



Zoning Ordinance 2015

**Hanover,
New Hampshire**

**as adopted
March 2, 1976
and subsequently
amended through
May 12, 2015**



**Zoning Ordinance
of the
Town of Hanover,
New Hampshire**

adopted by
Town Meeting:

March 2, 1976

amended by
Town Meeting:

March 8, 1977	March 13, 1990	May 11, 2004
March 14, 1978	March 12, 1991	May 10, 2005
March 13, 1979	March 10, 1992	May 9, 2006
March 11, 1980	March 9, 1993	May 8, 2007
November 4, 1980	May 10, 1994	May 13, 2008
March 10, 1981	May 9, 1995	May 12, 2009
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ARTICLE I. PREAMBLE AND TITLE**Section 101 Preamble**

In pursuance of authority conferred by Chapter 31, Sections 60-89, New Hampshire Revised Statutes Annotated, 1955, as amended, in conformity with the adopted Comprehensive Plan of March 11, 1975, and for the purpose of promoting the health, safety, morals, prosperity, convenience or general welfare, as well as efficiency and economy in the process of development, of the inhabitants of the incorporated Town of Hanover, New Hampshire, by securing safety from fire, panic, and other dangers, providing adequate areas between buildings and various rights of way, the promotion of good civic design and arrangements, protection of the value of homes and lands, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and by other means, now therefore the following Ordinance is hereby enacted by the voters of the Town of Hanover, New Hampshire, in official Town Meeting convened.

Section 102 Title

This Ordinance shall be known and may be cited as the “Zoning Ordinance of the Town of Hanover, New Hampshire, 1976.”

ARTICLE II. ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**Section 201 Establishment of Districts**

The Town of Hanover hereby is divided into the following districts as shown on the official zoning maps:

BM	Service Business and Limited Manufacturing
D	Downtown: D-1 Downtown Center D-2 Downtown Edge
B	Business
RO	Residence and Office
OL	Office and Laboratory
I	Institution
GR	General Residence: GR-1 General Residence, One GR-2 General Residence, Two GR-3 General Residence, Three GR-4 General Residence, Four
SR	Single Residence: SR-1 Single Residence, One SR-2 Single Residence, Two SR-3 Single Residence, Three
RR	Rural Residence
F	Forestry and Recreation
NP	Natural Preserve
FP	Flood Plain
GP	Goose Pond

Section 202 Zoning Maps

The districts as established in Section 201 are shown on maps on file in the offices of the Town of Hanover, which maps are a part of this Ordinance. These maps include those titled “Hanover, New Hampshire Zoning Map-Town Wide”; “Hanover, New Hampshire Zoning Map-Urban Area”; Flood Boundary and Floodway Map, Town of Hanover, New Hampshire effective July 3, 1978 (includes maps 1-4) hereinafter referred to as FBFM, and Flood Insurance Rate Map (FIRM), Town of Hanover, New Hampshire effective July 3, 1978 (includes maps 1-4) to be replaced by revisions issued by the Federal Emergency Management Agency adopted by the Hanover Board of Selectmen. The Town Wide Zoning Map and Urban Area Zoning Map are amended to the extent that the Flood Plain District applies also to any land located in any other zoning district. For purposes of identification, the signatures of members of the Planning Board

on the date of adoption are indicated. Subsequent changes in the ownership of those properties where property lines define district boundaries on these maps shall not affect the boundaries of the districts established by this Ordinance.

In addition to the Zoning Maps showing the Districts, the following map is made part of this Ordinance: with regard to the establishment of front line setback lines for properties in the downtown area located in the Downtown District or the Institution District: a map entitled "Downtown Area Setback Line" dated May 14, 2002.

For the purposes of identification, the signatures of the members of the Planning Board on the date of adoption are indicated.

Section 203 District Boundaries

A district boundary shown on the zoning maps as approximately following the center line of a street, a shoreline of a body of water, or property line, shall be construed as following such line. If district classification of any land is in question, it shall be deemed to be in the most restricted adjoining district.

Section 204 District Objectives and Land Use Control

The following tables establish the objectives of each of the districts hereby established and the provisions of the regulations that apply respectively in each district. Any use designated as a "Permitted Use" in the table relating to a particular district may be commenced in such district pursuant to Section 205 of this ordinance. Any use designated as a "Special Exception" in the table relating to a particular district may be commenced in such district pursuant to Section 206 of this regulation. Regulations establishing classification of lots in certain districts are explained in Section 208. Explanation of lots, classification of lots, dimensional requirements, Accessory Uses and application of District Regulations are found in Sections 207-211 inclusive.

The objectives and uses for the Flood Plain District are set forth in Article VII. In the event of any conflict between the restrictions in FP District and the restrictions of any other underlying zoning district, the more restrictive shall apply.

TABLE 204.1
"BM" Service Business and Limited Manufacturing

Objective:

The purpose of the Service Business and Limited Manufacturing District is to provide an area for office, research, and light manufacturing where public water and sewer are available. Other uses serving employees of adjacent businesses are allowed as supportive uses. Access to the Great Hollow area is via Etna and Greensboro Roads fronted by residential uses; consequently, uses resulting in negative traffic impacts on these neighborhoods are discouraged. Steep, rocky terrain, wetlands, and the Mink Brook corridor surround the district, and these characteristics limit expansion of it. The area fronting Route 120 is more amenable to higher volume traffic access and to public transportation.

Uses:

<u>Permitted Uses:</u>	<u>Allowed by Special Exception:</u>
1. Publishing	1. Forestry
2. Office	2. Essential Service
3. Research and Laboratory	3. Hotel***
4. Governmental Use: limited to office, education, public safety, service, cemetery, recreation, Parking	4. Education
5. Parking Facility***	5. Retail Sales***
6. Passenger Station***	6. Commercial Service***
7. Wholesale Business	7. Restaurant***
8. Outdoor Storage	8. Medical Center***
9. Contractor's Yard	9. Park and Ride Facility***
10. Light Industry	10. Child Day Care Agency
11. Warehouse	11. Use accessory to Special Exception
12. Agriculture	
13. Bank***	
14. Produce Stand***	
15. Use accessory to permitted use	

Area and Dimensions: (all measurements in feet and inches unless otherwise stated)

<u>Class*</u>	<u>Minimum</u>	<u>Minimum</u>	<u>Minimum</u>	<u>Maximum Height</u>	
	<u>Lot Size</u> (area in acres/sf)	<u>Frontage**</u>	<u>Front</u> <u>Setback</u>	within 100 ft of Residence District	elsewhere in BM District
1	1 acre	200	50	35	50

Side and Rear Setbacks: For buildings on lots adjoining residential districts the minimum side and rear setbacks adjoining the district shall be 50 feet. In all other cases there shall be no side or rear setback requirements.

* Explanation appears in Section 208.

** For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

*** These uses are permitted or allowed by Special Exception only on lots located wholly or partially within 2000 feet of the right-of-way of Route 120.

TABLE 204.2A
"D" Downtown

Objective:

The Downtown District is designed to protect the character of the existing downtown while promoting a healthy mix of commercial, office, and residential uses within the district and mixed uses on individual properties. It is intended to enable Downtown Hanover to remain a vibrant, compact commercial center, serving the needs of community residents, students, and tourists, and to promote a complementary and diverse mix of downtown housing. Therefore, to be discouraged are warehouses as principal uses, adult or other sexually-oriented retail or entertainment businesses, heavy industry, sawmills, or contractors' or maintenance yards, or the like.

