project;

(11) proposed hours / seasons of operation, equipment (including size of trucks, processing equipment, etc.) to be used, estimated traffic generated by earth material transport, and proposed haul route.

(12) the elevation of the highest annual average groundwater table within or next to the proposed excavation;

(13) test pits that extend to either the seasonal high water table, ledge, or a minimum of six feet below the maximum proposed excavation depth, including location and soils data; boring logs may be submitted separately;

(14) proposed fencing, buffers, or other visual barriers, including height and materials;

(15) all measures to control erosion, sedimentation, water pollution, air pollution, and hazards to human safety; and

(16) copies of applications for all necessary state and federal permits.

(B) Reclamation Plan

The reclamation plan shall address the effects of the proposed excavation on soil, surface, and ground water, vegetation, overburden, topography, and fill material, and should address future land use consistent with the Master Plan. The plan shall, at a minimum, contain the following items unless waived by the Board:

(1) name, address, seal, and signature of the licensed engineer preparing the plan; date, bar scale, and north arrow;

(2) all boundaries of the area proposed for reclamation and the land within 200 feet of the boundary of this site;

(3) final topography of the area proposed for reclamation at contour intervals of five feet or less;

(4) final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities;

(5) timetable as to fully-depleted sites within the excavation area; and

(6) schedule of final reclamation activities, including seeding mixtures, cover vegetation, fertilizer types, and application rates.

(C) Other Information

The Planning Board reserves the right, per RSA 155-E:2, VII to request any other information it deems necessary to make an informed decision or to have plans reviewed by an outside agency. Any expenses incurred for such information or reviews shall be borne by the applicant. Failure to pay such costs constitutes valid grounds for the Board to deny the application.

## SECTION XVI: APPLICATION PROCEDURES

Prior to the Planning Board rendering a decision for an excavation permit, a public hearing shall be held with due notification of all abutters and the public. The procedure for holding these public hearings is as follows:

(A) Filing of the Application

(1) Application forms are available from the Planning Board's Clerk during regular business hours. Upon completion of all submission requirements, the applicant shall return the material to the Clerk no later than 21 days before the next regularly scheduled Board meeting.

(2) The Building Inspector will review the plan for completeness. Upon determination that the application is complete, the Building Inspector shall inform the Clerk in writing that the application is ready for submission to the Board. An incomplete application will not be submitted to the Board.

(B) Board Action on Application

(1) Providing that the application is complete, the Board shall vote to accept the application, after which time the Board has 30 days to schedule a public hearing.

(2) Within 20 days of the close of the hearing on the application or any continuation thereof, the Board shall make a decision. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Town Offices within 144 hours. (Amended 2001)

(3) The applicant shall receive a written copy of the minutes along with the decision. If the application was approved with special conditions, these conditions shall also be stated. In the event the application is disapproved, the reasons for the disapproval shall be given.

(C) Notices Required

(1) All abutters will be notified of the hearing by certified mail not less than 14 days prior to the hearing. Names and addresses of abutters must be taken from Town records not more than 5 days before filing the application.

(2) Public notice will be posted at the Jaffrey Town Offices and appear in the *Monadnock Ledger Transcript* not less than 14 days prior to the meeting at which the application will be submitted.

(3) The notice must include the location and general description of the proposal, as well as the date, time, and place of the meeting.

(D) Fees

(1) A filing fee of $50.00 shall be paid upon submission of an application for permit to defray the costs of notifying abutters and posting notice for the public hearing.

(2) A permit fee of $50 shall be paid upon the issuance of a permit.

(3) An inspection fee shall be charged should the Board require the advice of an engineer or other expert to determine permit compliance.

(E) Failure of the Board to Act

In the event that the Board fails to act on an accepted application within the prescribed time period, the applicant may petition the Selectmen to issue an order directing the Board to act within 30 days. If the Board fails to act within 40 days of this directive, the Selectmen may approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

(F) Developments Having Regional Impacts

All applications shall be reviewed for potential regional impacts according to a determination of the Board. Upon such a finding, the Board shall furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 144 hours of the meeting. At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission and the affected municipalities of the date, time, and place of the hearing and of their right to appear as abutters to offer testimony concerning the proposal. (Amended 2001)

## SECTION XVII: ADMINISTRATION AND ENFORCEMENT

(A) Permits

Permits shall be issued only to the owner or his agent and shall not be transferable without the prior written consent of the Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site. A permit shall be valid for five (5) years, and the expiration date shall be specified. A permit is automatically withdrawn if no substantial work is done on the site for a period of two (2) years from the date of issuance of the permit. Failure to file for a permit shall be considered a violation, and operators who fail to file will be issued a Cease and Desist order. The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations.

(B) Amendments and Renewals

Permit holders wishing to renew or amend a permit by altering the size or location of the excavation, the rate of removal, or the plan for reclamation shall follow the same procedures as those required for an excavation permit.

(C) Inspections

The Applicant’s licensed engineer shall submit to the Regulator an annual inspection report, dated, signed and sealed, confirming that the Applicant is in conformance with these regulations and the approved plans.

(D) Suspensions and Revocations

The Planning Board may suspend or revoke a permit if the Board determines that any provision of the permit has been violated, a material misstatement made in the application upon which a permit was granted, any unsafe or hazardous conditions are determined by a site inspection to exist, or failure to submit the annual inspection report. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations.

(E) Appeals

Any person affected by the Board's decision to approve or disapprove an application or an amendment thereto or any suspension or revocation of a permit may appeal to the Board for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Board shall either grant or deny the request for rehearing within ten (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the Board's decision on a motion for rehearing may appeal in accordance with RSA 677:4-15.

(F) Penalties

Fines, penalties, and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and RSA 676:17. Whoever violates any provision of this regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

(G) This regulation may be amended by majority vote of the Planning Board following public hearing held in accordance with the provisions of RSA 675: 6-7 and RSA 155-E:11.

**SECTION XVIII: SEPARABILITY**

The invalidity of any provision, sentence, paragraph, *etc.*, of this regulation shall not affect the validity of any other provision.

**SECTION XIX: EFFECTIVE DATE**

These regulations shall take effect upon adoption by the Planning Board and as amended, February 10, 2015.

## APPLICATION FOR EARTH EXCAVATION

1. **Name of owner/applicant:** _____

2. **Mailing Address:** _____

   **Telephone Number:** _____

3. **Date of submission:** _____

4. **Location of proposed and/or existing excavation:** _____

   _____

5. **Tax Map #_____ Lot #_____ Zoning District:** _____

6. **Type of Operation:** _____

7. **If existing, date of commencement:** _____

8. **Submission Items: Abutters List; Excavation and/or Reclamation Plans; Local, State and/or Federal Permits; and Fees.**

## PLANNING BOARD APPROVAL

**Conditions:** _____

_____

_____

_____

**Date of Approval:** _____

## PLANNING BOARD DENIAL

**Reasons:** _____

_____

_____

_____

**Date of Denial:** _____

**Date:** _____

**Applicant:** _____

**Property Location:** _____

**Proposal:** _____

_____

**A preliminary review of the proposal above indicates the use is compatible with the site. The Jaffrey Fire Department requires the plans comply with the *Life Safety Code*. Final review of the plans will take place after the site plan has been approved.**

**Comments:**

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**David Chamberlain**
**Fire Chief**

**Date:** _____

**Applicant:** _____

**Property Location:** _____

**Proposal:** _____

_____

**Driveway Proposal:** _____

_____

**A preliminary review of this proposal for water usage indicates:** _____

_____

**A preliminary review of sewer usage on this site indicates:** _____

_____

**Additional Comments:**

_____

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**Randy Heglin**
**Public Works Director**

**Date:** _____

**Applicant:** _____

**Property Location:** _____

**Proposal:** _____

_____

**Additional Comments:**

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**Bill Oswalt**
**Police Chief**

## EXCAVATION APPLICATION CHECKLIST

| Date Submitted | Excavation Application Checklist | Planning Board File: PB_____ |
|---|---|---|

_____ 1. Signed and dated application form.

_____ 2. List all abutters.

_____ 3. Copies of any required applications for local, state, or federal permits.

_____ 4. Excavation plan at a scale of 1" = 100' showing the information listed below:

_____ (a) Name and address of owner, excavator, and all abutters.

_____ (b) Name, address, and signature of person preparing the plan; date of plan, scale, and north arrow.

_____ (c) Sketch and description of the location and boundaries of proposed and any existing excavations in square feet and acres and the municipalities involved.