This district is divided into two parts: D-1 Downtown Center, and D-2 Downtown Edge. The uses and Special Exceptions are generally the same for the two districts, but because of the intensity of use, different density regulations are desirable. The character of the D-2 District shall be compatible with nearby residential areas and promote a residential appearance.

Uses in D-1 Downtown Center District:

Permitted Uses:	Allowed by Special Exception:
1. Downtown Commercial	1. Parking Facility
2. Downtown Lodging	2. Passenger Station
3. Downtown Residential	3. Auto Service Station
4. Downtown Civic	4. Drive-In Facility, Other
5. Use accessory to permitted use	5. Essential Service
	6. Child Day Care Agency
	7. Use accessory to Special Exception

Uses in D-2 Downtown Edge District:

Permitted Uses:	Allowed by Special Exception:
1. Downtown Commercial*	1. Parking Facility
2. Downtown Lodging*	2. Passenger Station
3. Downtown Residential	3. Drive-In Facility, Other
4. Downtown Civic	4. Essential Service
5. Use accessory to permitted use	5. Child Day Care Agency
	6. Use accessory to Special Exception

- * Downtown Commercial and Downtown Lodging and uses accessory thereto are not allowed above the ground floor in any building in this district.

TABLE 204.2A (continued)
"D" Downtown

Area and Dimensions: (all measurements in feet and inches unless otherwise stated)

District	<u>Minimum Lot Size</u>		<u>Minimum Setbacks</u>			Maximum Height	Maximum FAR(iii)
	Area	Frontage	Front	Side	Rear		
D-1	0	20	i	ii	ii	45	2.4
D-2	0	20	i	ii	ii	35	1.5

- i: The minimum front setback shall be the distance established by the line shown on the Downtown Area Setback Line map.
- ii: For buildings on lots adjoining GR, SR, or RR districts, the minimum side setback adjoining the district shall be 15 feet; the minimum rear setback adjoining GR, SR, or RR districts shall be 20 feet. In all other cases there shall be no side setback or rear setback requirement.
- iii: Maximum FAR refers to the maximum Floor Area Ratio.

TABLE 204.2B
"B" Business

Objective:

The areas for the Business District are designed to provide in selected locations throughout the community, but separate from the Downtown Districts, sites for retail sales and services that are needed to serve the community.

Uses:

Permitted Uses:	Allowed by Special Exception:
1. Tourist Home	1. Recreation, Outdoor
2. Hotel	2. Essential Service
3. Private Club	3. Wholesale Business
4. Retail Sales	4. Parking Facility
5. Commercial Service	5. Auto Storage
6. Restaurant	6. Drive-In Restaurant
7. Funeral Establishment	7. Other Drive-In Facilities
8. Bank	8. Vehicular Sales & Repair Facility
9. Office	9. Passenger Station
10. Governmental Use: limited to office, public safety recreation, parking	10. Auto service Station
11. Warehouse	11. Governmental Use: limited to service
12. Theatre	12. Use accessory to Special Exception
13. Publishing	
14. Dwelling Unit above the first floor	
15. Child Day Care Agency	
16. Use accessory to permitted use	

Area and Dimensions: (all measurements in feet and inches unless otherwise stated)

District	Minimum Lot Size		Minimum Setbacks			Maximum Height
	Area	Frontage**	Front	Side	Rear	
B	40,000	200	10	i	10(i)	35

i: For buildings on lots adjoining residential districts, the minimum side setback adjoining the district shall be 15 feet; the minimum rear setback adjoining the district shall be 20 feet. In all other cases in B there shall be no side setback requirement.

** For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

TABLE 204.2C**“RO” Residence and Office****Objective:**

Within the built-up area where organized community services such as fire and police protection and community water and sewer service are provided, where the public street and sidewalk infrastructure is sufficiently available, and where professional services and employment opportunities can be situated close to one another and convenient to many residential neighborhoods, it is desirable to provide areas for professional offices, higher-density residential dwellings, and a mixture of these uses. This Residence and Office district is intended to be comprised mainly of residential units and to be compatible with nearby residential and institutional areas, and the existing residential scale and appearance of this district shall be maintained and enhanced.

Uses:

<u>Permitted Uses:</u>	<u>Allowed by Special Exception:</u>
1. One-Family Dwelling	1. Residential Institution
2. Two-Family Dwelling	2. Student Residence
3. Multi-Family Dwelling	3. Child Day Care Agency
4. Professional Office*	4. Church
5. Mixed Office and One-Family, Two-Family, or Multi-Family Dwelling	5. Recreation, Outdoor
6. Use accessory to permitted use	6. Private Club
	7. Essential Service
	8. Produce Stand
	9. Governmental Use: limited to public safety, education, recreation, service
	10. Restaurant**
	11. Retail Sales**
	12. Use accessory to Special Exception

* See Section 327.1.

** Only if located on a lot, any portion of which lies within 100 feet of the front property line along Lyme Road.

Area and Dimensions: (all measurements in feet and inches unless otherwise stated)

<u>Minimum Lot Size</u>		Additional Family	<u>Minimum Setbacks</u>			Maximum Height	Building Footprint	Lot Coverage
Area	Frontage		Front	Side	Rear			
10,000	75	i	ii	15	20	35	35%	65%

i: 3,000 square feet for second family; 2,000 square feet for each additional family.

ii: The front yard setback shall be 30 feet, except along Lyme Road, where the front yard setback shall be 25 feet.

TABLE 204.3
"OL" Office and Laboratory

Objective:

Based on existing land use demand and projected types of development in Hanover, a specialized district primarily designed for professional offices and research laboratories is needed. It should have readily available transportation access and be located so that it can be served by municipal services and utilities.

Uses:

Permitted Uses:	Allowed by Special Exception:
1. Office	1. Forestry
2. Research Laboratory	2. Agriculture
3. Governmental Use: limited to office, public safety, Recreation	3. Essential Service
4. Publishing	4. Retail Sales
5. Warehouse	5. Commercial Service
6. Bank	6. Restaurant
7. Recreation, Outdoor	7. Parking Facility
8. Child Day Care Agency	8. Passenger Station
9. Planned Residential Development	9. Governmental Use: limited to education, service
10. Use accessory to permitted use	10. Primary and Secondary Education
	11. Maintenance Yard
	12. Park and Ride Facility
	13. Use accessory to Special Exception

Area and Dimensions: (all measurements in feet and inches unless otherwise stated)

Class*	Minimum Lot Size		Minimum Setbacks			Maximum Height
	Area	Frontage**	Front	Side	Rear	
1	1 acre	150	***	25	25	****
2	60,000 sf	200	50	25	30	50

* Explanation appears in Section 208.

** For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

*** The front yard setback shall be 50 feet, except along Lyme Road, where the front yard setback shall be 25 feet.

**** The maximum height shall be 50 feet; however, the maximum height of any portion of a building within 100 feet of a front property line along Lyme Road shall be 35 feet.

TABLE 204.4
"I" Institution

Objective:

The chief present land use in this district, and the use that can be expected in the future, is institutional. This use has certain peculiar needs that best can be met by identifying it as a special district. In addition to the normal institutional uses in this area, certain complementary and support facilities are desirable as Special Exceptions. Because of the specialized nature of these institutions, these support and complementary land uses involve a selective list of residential, commercial and public uses which are desirable in such a district providing the necessary safeguards are incorporated. It is the intent of this provision to permit or allow institutions to use their land for uses related to the purposes of the institutions.

Uses*:

Permitted Uses:	Allowed by Special Exception:
1. Recreation, Outdoor	1. Forestry
2. Education	2. Essential Service
3. Child Day Care Agency	3. Sawmill, Temporary
4. Church	4. One-Family Dwelling**
5. Hospital	5. Two-Family Dwelling**
6. Residential Institution	6. Multi-Family Dwelling**
7. Office	7. Hotel
8. Governmental Use: limited to office, public safety, education, recreation, parking	8. Student Residence
9. Medical Center	9. Private Club
10. Warehouse	10. Retail Sales
11. Use accessory to permitted use	11. Commercial Service
	12. Restaurant
	13. Publishing
	14. Care and Treatment of Animals
	15. Communication/Telecommunication Facilities
	16. Institutional Dining Facility
	17. Research Laboratory
	18. Park and Ride Facility
	19. Parking Facility
	20. Auto Storage
	21. Passenger Station
	22. Governmental Use: limited to service
	23. Use accessory to Special Exception

TABLE 204.4 (continued)**"I" Institution****Area and Dimensions:**Lot Size:

The minimum lot size shall be 60,000 square feet, and the minimum frontage*** shall be 150 feet, except that:

- A. If the lot is contiguous to other land in the same ownership, there shall be no minimum lot size or frontage***; or
- B. Provided the lot size is not less than 15,000 square feet, and the footprint of structures constructed or to be constructed on the lot does not cover more than 25% of the gross area of the lot, the Board of Adjustment by Special Exception may waive the 60,000 square foot minimum Lot size and/or the 150 foot minimum frontage***.

* All uses in the "I" district whether permitted or allowed by SPECIAL EXCEPTION must relate to the uses of the institutions having ownership interest in land in the district.

** Minimum lot size shall be 10,000 square feet for the first family; 5,000 square feet for the second family; 2,000 square feet for each additional family.

*** For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

Setback Requirements:

For Buildings on lots adjoining residential districts the minimum side and rear setbacks adjoining the districts shall be 75 feet. The required front setback shall be 20 feet. For properties in the Institution District on which a setback line is shown on the Downtown Area Setback Line map, the minimum front setback shall be the distance established by the line shown on the Downtown Area Setback Line map. In all other cases there shall be no side or rear setback requirements.

Maximum Height:

Sixty (60) feet, except that the maximum height shall be 35 feet within 150 feet of a residential district. In cases where the land slopes downward from the street, the building height measured on any face other than the front shall not exceed 75 feet. See also Section 209.4.

TABLE 204.5
"GR" General Residence

Objective:

Within any community that has a built-up area with organized community services such as fire and police protection and community water and sewer service, it is necessary to provide areas for high and moderate density residential dwellings in a range of dwelling units from single family to multi-family. The location of these units depends on the readily available community services and the existing or potential servicing of these areas by Public Water and sewer systems. Thus, these areas are found within or adjacent to the presently built-up area of the community. Four districts in the General Residence District are provided for. These districts have similar uses and Special Exceptions, with additional residential uses permitted in the GR-3 and GR-4 Districts. The GR districts have different lot and Planned Residential Development (PRD) regulations depending upon their accessibility, present density, and relationship to certain municipal services and facilities.

Uses:

Permitted Uses:	Allowed by Special Exception:
Uses permitted only if all area and dimensional requirements in table below are met:	
1. One-Family Dwelling	1. Multi-Family Dwelling
2. Two-Family Dwelling	2. Planned Residential Development (PRD)
3. Planned Residential Development (GR-3 and GR-4 only)*	(GR-1 and GR-2 only)
4. Use accessory to permitted use	3. Recreation, Outdoor
	4. Child Day Care Agency
	5. Continuing Care Retirement Community (CCRC)
	6. Church
	7. Residential Institution
	8. Private Club
	9. Essential Service
	10. Produce Stand
	11. Passenger Station
	12. Park and Ride Facility on lots which front on a State-numbered highway
	13. Governmental Use: limited to public safety, education, recreation, service
	14. Forestry
	15. Hotel (GR-4 only)**
	16. Use accessory to Special Exception

* Multi-family dwelling is a permitted use if part of a Planned Residential Development (PRD) in the GR-3 and GR-4 districts.

** Limited to 50 guest accommodations, served by public water and sewer, and located north of Lot 1 on Assessors Map 8.

TABLE 204.5 (continued)
"GR" General Residence

Area and Dimensions: (all measurements in feet and inches unless otherwise stated)

District	Class*	Minimum Lot Size		Area per Additional Family	Minimum Setbacks			Maximum Height	Building Footprint	Lot Coverage ii
		Area	Frontage**		Front	Side	Rear			
GR-1	1	10,000	80	5,000	30*****	15	20	35	25%	50%
	2	15,000	125	10,000	30*****	15	30	35	25%	50%
GR-2	1	10,000	80	i	20*****	10	20	35	25%	50%
GR-3	1	21,780	80	21,780	20	10	20	35	25%	50%
GR-4****	1	5,000	60	5,000	25	15	20	35***	25%	50%

i: 3,000 square feet for second family; 2,000 square feet for each additional family

ii: For lots of more than 30,000 square feet and GR properties fronting on West Wheelock Street or South Park Street the building footprint shall not exceed 35% and lot coverage shall not exceed 65%.

* Explanation appears in Section 208.

** For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

*** Maximum height in the GR-4 district may be increased to 45 feet subject to the limitations stated in Section 502.3.C(3).

**** For hotels in GR-4, the following area and dimensional standards shall apply instead of the above:

Minimum Lot Area:	10 acres
Minimum Frontage:	200 feet
Minimum Setbacks:	
Front:	50 feet
Side and Rear:	50 feet
Maximum Height:	35 feet
Floor Area Ratio:	0.2

***** See Section 213 West End Neighborhood Overlay District.

TABLE 204.6
"SR" Single Residence

Objective:

The designation Single Residence is for a district to provide for one-family dwelling units as is typical in many New England villages. With adequate safeguards, certain other types of uses such as forestry, agricultural and governmental uses will be permitted. These types of uses not only complement the single-family homes, but serve these homes as well. Three districts are provided in the Single Residence designation. In each of the districts, similar uses are allowed, but there are varying lot regulations depending on the location of the district's present land development, and its relation to surrounding districts.