_____ (d) Zoning district boundaries of excavation area and within 200' of the area boundary.

_____ (e) Lot lines, public streets, driveways, intersections, rights-of-way, and all easements within 200' of the excavation.

_____ (f) Locations of existing buildings, structures, septic systems, and wells within 200' of the excavation.

_____ (g) Topography at contour levels of five feet or less.

_____ (h) All surface drainage patterns, including wetlands and standing water.

_____ (i) Sketch and description of existing and proposed access roads, including width and surface materials.

_____ (j) Breadth, depth, and slope of the proposed excavation.

_____ (k) Proposed hours / seasons of operation, equipment including size of trucks, processing equipment, etc.) to be used, estimated traffic generated by earth material transport, and proposed haul route.

_____ (l) Elevation of the highest annual average groundwater table within or next to the proposed excavation.

_____ (m) Test pit data or log of borings to within either the seasonal high water table or a minimum of six feet below the proposed excavation depth.

_____ (n) Fencing, buffers, or other visual barriers, including height and materials.

_____ (o) Measures to control erosion and sedimentation, water and air pollution, and any hazards to public safety.

_____ 5. Reclamation plan at a scale of 1" = 100' including the information below:

_____ (a) Name, address, and signature of the person preparing the plan; date of plan, scale, and north arrow.

_____ (b) All boundaries of the area proposed for reclamation and the land within 200' of these boundaries.

_____ (c) Final topography at contour intervals of five feet or less.

_____ (d) Final surface drainage pattern.

_____ (e) Timetable as to fully depleted sites within the project area.

_____ (f) Schedule of final reclamation activities, including seeding mixtures, cover vegetation fertilizer types, and application rates.

Reviewer Checklist Planning Board File: PB_____

_____ 1. The excavation is permitted by the Land Use Code

_____ 2. The excavation is not within 50' of a disapproving abutter or 10' of an approving abutter.

_____ 3. The excavation will not be unduly hazardous to the public welfare.

_____ 4. Existing visual barriers will not be removed except to gain access to the excavation.

_____ 5. The excavation will not substantially damage a known aquifer.

_____ 6. The excavation is not closer than 150' to an existing dwelling or to a site for which a building permit has already been issued.

_____ 7. The excavation is not below road level within 50’ of the public right-of-way.

_____ 8. Vegetation is maintained within the peripheral areas of two abovementioned requirements.

_____ 9. Fuels, lubricants, *etc.*, are not stored on the site.

_____ 10. If temporary slopes exceed a 1:1 grade, an appropriate barricade is provided.

_____ 11. The excavation will not cause the accumulation of freestanding water for prolonged periods.

_____ 12. The excavation is not within 75' of any great pond, navigable river, or any other standing body of water ten acres or more in area.

_____ 13. The excavation is not within 25' of any stream, river, brook that normally flows throughout the year, or any naturally-occurring standing body of water less than ten acres, prime wetland, or any other wetland greater than five acres in area.

Reclamation Checklist

_____ 1. Tree seedlings will be planted in areas visible from a public way to replace trees that were removed.

_____ 2. All disturbed areas will be reseeded.

_____ 3. Provision is made for the proper handling of all stumps and other debris.

_____ 4. Soils will be graded according to soil type, and changes in slope will not be abrupt.

_____ 5. No standing bodies of water created by the excavation will be left if they create a public safety hazard.

_____ 6. The topography will be left so that drainage reverts to its original points and proportions of flow.

## MANUFACTURED HOUSING/MOBILE HOME PARK REGULATIONS

### SECTION I: GENERAL AND DEFINITIONS

1.1 Manufactured Housing/Mobile Home Parks

Parks and portions thereof intended for parking of manufactured housing/mobile homes shall comply with the requirements that follow:

1.2 Definitions

MANUFACTURED HOUSING/MOBILE HOME - A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for assembly operations, location on jacks or other temporary or permanent foundations, and connection to utilities. A travel trailer used for residential purposes on a permanent basis shall be subject to these regulations.

MANUFACTURED HOUSING/MOBILE HOME PARK - A parcel of contiguous property that has a minimum size of 10 acres and is platted for the development of manufactured housing/mobile home lots. (Amended 2000)

MANUFACTURED HOUSING/MOBILE HOME LOT - That parcel of a manufactured housing/mobile home park that provides facilities for long-term occupancy of a manufactured housing/mobile home and meets all the requirements of Section IV of these regulations. (Amended 2000)

MANUFACTURED HOUSING/MOBILE HOME STAND - That part of an individual manufactured housing/mobile home lot that has been reserved for the placement of a mobile home, appurtenant structures, or additions.

### SECTION II: NONCONFORMING USES

2.1 Any lawful manufactured housing/mobile home or manufactured housing/mobile home park existing at the time of the adoption of this section may be continued although it does not conform to the standards and provisions contained herein. All such manufactured housing/mobile home parks, however, must comply with and maintain the minimum standards set forth in the "Sanitary Laws and Regulations" of the New Hampshire State Department of Health for manufactured housing/mobile home and parks. Any nonconforming manufactured housing/mobile home park that is discontinued shall not be issued a permit for reestablishment except in conformity with this ordinance. The owners of an existing manufactured housing/mobile home in a manufactured housing/mobile home park may obtain a permit to replace it. Expansion or alteration of a manufactured housing/mobile home park shall require Planning Board approval. (Amended 2000)

### SECTION III: PERMITTED USES (Amended 2000)

3.1 Generally accepted residential uses, including home occupations (*see Zoning Ordinance 5.17*) are permitted in manufactured housing/mobile home parks with the following exception:

3.1.2 Only those home occupations which involve no visual or vehicular impact are permitted in manufactured housing/mobile home parks.

**SECTION IV: LOCATION, SIZE, AND LOTS**

4.1 Manufactured housing/mobile home parks shall be located on a well drained site, with slope not to exceed 8%, properly graded to ensure rapid drainage and freedom from stagnant pools of water. The site shall not be exposed to objectionable smoke, noise, odors, or any other adverse influences, and no portion subject to unpredictable, sudden flooding, subsidence, or erosion shall be used for any purpose that would expose persons or property to hazards. (Amended 2000)

4.2 The area of a manufactured housing/mobile home park shall be a contiguous parcel of property and have a minimum size of 10 acres and visually buffered from abutters and public roads. (Amended 2000)

4.3 A manufactured housing/mobile home lot shall be complete before occupancy is permitted. The minimum lot size shall be 6,000 square feet of area and shall be at least 60 feet wide. Lots occupied by mobile homes exceeding 14 feet in width shall have a minimum area of 7,000 square feet and shall be at least 70 feet wide. Any accessory structure that is attached to a manufactured housing/mobile home for purposes of clearance and setback requirements shall be considered part of the mobile home. An accessory structure is defined as an attached unit such as, but not limited to, deck/porch, carport, breezeway, or attached garage. Detached structures are subject to the restrictions of the manufactured housing/mobile home regulations such as setbacks. No manufactured housing/mobile home shall be located closer than 15 feet to a paved street or service buildings within the park. A minimum of 15 feet shall be maintained between a manufactured housing/mobile home and its side and rear lot boundaries. (Amended 2000)

4.4 Before a manufactured housing/mobile home may be placed on a previously unoccupied lot or before a manufactured housing/mobile home may replace another on a previously occupied lot, the owner(s) must apply to the Selectmen for a building permit.