Uses:

Permitted Uses:	Allowed by Special Exception:
1. Single Family Dwelling	1. Forestry
2. Open Space Subdivision (SR-1 & SR-2 Zones only)	2. Agriculture
3. Accessory Dwelling Unit (one only; must be in a Single-Family detached owner-occupied dwelling; see Section 210.1L)	3. Child Day Care Agency
4. Use accessory to permitted use	4. Essential Service
	5. Produce Stand
	6. Governmental Use: limited to public safety, education, Recreation
	7. Bed & Breakfast
	8. Church
	9. Adaptive Re-Use (SR-2 district only)
	10. Use accessory to Special Exception

Area and Dimensions: (all measurements in feet and inches unless otherwise designated)

District	Class*	Minimum Lot Size		Minimum Setbacks			Maximum Height	Building Footprint	Lot Coverage
		Area	Frontage**	Front	Side	Rear			
SR-1	1	30,000	130	35***	20	50	35	25%	50%
	2	60,000	200	35***	30	75	35	25%	50%
	3	100,000	300	50***	30	75	35	25%	50%
SR-2	1	15,000	100	35	15	40	35	25%	50%
	2	20,000	125	35	20	40	35	25%	50%
SR-3	1	10,000	85	30***	15	20	35	25%	50%

* Explanation appears in Section 208.

** For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

*** See Section 213 West End Neighborhood Overlay District.

TABLE 204.7
"RR" Rural Residence

Objective:

The Rural Residence district provides for the building of single-family homes outside of the built-up section of the community where public water and sewer service are not generally available. Along with the rural residential use, other prime uses of the area are Forestry and Agriculture. As a Special Exception, certain other residential uses, special types of facilities, certain commercial establishments that are desirable in a rural area, and governmental facilities are provided for.

Uses:

Permitted Uses:	Allowed by Special Exception:
1. One-Family dwelling	1. Rooming House
2. Two-Family dwelling	2. Manufactured Housing Park
3. Forestry	3. Removal of Natural Material
4. Agriculture	4. Essential Service
5. Recreation, Outdoor	5. Child Day Care Agency
6. Produce Stand	6. Church
7. Governmental Use: limited to education, recreation	7. Residential Institution
8. Manufactured House Subdivision	8. Private Club
9. Open Space Subdivision	9. Care and Treatment of Animals
10. Use accessory to permitted use	10. Passenger Station
	11. Sawmill
	12. Sawmill, Temporary
	13. Outdoor Storage
	14. Governmental Use: limited to public safety, service, cemetery, parking, garbage disposal
	15. Bed & Breakfast
	16. Primary & Secondary Education
	17. Adaptive Re-Use
	18. Agriculture, Forestry and Environmental Research and Education
	19. Use accessory to Special Exception

Area and Dimensions: (all measurements in feet and inches unless otherwise stated)

	<u>Minimum Lot Size</u>		<u>Minimum Setbacks</u>			Maximum Height
	Area	Frontage**	Front	Side	Rear	
Lots in Minor Subdivisions	3 acres	200	50	50	50	35
Lots in Major Subdivisions	10 acres	400	50	50	50	35

**For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

TABLE 204.8
"F" Forestry and Recreation

Objective:

Much of Hanover, due to its steep slopes, remoteness, types of soils and similar limiting factors, should have a very low intensity of use in order not to permanently damage the land and not to cause undue burdens on the Town for providing municipal services. In these areas, the primary land use will be forestry with some agricultural operations. Another acceptable land use for such an area is recreation, mainly of the outdoor type. Residential use, because of the inaccessibility and remoteness of much of this land, is limited to seasonal dwellings and then only as a Special Exception. Certain other land uses in selected areas of the Forestry District will be allowed as special exceptions, including certain limited commercial, recreational pursuits, removal of earth and other limited governmental and commercial activities that will not be harmful to the area.

Uses:

Permitted Uses:	Allowed by Special Exception:
1. Forestry	1. Seasonal Dwelling
2. Agriculture	2. Removal of Natural Materials
3. Recreation, Outdoor	3. Sawmill
4. Sawmill, Temporary	4. Essential Service
5. Governmental Use: limited to recreation	5. Communication/Telecommunication Facilities
6. Produce Stand	6. Governmental Use: limited to public safety, service, garbage disposal, cemetery, Parking
7. Parking associated with a recreation area	7. Agriculture, Forestry, and Environmental Research and Education
8. Use accessory to permitted use	8. Use accessory to Special Exception

Area and Dimensions: (all measurements in feet & inches unless otherwise stated)

<u>Minimum Lot Size</u>		<u>Minimum Setbacks</u>			<u>Maximum</u>
Area	Frontage**	Front	Side	Rear	Height
50 acres	400	100	100	100	30***

**For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

***The maximum height may be increased to 40 feet for non-habitable outdoor recreation structures only.

Other Restrictions:

To avoid the excessive costs of road maintenance, snow removal, and school transportation, new roads, public or private, shall not be permitted.

TABLE 204.9
"NP" Natural Preserve

Objective:

Fragile and unique land areas should have the least intensity of use. They can support on a limited basis certain outdoor recreational activities and associated uses. Most of these areas have been acquired by the Town of Hanover for the purpose of preserving said areas in their natural state for recreation, conservation, education, and protection of scenery, woodlands, wetlands, ponds, stream banks, and steep slopes. Town owned lands are held and utilized consistent with the purposes of New Hampshire Revised Statutes Annotated (RSA) 36-A and shall be under the supervision of the Hanover Conservation Commission. Other land in this district has been designated by the landowner for inclusion in such a district. Uses will be prohibited in this district that are inconsistent with the conservation of scenic characteristics and ecological processes.

Uses:

Permitted Uses:	Allowed by Special Exception:
1. Conservation	1. Recreation, Outdoor
2. Pedestrian trails	2. Structure associated with Outdoor Recreation
3. Forestry	3. Essential Service
4. Use accessory to permitted use	4. Governmental Use: limited to recreation, parking (for recreation area)
	5. Use accessory to Special Exception

Area and Dimensions: (all measurements in feet and inches unless otherwise stated)

<u>Minimum Lot Size</u>		<u>Minimum Setbacks</u>			Maximum
Area	Frontage**	Front	Side	Rear	Height
2 acres	300	50	50	50	20

**For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

TABLE 204.10
"GP" Goose Pond Zoning District

Objective:

The Goose Pond zoning district is established to distinguish the unique neighborhood around Goose Pond from surrounding areas. The Goose Pond District is an area of traditional seasonal summer camps and cottages that surround and front on Goose Pond. The primary land use is seasonal residences whose inhabitants use Goose Pond and the surrounding area recreationally. Therefore, reliable water quality, Class B or better, in Goose Pond is critical to the continued recreational use of the Pond and to the wildlife which lives in and around the pond.

The residential use of Goose Pond was established and developed prior to town-wide zoning. Upon adoption of the first town-wide zoning, the Goose Pond area was classified with the Forestry District. The Goose Pond area is sufficiently distinct from the Forestry District with respect to use, building size and configuration, lot size, residential density and proximity to the waterfront of Goose Pond that a new zoning district is appropriate. The geographical boundaries of the Goose Pond District reflect these distinctions.

The Goose Pond District is fully subdivided and increases in either the density of residences or additional uses are prohibited. District regulations have been established to ensure these restrictions will be enforced.

Uses permitted in the area shall be consistent with the dominant seasonal residential use and strong orientation to Goose Pond. Recognizing that residents are concerned with the quiet enjoyment of their property and the Pond, commercial uses and other uses that are acceptable in the surrounding Forestry District are not compatible with this concept. Of paramount importance is the maintaining the water quality in Goose Pond so that it is safe for swimming and other water based recreational activities and can support a healthy aquatic ecosystem. Therefore, the use of NH DES approved advanced septic technology in lieu of traditional leach fields is encouraged.

Uses:

Permitted Uses:	Allowed by Special Exception:
1. Seasonal Dwelling	1. Essential Service
2. Use accessory to permitted use	2. Use accessory to Special Exception

Area and Dimensions: (all measurements in feet & inches unless otherwise stated)

Different area and dimension standards apply depending upon whether the lot includes water frontage.

Waterfront Lots:

<u>Minimum Lot Size</u>		<u>Minimum Setbacks</u>				Maximum	Building	Lot
Area	Frontage*	Front	Side	Rear	Top of Bank	Height	Footprint	Coverage
21,570 sf	75	20	10	10	50	24**	5.5% or 1200 sf***	8%

Lots with No Water Frontage:

<u>Minimum Lot Size</u>		<u>Minimum Setbacks</u>				<u>Maximum Building</u>		Lot
Area	Frontage*	Front	Side	Rear		Height	Footprint	Coverage
21,570 sf	100	30	10	10		24	5.5% or 1200 sf***	8%

- * Frontage is measured along the edge of the right-of-way providing access to the lot.
- ** Height is measured from the Goose Pond waterfront side of structure.
- *** The maximum aggregate building foot print shall not exceed the smaller area: 5.5% of the lot area or 1200 square feet.

Other Restrictions:

1. No new lots may be created in the Goose Pond District, except that lot mergers and boundary line adjustments which do not make a lot more non-conforming are permitted.
2. In recognition of the fact that many waterfront lots cannot reasonably accommodate development respecting the 75 foot water resource buffer set forth in Section 702, waterfront lots in the Goose Pond District may be developed as follows:
 - a. Excepting water dependent structures, new structures on waterfront lots shall be 50 feet from the top of the bank of Goose Pond.
 - b. On a waterfront lot, any addition to an existing building or replacement structure shall be either:
 - i. No closer than 50 ft. from the edge of Goose Pond;
 - ii. Located on the existing footprint; or
 - iii. Located no closer to Goose Pond than the closest point of the existing building edge that is farthest from and most nearly parallel to Goose Pond.
 - c. In addition to NH DES review and approval, all new and replacement septic systems shall also be reviewed pursuant to Section 702.7.
 - d. No decks or porches may be enclosed unless they are a minimum of 50 ft. from the top of the bank of Goose Pond.

Section 205 Permitted Uses

Permitted uses are ONLY those uses that are SPECIFICALLY LISTED UNDER PERMITTED USES in Tables 204.1 through 204.9, AND are allowed only providing the standards established by this ordinance are met. Unless a Variance, a Special Exception, or action on an appeal from an administrative decision is required, the necessary permit may be issued by the Zoning Administrator.

Section 206 Special Exceptions

Certain uses of land and Buildings may be allowed as a Special Exception only by approval of the Board of Adjustment, if general and specific standards contained in this ordinance are complied with. Before allowing such Special Exception, the Board of Adjustment shall first determine that the proposed use will conform to such standards including:

- 206.1 Such proposed Special Exception use shall not adversely affect:
 - A. The character of the area in which the proposed use will be located;
 - B. The highways and sidewalks and use thereof located in the area;
 - C. Town services and facilities.
- 206.2 Such proposed Special Exception use shall comply with all other applicable specific standards in this ordinance.
- 206.3 To assist an applicant in minimizing impacts on water resources or water resource buffers so as to achieve the purposes of Section 702.1 of the Ordinance, a Special Exception from setback requirements of the Ordinance may be granted by the Board of Adjustment in its discretion if the Board finds there is no adverse effect on neighboring properties and the criteria of Section 206.1 are satisfied.
- 206.4 Specific additional standards for Special Exception Use in Natural Preserve District:
In the Natural Preserve District, in granting a Special Exception, the Board of Adjustment shall first determine that:
 - A. There shall be the selective cutting of trees so as to assure an adequate stocking of residual growth; and
 - B. The general plan of selective cutting, if any, shall be approved in writing by the County Forester or other qualified forester.
- 206.5 If the Board of Adjustment approves an application for a Special Exception, it shall impose relevant conditions specified in Section 204; and the Board shall also impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of the ordinance, including , but not being limited to, the following:
 - A Setbacks larger than the minimums required by the ordinance;
 - B. Screening of part or all of the premises of the proposed use by walls, fencing or planting;
 - C. Modification of the design of any building involved in the proposed use;
 - D. Parking spaces greater in number than those otherwise required under this ordinance;
 - E. Limitation of the number of occupants or employees upon the premises, and restrictions of the method and/or time of operation and use, and of the size or extent

of facilities;

- F. Limitations upon the size, location and/or lighting of signs more restrictive than those otherwise imposed by this ordinance, including the prohibition of signs where, in the opinion of the Board, their display would be contrary to the purposes of the ordinance.

Section 207 Lots

- 207.1 Lots which abut on more than one street shall provide the required frontage along every street, except that in the D District, the minimum lot frontage shall not be required on more than two streets.
- 207.2 Slopes over 25% are considered steep. For any new subdivision, each lot shall include lands with slopes less steep than 25% whose total area must be at least 75% of the applicable minimum lot area requirement. At least 75% of any gross tract area to which a residential density factor is being applied shall consist of lands of slopes no steeper than 25%. These minimum non-steep areas shall be increased if necessary to accommodate areas of sufficient size and configuration for all required utilities such as sewage disposal and water supply; for lots or tracts with on-site septic tank and leach fields, such non-steep areas shall include locations for both a primary and secondary leach field.
- 207.3 Lot size for the purpose of calculating density for major subdivisions in the RR district is the total horizontal land area within the boundaries of a lot exclusive of 100% of waterbodies, floodplains, wetlands and any steep slope area. Land subject to two or more overlapping reductions shall be counted as a single exclusion.

Section 208 Classification of Lots: Source of Water and Sewage System

- 208.1 The tables set forth in Section 204 specifying the permitted and Special Exception uses for certain districts refer to three separate classes of lots denominated in Class "1", "2" or "3". Whether a lot is classified as Class "1", "2" or "3" depends on the provision made with respect to such lot for water supply and sewage disposal. Thus, in such districts a sliding scale of minimum lot size and minimum area per family is established based on the type and location of the water supply and sewage disposal. The classification hereby established is as follows:

<u>Lot Classification:</u>	<u>Provision for Water & Sewage Disposal:</u>
Class 1	Off-lot water and sewage disposal
Class 2	Off-lot water or sewage disposal
Class 3	On-lot water and sewage disposal

- 208.2 In any case in which it is proposed to provide a dwelling unit for only one family on a single lot the Zoning Administrator shall first determine, by reference to the applicable table, the lot classification in which the lot in question falls and then determine whether the lot satisfies the "minimum lot size" provision for such lot as set forth in such table. In any case in which it is proposed to provide a dwelling unit for more than one family on a single lot, the Zoning Administrator shall first determine, by reference to the applicable table, the lot classification in which the lot in question falls; the maximum number of such dwelling units that may be located on such lot shall then be determined by dividing the acreage of the lot in question by the "minimum area per family" provision applicable to a lot of such class as set forth in such table. In all cases, the result of such division

shall be rounded down to the nearest whole number.