4.5 For every 30 in a manufactured housing/mobile home park, a 12,000 square-foot area shall be dedicated as permanent common open space. Open space land may be kept in its natural state, forested, used for noncommercial agriculture and gardening and used for noncommercial recreation, including hiking trails. Forested land may be harvested, subject to the best management practices in accordance with accepted forestry standards. No more than 5% of the open space may be covered by any impervious materials. No construction of buildings is permitted in open space land except as strictly ancillary to the uses described.(Amended 2000)

**SECTION V: STREETS, WALKS, PARKING, LIGHTING, AND STANDS**

5.1 All manufactured housing/mobile home parks shall be provided with safe and convenient vehicular access from abutting public roads or streets to each manufactured housing/mobile home lot. All park streets shall be well drained, paved, and maintained in good condition and may not exceed a grade of 8%. All manufactured housing/mobile homelots shall have off-street parking areas and shall abut on a street at least thirty (30) feet in width; the street shall be paved to a width of at least twenty-two (22) feet and the shoulders graded and maintained so they are suitable for pedestrian travel.

5.2 No street names shall be used that will duplicate or be confused with names of existing streets within the park and the town. Street names shall be subject to approval by the Selectmen.

5.3 Walkways not less than three feet wide shall be provided from each manufactured housing/mobile home stand to the street. All service buildings shall have similar walkways.

5.4 Off-street parking shall be provided in all manufactured housing/mobile home parks. Such parking shall be furnished at a rate of at least two car spaces for each lot. Required car parking shall be so located as to provide convenient access to the mobile home. No vehicles, including trucks, recreational vehicles, campers, trailers, buses or boats which exceed 22 feet in length and 9 feet in height shall be parked on the manufactured housing/mobile home lots but may only be parked in designated areas. Adequate off-street parking for non-resident visitors (at the rate of one space per unit) shall be provided. Said areas shall be located so as to provide convenient access to the homes. (Amended 2000)

5.5 All streets and walks within the park shall be adequately lighted at night. Lighting shall be subject to inspection and approval by the Selectmen. Furthermore, utility lines shall be underground. (Amended 2000)

5.6 The manufactured housing/mobile home stand shall provide an adequate foundation for the placement of a mobile home. Stand foundations shall be of such construction as to prevent heaving, shifting, or settling due to frost action. Every parking space for mobile units shall be provided with devices for anchoring the unit to prevent overturning or movement due to wind or seismic activity. Such devices may be eyelets securely anchored by concrete or some other similar means attached to the units frame. (Amended 2000)

5.7 All mobile home park designs shall not detract from any environmental features, including scenic views that are present. (Amended 2001)

**SECTION VI: WATER SUPPLY**

6.1 An accessible, adequate, safe, and potable supply of water shall be provided each manufactured housing/mobile home by utilizing Town municipal water and sewer systems. (Amended 2000)

6.2 The water supply shall be capable of delivering a minimum of 150 gallons per day per mobile home.

6.3 The water supply system of the manufactured housing/mobile home park shall be connected by pipes to all mobile homes, buildings, and other facilities requiring water.

6.4 All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with Town regulations.

**SECTION VII: ELECTRICAL DISTRIBUTION SYSTEM**

7.1 All utility wires, cables and conduits shall be installed underground in accordance with accepted engineering practices. (Amended 2001)

**SECTION VIII: REFUSE DISPOSAL**

8.1 The storage, collection, and disposal of refuse in the manufactured housing/mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

8.2 Where a municipal curbside disposal service is not available, the manufactured housing/mobile home park operator/owner shall provide covered, waterproof, pest-proof containers in sufficient number. All refuse shall be collected not less than once weekly and shall be transported in covered containers to a disposal site approved by the Town Board of Health. (Amended 2000)

8.3 Refuse collection stands shall be provided for all refuse containers. Such contained stands shall be so designed as to prevent containers from being tipped.

**SECTION IX: SEWAGE DISPOSAL**

9.1 All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movement and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade that will ensure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials which comply with Town specifications. (Amended 2000)

9.2 Where the sewer lines of the manufactured housing/mobile home park must be connected to a public sewer. (Amended 2000)

**SECTION X: FUEL SUPPLY AND STORAGE**

10.1 Liquefied petroleum gas systems shall be installed and maintained in accordance with town endorsed codes. (Amended 2000)

10.2 All fuel oil supply systems shall be constructed and installed in accordance with State and Federal regulations. Installation of systems shall be subject to inspection and approval by the Fire Chief and/or Building Inspector. (Amended 2000)

**SECTION XI: FIRE PROTECTION**

11.1 Class B fire hydrants shall be located within 500 feet of any manufactured housing/mobile home, service building or other structure in the park. (Amended 2000)

11.2 Each manufactured housing/mobile home park shall provide ingress and egress facilities at separate and strategic locations that will permit the passage of occupant vehicles and the fire fighting equipment of the town. Each manufactured housing/mobile home must have two exterior doors. (Amended 2000)

**SECTION XII: ENFORCEMENT**

12.1 Whenever a violation of these regulations occurs or is alleged to have occurred, any person may file a written complaint stating in full the causes and bases thereof with the Selectmen or Fire Chief, who shall immediately record such complaint, investigate, and, if the investigation discloses a basis for the complaint, he shall take such action as may be necessary to correct the violation.

12.2 If the Selectmen or the Fire Chief shall find any provision of these regulations is being violated, they (he) shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct. They (He) shall also take any other action authorized or required by these regulations to ensure compliance with or to prevent violation of their provisions.

## SECTION XIII: EXCEPTIONS AND APPEALS

13.1 Appeal may be made to the Board of Adjustment for variance to any or all of the provisions of these regulations in accordance with Chapter 674.13, RSA, State of New Hampshire. (Amended 2000)

13.2 Appeals may also be made to the Board of Adjustment in accordance with Chapter 677, RSA, State of New Hampshire.

## SECTION XIV: PENALTIES AND INJUNCTIVE RELIEF

14.1 Any person, association, or corporation found guilty of violating any of the provisions of this ordinance or otherwise refusing to comply with the provisions of this ordinance shall be fined not more than $100 per day for each day of such violation, neglect, or refusal to comply with the provisions of this ordinance.

14.2 The Selectmen may, at their discretion and in addition to any other appropriate remedy, apply to the Superior Court for injunctive relief if, in their judgment, such relief is necessary for reasons of public safety, health, welfare, or the maintenance of good order.

## SECTION XV: EFFECTIVE DATE AND PROVISION FOR AMENDMENT

15.1 This regulation shall become effective upon a majority vote of the voters at Town Meeting, after public hearing(s) conducted by the Planning Board in accordance with Chapter 675, RSA.

15.2 This regulation may be amended by a majority vote of the voters at Town Meeting after public hearing(s) conducted by the Planning Board in accordance with Chapter 675, RSA.

This regulation developed by the Jaffrey Planning Board after public hearing December 13, 1983; second public hearing January 10, 1984, in accordance with Chapter 675, RSA. Approved by Planning Board January 10, 1984, for placing on town Warrant. Approved by voters of Jaffrey at Town Meeting, March 13, 1984. Amended by Town Meeting March 11, 1986. Amended by Town Meeting March 18, 2000. Amended by Town Meeting March 17, 2001.

## HISTORIC DISTRICT REGULATIONS

**NOTE:** The term "regulation" is used herein to mean ordinance

### PURPOSE

The preservation of structures and places of historic and architectural value is hereby declared to be a public purpose. The heritage of Jaffrey Center will be safeguarded by:

(a) preserving a district that reflects elements of its cultural, social, economic, political, and architectural history;

(b) conserving property values in such district; and

(c) fostering civic beauty; promoting the use of an historic district for the education, pleasure, and welfare of the citizens including scenic views. (Amended 2001)

### AUTHORITY GRANTED

For the purposes of this subdivision, the Town Meeting of March 11, 1969, voted the authority to establish, change, lay out, and define the Historic District of Jaffrey Center. Within said district, the construction, alteration, painting, moving, demolition, or use of structures and places shall be regulated by the Historic District Commission.

### HISTORIC DISTRICT COMMISSION

The Moderator shall appoint the Historic District Commission members.

### MEMBERSHIP, QUALIFICATIONS, TERMS, VACANCIES

The membership of such commission shall consist of not less than five nor more than seven members.[2] All members shall be residents of Jaffrey and one shall be a member of the Board of Selectmen, thereof, and one shall be a member of the Planning Board. In determining the qualification of a member of said commission, the Moderator shall take into consideration his demonstrated interest and ability to understand, appreciate, and promote the purpose of this subdivision. The members of said commission shall be appointed for three-year terms, except the initial appointments shall be staggered so that subsequent appointments shall not recur at the same time. Members of said commission shall serve without compensation and shall serve no more than two successive terms. In the event of a vacancy on the commission, interim appointments may be made by the appointing authority to complete the unexpired term of such position.

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[2] **This ordinance was amended by vote of Town Meeting (March 14, 1989) to authorize the appointment of three alternate members in addition to the five to seven at large and *ex officio* members.**

## ORGANIZATION, MEETINGS, AND RULES

The commission shall elect a chairman, vice chairman, and secretary from the appointed members and create and fill such offices, as it may deem necessary for its work. The term of all officers shall be one year, but any officer may succeed himself. The commission shall meet at the call of the chairman and at such other times as the commission may determine and shall adopt rules in accordance with the provision of the implementing ordinances of the municipality. All meetings and records of the commission shall be open to the public.

## POWERS AND DUTIES

It shall be the duty of the commission to develop a policy for the accomplishment of the purposes of this subdivision within said historical district and within the provisions of the ordinances and to relate said policy to the comprehensive plan of Jaffrey. The commission shall have the power to accept, review, and act upon all applications for building permits in reference to properties situated within the boundaries of any historic district established hereunder. Such power of review and approval or disapproval shall be limited to those considerations that affect the relationship of the applicant's proposal to the property's surroundings, to the location and arrangements of structures, to the architectural treatment of the exterior features, and to affect the character and integrity of said district to achieve the purpose of this subdivision. It shall be the duty of the commission to request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Health Officer, and such other administrative officials who may possess information pertinent to the application. It shall be the duty of the commission to seek advice from such professional, educational, cultural, or other groups of persons as may be deemed necessary for the determination of a reasonable decision. The commission shall have the power to engage such technical assistance and consultants as may be deemed necessary to carry out the purpose of this subdivision. The commission shall have the power to accept and use gifts, grants, or contributions for the exercise of its functions. It shall be the duty of the commission to file with the Selectmen either a certificate of approval or a notice of disapproval following the review and determination of the application. Said certificate shall be filed with the Town Clerk within 45 days after the filing of the application for aid certificate, unless the applicant shall agree to a longer period of time. No building permit shall be issued until a certificate of approval has been filed, but in the case of disapproval, such notice shall be binding upon the Town Clerk and no permit shall be issued. Failure to file said certificate within the specified period of time shall be deemed to constitute approval by said commission.

## CHANGES IN EXISTING BUILDINGS, LAND, AND USES

When an exterior change, including color of paint, or change in use of building or land is contemplated, details shall be submitted to the commission. The commission shall have the power to accept, review, and act upon the proposed changes situated within the boundaries of the Historic District.

## HISTORIC DISTRICT BOUNDARIES

The bounds of the Historic District shall begin on the west wall of the Cutter Cemetery (Tax Map 228/Lots 98 and 99); continuing on the same line across Tax Map 228/Lot 107 and across Main Street proceeding 200 feet south of Main Street to the middle of Tax Map 228/Lot 20 and 660 feet from the point of beginning; thence turning westerly 200 feet south of Main Street. This bound continues running roughly parallel to Main Street with a length of approximately 2,015 feet to the south corner of Tax Map 228/Lots 57 and 59; thence continuing to the northwest corner of the "Old Burial Ground," located at Tax Map 228/Lot 67; thence easterly on the north wall of the cemetery located on Tax Map 228/Lot 57, and continuing on the same line to the westerly line of Tax Map 228/Lot 80; thence turning northerly

along the west line of Lot 80 and continuing approximately 115 feet to the northwest corner of Lot 80; thence continuing approximately 800 feet east to a point 200 feet east of Thorndike Pond Road; thence turning and running southerly approximately 200 feet from and paralleling Thorndike Pond Road to a point 185 feet north of the north side of Main Street; thence turning and running easterly to the point of beginning.

**INTERPRETATION**

Nothing in this subdivision shall be construed to prevent ordinary maintenance or repair of any structure or place within the Historic District nor to prevent the construction, alteration, repair, moving, or demolition of any structure under a permit issued by the Town Clerk prior to the establishment of any such district.

**APPEAL**

Any person or persons jointly or severally aggrieved by a decision of the commission shall have the right to appeal concerning such decision to the Board of Adjustment.

**SEPARABILITY**

In case of any subsection, paragraph, or part of this subdivision being for any reason declared invalid or held unconstitutional by any court of last resort, every other subsection, paragraph, or part shall continue in full force and effect.

**REMEDIES FOR VIOLATIONS**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation hereof or of any ordinance or other regulation made under authority conferred hereby, the Selectmen may institute any appropriate action or proceedings to prevent such unlawful action to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure or land, or any illegal act or use in or about such premises.

**EFFECTIVE DATE**

This ordinance shall take effect immediately upon its passage.

## DESIGN GUIDELINES

For Non-Residential Development
Subject to Site Plan Review

### Purpose

These guidelines have been developed to promote the goals of the Downtown and Master Plans vision statements, excerpted below.