Section 209 Dimensional Requirements

The following dimensional standards shall apply:

209.1 Minimum Lot Dimensions:

- A. The minimum lot frontage specified in Section 204 and Section 501.3 shall not apply to the street frontage in the case of lots on the turnaround portion of a cul-de-sac. In all districts, the minimum street frontage required for lots on the turnaround portion of a cul-de-sac shall be 80 feet. A lot shall be considered to be on the turnaround portion of a cul-de-sac if 50% or more of the lot frontage is located on the turnaround portion.
- B. In all lots, including those on the turnaround portion of a cul-de-sac, it must be possible to place within the area of the lot, a square box whose sides are equal to the minimum frontage requirements as specified under Section 204.
- C. The minimum lot frontage specified in Sections 204 and 501.3 shall not apply to any conservation lot created under the following conditions:
 - (1) The lot need not have road frontage but shall have adequate access, deeded in fee or by easement, as approved by the Planning Board.
 - (2) The lot shall be protected permanently through the grant of a conservation easement to a governmental agency or a conservation organization approved by the Planning Board in consultation with the Conservation Commission. Such conservation easement shall restrict the uses of the lot to silviculture, agriculture and non-commercial outdoor recreation conducted in accordance with sound conservation practices and shall otherwise be in form and substance satisfactory to the Planning Board in consultation with the Conservation Commission.

209.2 Front Setback Regulations and Exceptions:

- A. Any lot line contiguous to a street is deemed to be a front lot line; a lot fronting on two streets shall have two front lot lines and two side lot lines; a lot fronting on three streets shall be deemed to have three front lot lines and one side lot line.
- B. No building shall be built nearer to any street line than the minimum front setback specified in Section 204 (other than the projections allowed by Sections 209.2.C, 210.3, and 308) with the following exception: where the average front building line setback of the existing buildings, provided there are at least two on the same side of the street in the same block, but not more than 300 feet distant along the street from the subject premises, is less than the depth specified in Section 204; such average setback shall be the required front setback.
- C. No structure, except signs, whether attached to the principal structure or not, whether open or enclosed, and whether above, or at previously existing grade level, shall project into any required front setback specified in Section 204, including porches, carports, balconies or platforms.

Elements in the D, RO, OL and GR-4 Districts, including entrances, awnings, colonnades, porches, balconies, and bay windows, may project into the setback along the building's frontage up to 35% of that building's frontage, provided that:

- (1) Such elements do not intrude upon an existing or future 10-foot sidewalk located within the setback, and
- (2) In the RO, OL and GR-4 Districts, the projection into the setback shall not

exceed 5 feet.

Utility connections that protrude above grade are not structures for this purpose.

This restriction shall not apply to those structures which are entirely below finished grade, or in the case of underground structures that are above- and below-grade, to the underground portion of such structures.

In the D and I Districts, additional elements may project into the required front setback area on properties to which the Downtown Area Setback Map pertains, provided that such elements do not intrude upon an existing or future 10-foot sidewalk located within the setback, and provided that the Planning Board, as part of Site Plan Review, finds that such projection would be reasonable with respect to considerations of design, appearance, and use of the property and the adjacent public right-of-way; would not alter the essential character of the neighborhood or district in which the property is located; would not substantially or permanently impair the appropriate use or development of adjacent property or the public right-of-way; and would not be detrimental to the public welfare.

- D. Bus shelters and public utility structures or equipment, including, but not limited to, water and wastewater treatment and filtration plants and appurtenances thereto, which because of function cannot reasonably be located other than wholly or partially within a required setback, are permitted.

209.3 Side and Rear Setback Regulations and Exceptions:

- A. No structure shall project into any required side or rear setback.
- B. Exceptions: A garage, carport or any accessory building, whether or not attached to the principal Structure, not exceeding 15 feet in height and no part of which is used as a dwelling space, as well as a deck, patio, swimming pool or tennis court, may be located within the side or rear setback, but not closer than 10 feet to the side or rear lot line. These exceptions shall not apply to any lot within the BM, B, D, OL, or I District which adjoins a residential district.
- C. Bus shelters and public utility structures or equipment, including, but not limited to, water and wastewater treatment and filtration plants and appurtenances thereto, which because of function cannot reasonably be located other than wholly or partially within a required setback, are permitted.

209.4 Height Regulations and Exceptions:

- A. The height of any building shall be measured from the average finished grade along the building front, and shall not exceed the height specified in Section 204. See also Section 209.4F.
- B. Flagpoles may extend no more than 20 feet above the height limit specified in Section 204.
- C. (1) Chimneys, spires, and lightning rods, located on a principal structure, may extend above the height limit specified in Section 204, but may not exceed 20 feet above the roof of the principal structure.
(2) The total area of all towers, theatrical stage houses, mechanical penthouses or like superstructures not used for human occupancy, located on a principal structure, may not exceed 80% of the area of the floor immediately beneath and may not extend more than 20 feet above the height limit specified in Section 204.
(3) Free-standing chimneys over 15 feet in height may be permitted only as a Special

Exception by the Board of Adjustment.

- D. Radio or TV antennae for private, non-commercial reception may extend above the height limit specified in Section 204 and may be located on the roof of a principal structure, but not in the required front, side, or rear setback.
- E. Special Exceptions may be allowed to permit the construction of Buildings in excess of the maximum heights allowable under Section 204 in the B and D-1 districts to a height of 50 feet, and in the BM and OL districts to a height of 60 feet provided that:
 - (1) Plans for the building have been submitted to the Hanover Fire Department or that town official properly designated for the enforcement of the appropriate construction, fire prevention and life safety codes at least 15 days in advance of the hearing requesting a Special Exception. Plans are to be furnished in such detail as is necessary for the Fire Chief to prepare his comments concerning compliance of the proposed construction with those local ordinances related to fire resistant construction and safety.
 - (2) No part of the building in excess of any height stipulation in Section 204 shall be closer than 50 feet to any district boundary other than a common boundary between D-1, D-2, and I zoning districts.
 - (3) Appropriate open space is maintained in association with the excepted building. The floor area ratio shall not exceed 3, and the open space ratio shall not be less than 4. Of the open space, not more than one-third may be used for walks, drives and parking areas. (See Appendix A for example of floor area ratio and open space ratio.)
 - (4) The proposed building is not located or designed so as to obstruct or materially impair a view or vista of outstanding distinction unless the Board of Adjustment shall find that the intended function of the Building, either alone or in relation to other facilities, precludes any change in its proposed design or location which would be more consistent with preserving the view or vista involved.
 - (5) The excess height will not adversely affect unduly, adjacent property owners or the Town by blocking light or air, or by inducing undue traffic congestion on public streets in the vicinity.
 - (6) The building height measured from any face other than the front shall not be in excess of 15 feet above the maximum height allowable in any district under the provisions of this subsection.
 - (7) The Special Exception sought is otherwise appropriate under any other applicable provisions of this ordinance.

The foregoing required findings of the Board shall constitute conditions of any permit granted by it, authorizing a Special Exception to exceed any maximum height limitations as prescribed in Section 204 for a building in the B, D-1, BM, or OL districts.

- F. The intent of this section is to allow roof heights to conform with the site topography:
 - (1) In the Institution zone for buildings within 150' of a public street, height on the Building Front Line face shall not exceed sixty (60) feet (as defined under the Article IX Building Height definition). In cases where the land slopes downward from the street, no other point on any building face shall exceed seventy-five (75) feet as measured from any point of finished grade directly up to the highest point of the roof for flat and mansard roofs, not including any parapet less than 2 feet high, and to the average height between the eaves and

the ridge for other types of roofs including the upper slope of gambrel roofs.