***Downtown Plan***

> *Downtown Jaffrey is recognized as the cultural and financial anchor of a well balanced, thriving community. A carefully crafted mix of small town charm and economic vitality has established downtown as a destination for business owners and patrons alike.*
>
> *Attractive gateways frame each approach to the town center, beckoning the passerby with a hint of the friendly atmosphere and unique character awaiting them inside. This layout provides the visitor with a sense of place, and reveals the proud tradition of public and private investment that has made downtown Jaffrey a convenient and desirable place to gather and a great place to do business…*

***Master Plan***

> *…Jaffrey will seek to attract new commerce and industry that will provide good jobs and career opportunities for Jaffrey's youth and work force. Jaffrey shall be a business-friendly community that promotes economic development by supporting a dynamic, diversified economic base consistent with its small town character. This economic base is likely to consist of small and home-based businesses, small retail and service establishments, light industry, and tourism.*
>
> *The town's future development strategies should respect the value of community resources by preserving historical architecture and other historical features, providing a supportive environment for our cultural, social, and medical support organizations, and ensuring that a program of continuous improvement is instituted for our schools and recreational facilities. Jaffrey's future will include an expanded and prosperous downtown. We envision additional opportunities for safe foot and bicycle travel in and around the town, with improved vehicular flow through the town center…*

In developing these guidelines two overlay district types have been defined, General Business and Gateway. These guidelines are designed to provide a flexible framework which:

- ✓ Promotes development consistent with Jaffrey's historical character and mix of uses in the downtown area;
- ✓ Creates a sense of entry and cohesion into town through established corridors and gateways;
- ✓ Enhances Jaffrey's sense of place and community;
- ✓ Coordinates pedestrian and bicycle opportunities with transportation improvements.

**Overlay Descriptions**

The Overlay Districts are defined as follows and shown on the map found in the appendices titled Design Guidelines Overlay Districts.

**Downtown Business Overlay**

Includes the General Business District and the Main Street Program Area (excluding Silver Ranch and VFW General Business Districts).

The four Gateways are defined as follows:

**Gateway Overlays** The design guidelines pertain to lots having frontage along designated roadways.

*Cheshire Pond Gateway* - extending from the northerly edge of the Downtown Business District to the intersection of Nutting and Old Sharon Roads.

*Turnpike Road Gateway* – extending from the westerly edge of the Main Street Program Area to the westerly edge of the General Business District (Silver Ranch).

*River Street Gateway* – extending from the southerly edge of the General Business District at Lacy Road to the Town line.

*Mountain Road Gateway* **–** extending from the easterly edge of the Main Street Program Area to Sawtelle Road.

Use and area requirements are unchanged and conform to the corresponding zoning district as per the table below.

AREAS AND SETBACKS FOR BUILDINGS - ALL DISTRICTS (Amended March 2002, 2005, 2008, 2012, 2014)

| District | Lot Size (Sq. Ft.) | Frontage (linear feet) | Front Setback (linear feet) | Side Setback (linear feet) | Rear Setback (linear feet) | Off-street Parking |
|---|---|---|---|---|---|---|
| Mountain | 130,680 / 3 ac | 200 | 60 | 40 | 40 | 2/unit |
| Rural WOTW | 130,680 / 3 ac | 200 | 60 | 40 | 40 | 2/unit |
| Rural WTW | 65,340 / 1.5 ac | 150 | 60 | 30 | 30 | 2/unit |
| Residence A | 43,560 / 1 ac | 125 | 30 | 30 | 30 | 2/unit |
| Residence A (w/town sewer or community septic system within an OSDP or VPA*) | 20,000 / .46 ac | 125 | 30 | 30 | 30 | 2/unit |
| Residence B | 43,560 / 1 ac | 125 | 30 | 30 | 30 | 2/unit |
| Residence B (w/town sewer or community septic system within an OSDP or VPA*) | 20,000 / .46 ac | 125 | 30 | 30 | 30 | 2/unit |
| Main Street Program Area | N/A | N/A | Align where possible, w/existing buildings, to preserve the streetscape edge. | 15 feet from adjacent buildings | 15 feet from adjacent buildings | See Section 6.10 |
| General Business | 43,560 | 125 | 30 | 30 | 30 | 1 (8x18) per 400 sf gross floor area (amended 1992) |
| Industrial | 2½ acres | 200 | 100 | 30 | 50 | 1/employee |
| Turnpike Road Industrial District including "Tract A" | 2 ½ acres | 200 | 100 | 30 | 50 | 1/employee |
| Turnpike Road Industrial District "Tract A" see Z.O. Section 12.14 | N/A | N/A<br>Access Via Turnpike Rd. | N/A | 100 | 100 | 1/employee |

The Planning Board, during Site Plan Review, has the option of reducing front and rear setbacks, but not to be less than 30 feet, in order to accommodate flexibility in the siting of parking areas and other facilities; and to provide for reasonable vegetation within the setback areas.
**OSDP: Open Space Development Plan *VPA: Village Plan Alternative*

## Design Guidelines[3]

Building Placement

Setbacks as noted above – Main Street Program Area allows (0') front and side setback and 15' between buildings. Buildings shall be facing toward the street, and shall maintain a consistent street edge with neighboring buildings. Buildings shall maintain the scale and size of existing structures.

Historic development patterns in the downtown area feature buildings located close together and aligned with the street.

The health clinic at the plaza is of similar size and massing to the existing building yet provides a focus to the entry and is enhanced through the added architectural features.

Architecture

Entrances shall be facing toward the street and sidewalk, focusing on the pedestrian oriented streetscape. Entrances shall incorporate a one or more details such as:

- Porticos
- Canopies/Awnings
- Overhangs
- Arcades
- Recesses/Projections
- Parapets
- Arches integrated with the building
- Outdoor patios
- Display windows
- Planters or wing walls and seating

[3] These Guidelines build on the previous TEAM Jaffrey Main Street Design Guidelines, 2000. References also include:
Nashua Region Planning Commission (NRPC) Model Site Plan Regulations, 2002.
NRPC iTRAC Program: Town of Milford Corridor Design Guidelines, 2008.
NRPC iTRAC Program West Elm Street Gateway District Design Guidelines, 2012.
Town of Enfield, Business District Design Standards, 2013
Randall Arendt, Smart Development for Quality Communities as published in Natural Lands Trust, April 2001

Building facades shall avoid blank walls at ground floor levels through the use of:

- windows
- wall articulation
- arcades
- material changes or other features.

In cases of facades greater than 50’ in length the applicant shall incorporate the following features:

- Variations in color and texture.
- Variations in roof forms and height of roof element.
- Enhance definition of each floor through articulated structural elements, changes in materials and horizontal trim bands.
- Use of windows that reveal indoor amenities, activities and displays.

EXIT ONLY - DO NOT ENTER
DO NOT ENTER

RITE AID

Fine Cuts
BARBER SHOP

SEAVER & McLELLAN
ANTIQUES

Roofs

Buildings 10,000 sq ft or less shall be designed with pitched roofs. Buildings larger than 10,000 sq ft may be designed with flat roofs but shall provide a parapet at least three (3) feet in height. Flat roofed buildings shall incorporate pitched roof architectural elements such as enclosed entrances, porches, arcades or awnings. Where appropriate roofs shall provide adequate overhangs for pedestrian activity (See photo examples in Definitions).

Pedestrian Access

Sidewalks shall be provided along all road frontage; sidewalk may be located on the interior side of the front planting area.

Sidewalks shall be provided from the road sidewalk to the public entrances of principal buildings and between principal buildings on a lot.

Pedestrian access shall be provided from parking areas to the public entrances of principal buildings. The Planning Board may require provision of pedestrian ways within parking areas to enhance pedestrian safety.

Crosswalks shall be provided where pedestrians are directed to cross vehicular travel lanes, and shall incorporate accessibility features.

Lots abutting the Rail Trail shall provide pedestrian access from the trail to the public entrances of principal buildings unless the Planning Board finds that natural constraints make access infeasible.

Pedestrian access shall be provided between adjoining lots unless the Planning Board finds that natural constraints make access infeasible.

Landscaping

Landscaping with native plants and materials is strongly encouraged. However, recognizing the need to accommodate varying site and growing conditions, non-native landscaping plants may be permitted in accordance with published recommendations from the UNH Cooperative Extension. See *"Alternatives to Invasive Landscape Plants"*, UNH Cooperative Extension (as amended).

| **Planting and Maintenance** | |
|---|---|
| Required landscaping shall meet the following size requirements when planted: | |
| Shade Trees | 2 inch caliper or 8 feet high (minimum) |
| Small Trees | 1 inch caliper or 5 feet high (minimum) |
| Shrubs | 1 gallon size (minimum) |
| **Notes** | |
| Required landscaping shall be maintained. Dead, dying, damaged, or removed plants shall be replaced in a timely manner (no later than the next growing season). | |
| "Shade Trees" are defined as a tree with a mature height of at least 30 feet.<br>"Small Trees" are defined as a tree with a mature height of at least 15 feet. | |
| **Landscaping Along Frontages within the Gateways** | |
| A planting area at least 10 feet deep shall be established along all front lot lines, excluding areas used for access. The planting area shall be landscaped as specified below: | |
| Shade Trees | 1 per 50 feet of frontage (min) |
| Small Trees | 1 per 30 feet of frontage (min) |
| Shrubs | 1 per 20 feet of frontage (min) |
| **Notes** | |
| Plants may be clustered and do not have to be evenly distributed within the planting area. | |
| Existing vegetation to be retained may be counted towards landscaping requirements, provided it is not an invasive species[4]. | |
| **Landscaping Buffers from Residential Development** | |
| Where a non-residential use will abut a residential lot or zone, a vegetated buffer at least 50% of the required setback shall be established or retained to maintain residents' visual privacy and quality of life. | |

[4] See Plant list from UNH Cooperative Extension.
http://extension.unh.edu/resources/files/resource001358_rep1815.pdf

Parking

Shall be located to the side or rear of the principal buildings, shall be setback at least 10' from the property line. Landscaping shall be established along street. Parking may be shared with abutting lots; internal driveways are encouraged. New parking shall not be permitted in front of a building or along the frontage of a lot.

| **Landscaping in Parking Areas** | |
|---|---|
| Parking lot landscaping shall consist of: | |
| Shade Trees | 1 per 8 spaces (minimum) |
| Small Trees | 1 per 6 spaces (minimum) |
| Shrubs | 1 per 4 spaces (minimum) |
| **Notes** | |
| Landscaping shall be located at each end of and within parking rows so that no row of parking exceeds 15 contiguous spaces. | |
| Landscaped areas (strips and islands) shall be at least 180 SF in area and shall not measure less than 5 feet in any dimension. | |
| Use of Low-impact Development (LID) approaches to stormwater management within surface parking lots is encouraged and landscaped areas may be used to collect and infiltrate runoff. | |

## Definitions

For the purposes of the Design Guidelines for non-residential development, the following definitions shall apply to the text, and shall be used in addition to the definitions included in the Jaffrey Land Use Code.

ABUTTING - Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

ACCESS MANAGEMENT - Providing or managing access to land development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity and speed.

ARCADE - A covered walkway consisting of a series of arches supported by columns or piers; a building or part of a building with a series of arches open to the street level; a roofed passageway, especially one with shops on either side.

ARTICULATION - Places emphasis on the visible expression of distinct parts of a building, such as stories or windows, rather than on the building as a whole.

AWNING - A roof-like structure, often made of canvas or plastic that forms a shelter over a storefront, window, door, or deck.

BERM - A mound of soil, either natural or manmade, used to obstruct views.

BUFFER - The area between parcels within a zoning district or between zoning districts that shall be landscaped to provide a visual screen and to absorb noise, dirt, dust and litter.

CUPOLA - A small structure that sits on a building roof, often featuring architectural elements such as domes or other ornamentation.

FAÇADE - The face of a building.

MEDIAN - A barrier placed between lanes of traffic flowing in opposite directions or between parking spaces.

OFF-STREET LOADING - Designated areas located adjacent to buildings where trucks may load and unload cargo.

OFF-STREET PARKING SPACE - A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

ON-STREET PARKING SPACE - A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

PARAPET - a low wall at the edge of a platform or roof.

PARKING AISLE - The area of a parking lot that allows motor vehicles ingress and egress from the driveways or streets.

PROJECT AREA - The area within the subdivision or site plan boundaries where work is to be performed.

PROTECTED PARKING - A landscaped island projecting out from the curb, separating parking bays from other uses.

RIGHT-OF-WAY - An easement held by the municipality or the state over land owned by the adjacent property owners that allows the holder to exercise control over the surface and above and below the ground of the right-of-way. Property owners are typically responsible for the construction of transportation improvements adjacent to their property. The municipality or the state maintains the street, while the property owner is responsible for maintaining the sidewalk.

SCALED PLAN - A plan that shows sufficient detail to enable the Planning Board or Minor Site Plan Review Committee to review such plans according to the provisions of the Design Guidelines for non-residential development.

SETBACK - The distance between any building and the lot line on a parcel of land. Typically described as front, side and rear setback.

SIDEWALK - An improved facility intended to provide for pedestrian movement; usually, but not always, located in the public right-of-way adjacent to a roadway.

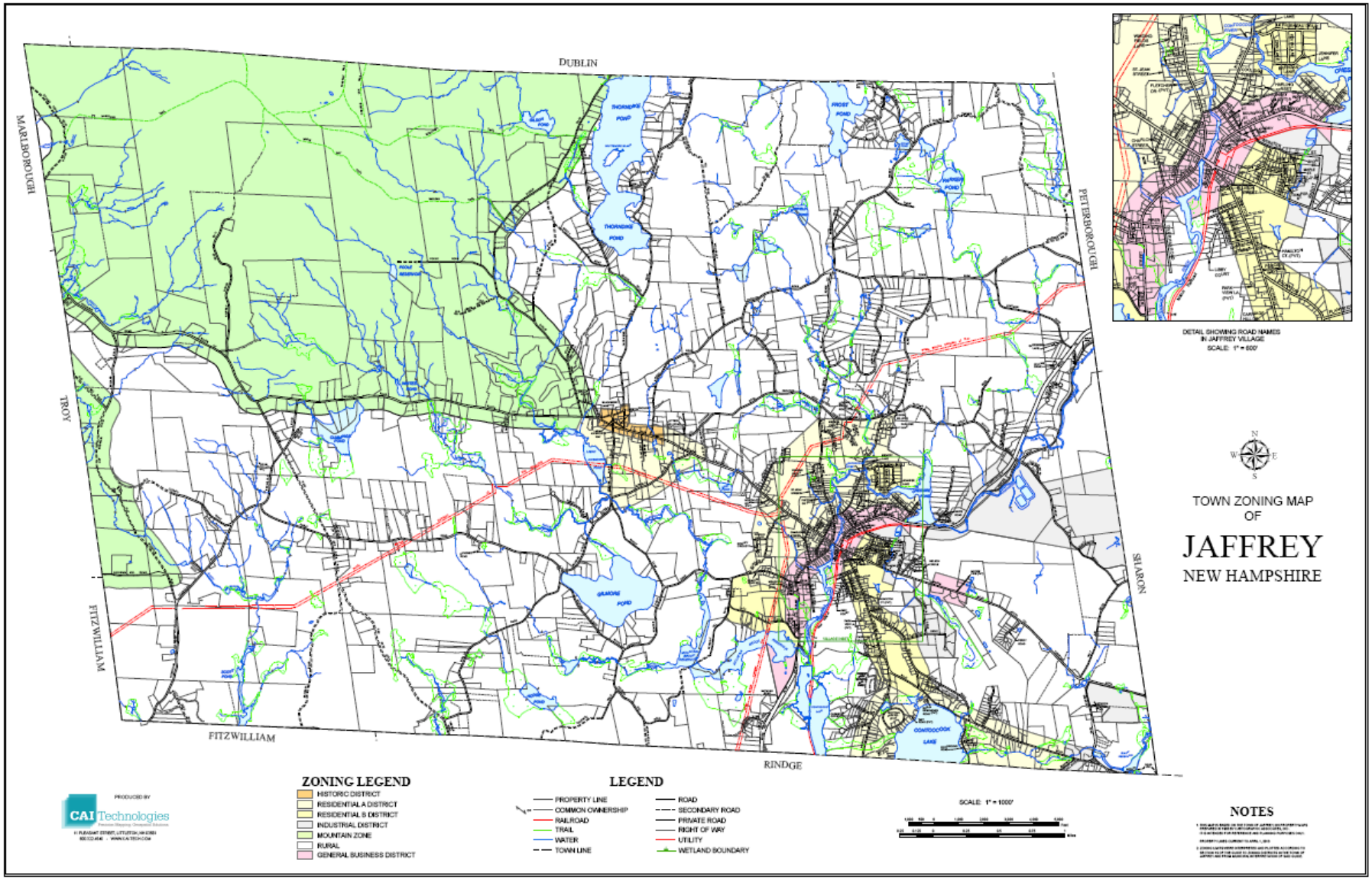
SIDEWALK CORRIDOR - The portion of the pedestrian system from the edge of the roadway to the edge of the right-of-way, generally along the sides of streets, between street corners. The sidewalk corridor functions to provide an environment for walking that is separated from vehicle movement.