In cases where the land slopes upward from the street, no other point on any building face shall exceed sixty (60) feet as measured from any point of finished grade directly up to the highest point of the roof for flat and mansard roofs, not including any parapet less than 2 feet high, and to the average height between the eaves and the ridge for other types of roofs including the upper slope of gambrel roofs.

The exceptions provided in Sections 209.4 B, C, and D shall apply.

- (2) In the Institution zone for buildings not within 150' of a public street and located on a sloping site, uppermost building height on the uphill side of the building shall not exceed sixty (60) feet (as defined under the Article IX Building Height definition).

No other point on any building face shall exceed seventy-five (75) feet as measured from any point of finished grade directly up to the highest point of the roof for flat and mansard roofs, not including any parapet less than 2 feet high, and to the average height between the eaves and the ridge for other types of roofs including the upper slope of gambrel roofs.

The exceptions provided in Sections 209.4 B, C, and D shall apply.

209.5 Building Footprint and Lot Coverage:

For Open Space Developments, Planned Residential Developments, and Continuing Care Retirement Communities, building footprint and lot coverage shall be determined by the standards in Article V.

Section 210 Accessory Uses

210.1 Accessory Uses are uses incidental to the principal use and shall include but not be limited to the following:

A. Driveways:

No restrictions on the number or size of driveways shall apply in the B, D, I, BM, or OL Zoning Districts. In all other districts, the following restrictions shall apply. One driveway which leads to an enclosed garage or covered carport or parking area and which is not more than fourteen (14) feet in width will be allowed as an accessory use, provided, however, that in a Planned Residential Development, up to two such driveways for each multiple-housing unit or any group of two or more attached dwelling units may be allowed as an accessory use. Widths in excess of fourteen (14) feet may be allowed where additional width is necessary to provide an adequate turning radius or where it is necessary for vehicles to enter or leave a garage or enclosed carport, which vehicle opening is more than fourteen (14) feet wide. In such cases a driveway may be the width of the vehicle opening of the garage or enclosed carport and extend from the front of this opening towards the front lot line a maximum distance of thirty (30) feet.

A portion of an approved shared driveway serving an adjoining lot shall not be considered to be a second driveway and shall not require a Special Exception. A shared driveway shall be a single roadbed through the required front setback.

The Zoning Board of Adjustment may grant a Special Exception for the following uses:

- (1) In cases where a lot has frontage on more than one street and where such streets do not intersect each other, or on a corner lot in the "RR" or "F" zoning district, one driveway per frontage, provided that the driveways on the lot do not connect or otherwise provide vehicular access between streets.
- (2) Other driveways giving access to a portion of a property not accessible by the driveway serving the principal use on the lot.
- (3) Any portion of a driveway which exceeds the width limitation of permitted accessory use.

In considering a request for a Special Exception under this section, in addition to the criteria of Section 206, the Board shall find that the following standards are satisfied:

- (1) Notwithstanding Section 210.1.B.(2), no vehicles shall be parked within the front setback of any driveway subject to a Special Exception.
- (2) The additional curb cut or extra width shall not adversely affect the movement of vehicles or pedestrians using the streets and sidewalks in the area.
- (3) The additional curb cut or extra width shall not adversely affect the parking of vehicles along the streets in the area.
- (4) The use shall not present a hazard to vehicles or pedestrians using the streets and sidewalks in the area.

B. Off-Street Parking:

- (1) Off-street parking is permitted within required side and rear setbacks.
- (2) No off-street parking is permitted in required front setbacks except in driveways. Portions of driveways within the required front setback shall not satisfy Article IV parking requirements. In the RO district, no off-street parking is permitted in the area between the front of the principal building and the street right-of-way, including but thus not limited to the required front setback, except in driveways."
- (3) Garage or parking space for occupants and visitors is permitted provided no accessory garage building may occupy more than 10 percent of the lot area. In the D district no restriction shall exist on the percentage of the lot that may be occupied by such a building.
- (4) The outdoor parking of not more than one automobile maintained primarily for hire, or commercial truck not exceeding one ton capacity, or other commercial vehicle only in the side or rear yard of any residential lot, where it shall be located farther from the street than the nearest portion of any building to the street. No such vehicle may be parked if it exceeds 10 feet in height above the ground, except that masts, antennae, or other minor accessories may exceed this height limit.
- (5) The outdoor parking or storage of major recreational equipment including travel trailers, pick-up coaches, camper trailers, motor homes, boats and boat trailers, snowmobiles; combinations thereof and other similar equipment and cases and boxes used for transporting recreational equipment, whether occupied by such equipment or not, only in the side or rear yard of any residential lot where it shall be located farther from the street than the nearest portion of any building to the street. No such equipment shall be parked or stored if it exceeds 10 feet in height above the ground, except that masts, antennae, vent stacks, windshields or other minor accessories may exceed this height limit. No such equipment shall be used in such location for living, sleeping, housekeeping or business purposes. Parking shall be permitted anywhere on the premises or on adjacent streets (if otherwise

lawful) for a period not to exceed 24 hours during loading or unloading.

- (6) Parking spaces on a lot in the D or I District, which are accessory to the principal structure or use on that lot, may be leased to or otherwise made available for occupants of and visitors to other properties in those Districts.

C. Gardens and Animals:

Cultivating the soil, harvesting crops, and raising or keeping household animals not for gainful business. The raising or keeping of poultry, horses or other domestic animals whether or not for gainful business is permitted as an accessory use in the F and RR Zoning Districts. In the SR, GR and I Zoning Districts the keeping of poultry, horses, or other non-household animals as an accessory use is permitted only when not for gainful business and only by Special Exception.

D. Home Occupation:

Without a Zoning Permit, a gainful activity may be conducted as a home occupation on residential property if such use:

- (1) Is incidental or subordinate to the residential use of the property;
- (2) Is conducted in such a way as not to be apparent from outside the property;
- (3) Does not unduly contribute additional noise, light, or vibrations to its neighborhood; and
- (4) Has external effects which are compatible with the residential character of its neighborhood and meets at least the following criteria:
 - (a) The home occupation shall be conducted by a person or persons resident on the premises;
 - (b) The appearance of the property shall remain residential;
 - (c) There shall be no exterior storage of materials, supplies, goods or other items used by the home occupation;
 - (d) There shall be no signs specific to the home occupation;
 - (e) There shall be no exterior displays related to the home occupation;
 - (f) The home occupation shall not create excess traffic beyond that expected in a residential setting; the weekly average of vehicle trips from all sources to the premises shall not exceed sixteen (16) per day;
 - (g) In connection with the home occupation, there shall be not more than five deliveries per week by a truck having a gross vehicle weight rating of up to 18,000 pounds, and no deliveries by a truck having a gross vehicle weight rating of more than 18,000 pounds; and
 - (h) There shall be not more than three (3) vehicles not registered to a resident of the premises parked outside on the premises at any one time in connection with the home occupation.