TRAFFIC CALMING - Methods for slowing traffic to prevent conflicts with pedestrians, bicycles and other slow moving vehicles.

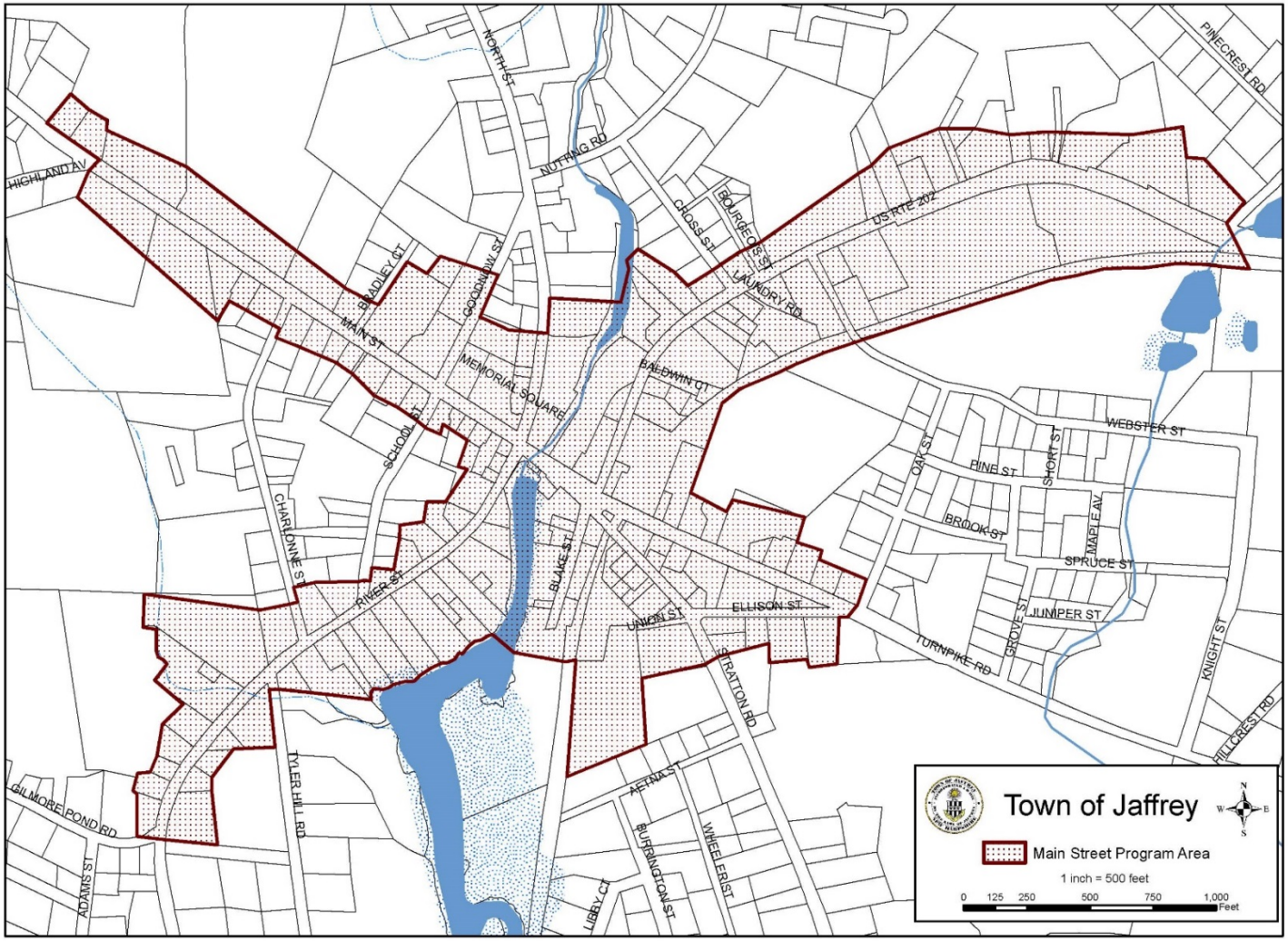
WALKWAY - A pedestrian facility, whether in the public right-of-way or on private property, which is provided for the benefit and use of the public.

**MAPS**

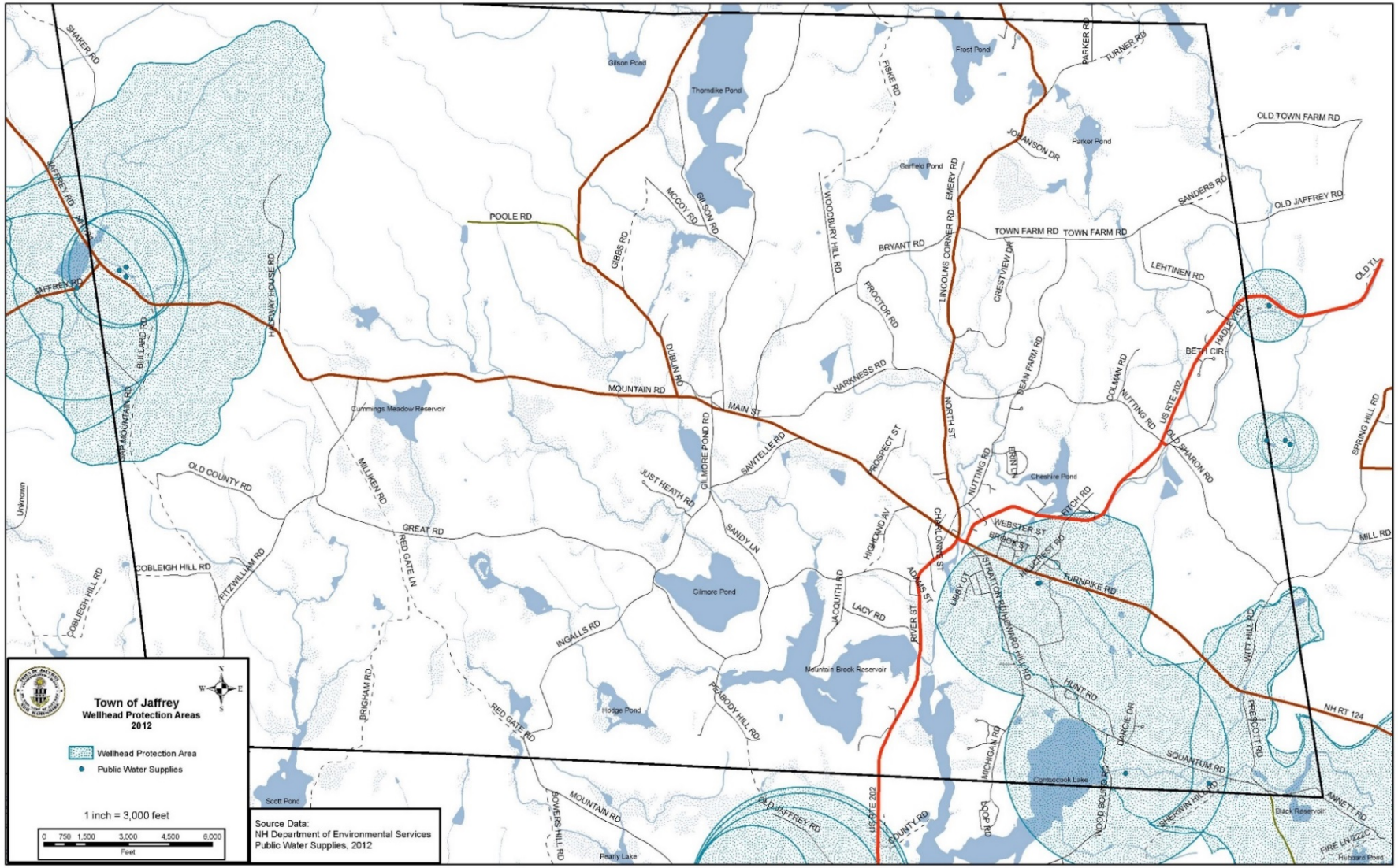
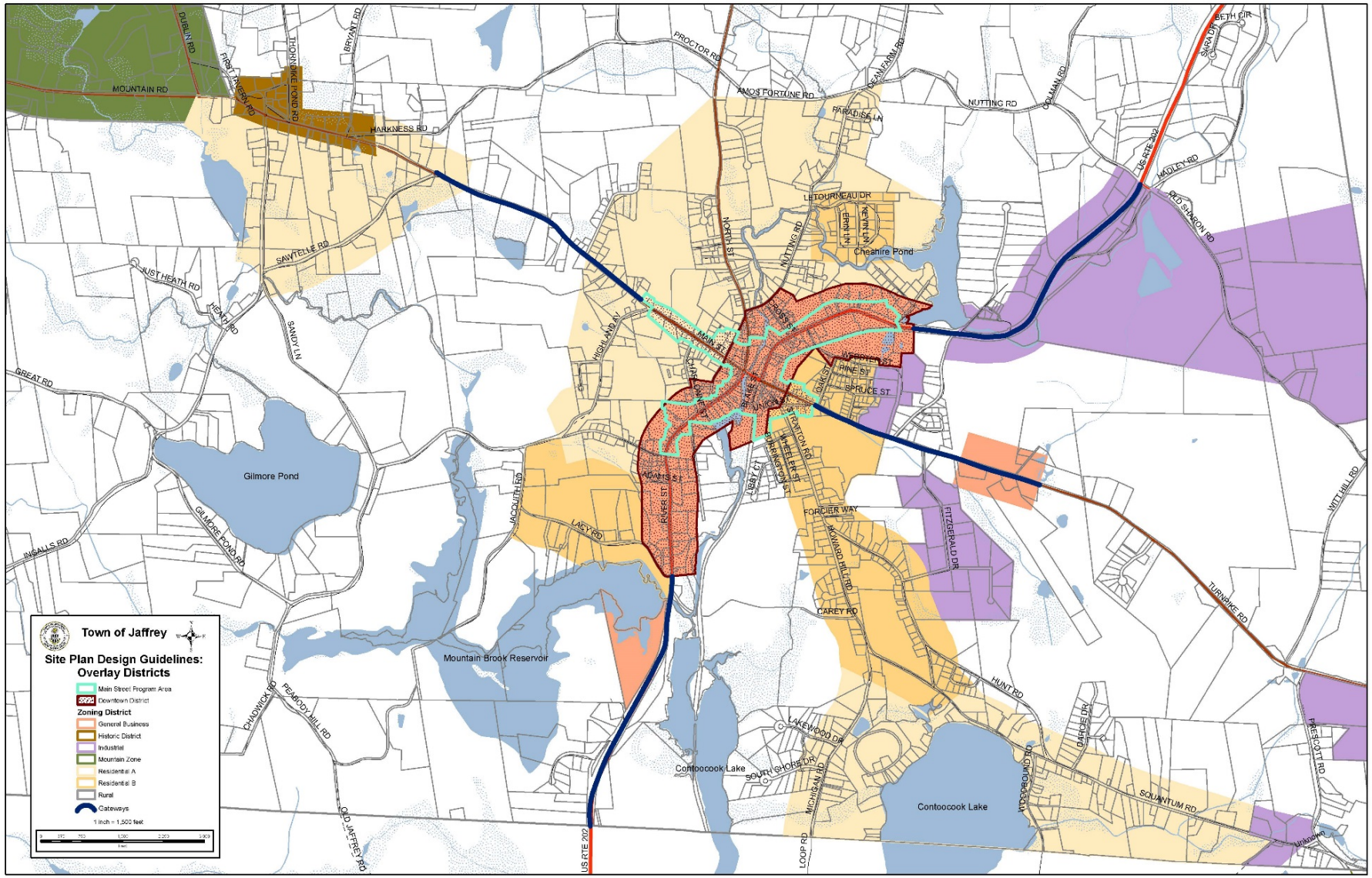
## ZONING MAP


DUBLIN
MARLBOROUGH
PETERBOROUGH
TROY
SHARON
FITZWILLIAM
FITZWILLIAM
RINDGE
DETAIL SHOWING ROAD NAMES IN JAFFREY VILLAGE
SCALE: 1" = 600'
TOWN ZONING MAP OF
JAFFREY
NEW HAMPSHIRE
ZONING LEGEND
HISTORIC DISTRICT
RESIDENTIAL A DISTRICT
RESIDENTIAL B DISTRICT
INDUSTRIAL DISTRICT
MOUNTAIN ZONE
RURAL
GENERAL BUSINESS DISTRICT
LEGEND
PROPERTY LINE
COMMON OWNERSHIP
RAILROAD
TRAIL
WATER
TOWN LINE
ROAD
SECONDARY ROAD
PRIVATE ROAD
RIGHT OF WAY
UTILITY
WETLAND BOUNDARY
SCALE: 1" = 1000'
NOTES
CAI Technologies

**MAIN STREET PROGRAM AREA**



## WELLHEAD PROTECTION AREAS



## DESIGN GUIDELINES OVERLAY DISTRICTS MAP