E. Reserved

F. Rentals:

The owner of record of a property containing one or more rental units is solely responsible for compliance with the provisions of this section:

(1) Rental of Dwelling Unit:

A non-owner-occupied dwelling unit may be rented as a residence for an unrelated family limited to 3 persons or a related family which will reside in the dwelling. Neither of the above may rent to additional roomers. Off-street parking shall be provided as specified in Section 404.1.

(2) Renting of Rooms:

Rooms without separate cooking facilities may be rented in any owner-occupied dwelling unit to not more than 3 non-transient persons. Off-street parking shall be provided as specified in Section 404.1. Rooms shall not be rented in non-owner-occupied dwelling units.

G. Institutional:

Accessory to institutional uses, any use customarily incident to such use, except that any use of a type customarily conducted as a gainful business shall be so designed and operated as to limit patronage primarily to institutional employees, clients or students. Any accessory sports grounds or other area of noisy activity on a parcel of land not devoted to such use prior to the effective date of this Ordinance shall be at least the required front setback distance from any lot line in the RR, SR, GR, RO, or I District which it abuts.

H. Residential Use in B District:

Single family residential use in B when concurrent with a permitted use.

I. Construction Trailer:

Construction mobile home or construction trailer when used in conjunction with construction project in any use district provided that such mobile home or trailer is not used for living, sleeping, or housekeeping purposes.

J. Outdoor Recreation:

Outdoor residential recreational activities, including tennis courts, swimming pools, patios, subject to Section 209.

K. Fences:

Notwithstanding Section 209, fences up to four (4) feet high shall be permitted as an accessory use within the required setback areas subject to requirements set forth in Section 313. Fences within the required setback areas over four (4) feet high may be allowed as an accessory use by Special Exception.

L. Accessory Dwelling Unit:

(1) Attached units

An accessory dwelling unit shall be allowed as a Permitted Use if all of the following criteria are met and a Zoning Permit, referencing compliance with the criteria, is issued by the Zoning Administrator:

- (a) Such accessory dwelling unit shall be located on a property which is owner-occupied and which is used only for single-family residence;
- (b) The accessory dwelling unit is located in an SR, Single Residence zoning district, on a lot of not less than 13,000 sq. ft.;
- (c) The accessory dwelling unit shall be one bedroom or less, with a minimum size of 350 sq. ft. and a maximum size of 1000 sq. ft., and meet all applicable building and water pollution codes;
- (d) The accessory dwelling unit shall be subsidiary to the principal dwelling unit on the lot;
- (e) Not more than one such accessory unit shall exist on a lot. It shall be contained within the principal building on the lot and shall be designed to allow for re-incorporation into the principal dwelling unit, and internal access to the principal dwelling unit shall be maintained or constructed;
- (f) An accessory dwelling unit shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size;

- (g) There shall be no exterior alteration, enlargement, or extension of the building which will alter its character or appearance as a single family residence; any necessary additional entrances or exits shall be located to the side or rear of the building.
- (h) Adequate parking for the accessory dwelling unit must be provided on site per Section 404.
- (2) Detached units in the Rural Residence District
 - An accessory dwelling unit shall be allowed in the Rural Residence District as a Permitted Use if all of the following criteria are met and a Zoning Permit, referencing compliance with the criteria, is issued by the Zoning Administrator:
 - (a) Such detached accessory dwelling unit shall be located on a property that is owner-occupied.
 - (b) The existing principal structure shall be a one-family dwelling.
 - (c) The detached accessory dwelling unit shall be contained in an accessory structure existing on May 8, 2007.
 - (d) The detached accessory dwelling unit shall be subsidiary to the principal dwelling unit on the lot.
 - (e) Not more than one such detached accessory dwelling unit shall exist on a lot.
 - (f) The detached accessory dwelling unit shall contain not more than two bedrooms.
 - (g) A detached accessory dwelling unit shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size.
 - (h) Parking for the detached accessory dwelling unit shall be provided on site per Section 404.
 - (i) Both dwelling units shall be served by a single driveway.
 - (j) The lot shall meet or exceed the minimum lot size for the "RR" district.
 - (k) The detached accessory dwelling unit shall be contained in an accessory structure which conforms to all setback and height requirements for residential uses."
- M. Satellite Dish Antenna:

Satellite dish antenna systems for private, non-commercial reception in residential districts provided the front, side, and rear setback regulations in Section 209 are met. A system for commercial or non-commercial use may be located in the D-1, B, BM, I and OL districts provided the setback regulations of Section 209 are met, or may be located on the roof of a principal structure in the D-1, B, BM, I and OL districts. Such systems may extend above the height limit specified in Section 204. In all Districts, no restrictions shall apply to the location of satellite dish antenna systems with a diameter of 24" or less.
- N. Bed & Breakfast:

An owner-occupied dwelling may be used as a Bed & Breakfast, together with any accessory building which existed prior to the establishment of the Bed & Breakfast use, limited to:

 - (1) Not more than 10 transient guests in no more than 5 bedrooms on a minimum 3 acre lot in the RR Zoning District;
 - (2) Not more than 10 transient guests in no more than 5 bedrooms on a minimum 4 acre lot in the SR Zoning District;
 - (3) Not more than 8 transient guests in no more than 4 bedrooms on a minimum 3 acre lot in the SR Zoning District;

- (4) In the SR or RR Zoning District, not more than 12 transient guests in no more than 6 bedrooms on a minimum 6-acre lot;
- (5) In the SR or RR Zoning District, not more than 16 transient guests in no more than 8 bedrooms on a minimum 10-acre lot.

Such Bed & Breakfast use may be permitted as an accessory use only by Special Exception.

O. Screening of Tanks:

Visibility of above-ground tanks: In the GR and SR districts, above-ground fuel tanks of a size greater than 120 gallons shall be screened from view from abutting properties.

- 210.2 In the RO, GR and SR districts, the gross floor area of all buildings devoted to accessory uses on any lot may not exceed 25 percent of the gross floor area of the principal building thereon. For the purposes of this section, in addition to the 25 percent for accessory structures, there shall be a 600 square-foot allowance for a garage structure, whether attached or not to the principal building.
- 210.3 Except for produce stands, no accessory buildings or use, other than driveways and the growing and cultivation of trees, shrubs, flowers or gardens, not conducted as a gainful business, may occupy any part of a required front setback except as provided in Sections 209.2, 308, and 317.
- 210.4 No accessory building or use is permitted in the NP, F, RR, SR, GR and I district which involves the maintenance of stock in trade exposed to public view or the use of show windows, displays or advertising visible outside the premises to attract customers or clients, other than professional announcement signs. In the I district this restriction shall not apply when such displays are visible only from the I or D districts.
- 210.5 Accessory buildings shall conform to the dimensional regulations stated in Section 209.

Section 211 Application of District Regulations

Any legal non-conforming use existing on the effective date of this ordinance may be continued indefinitely to the extent set forth in Article VIII of this ordinance. Otherwise, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

Section 212 Inclusionary Housing

212.1 Incentive Density Bonus:

- A. A major subdivision or open space subdivision, a multi-family residential development, or a Planned Residential Development may include more than the allowed number of lots or dwelling units as specified in Section 204 or paragraph 502.4, when a portion of those lots or units are perpetually affordable. This density bonus, that is, the total increase in the number of additional lots or dwelling units, shall not be greater than 20% of the number of lots or dwelling units as allowed in Section 204 or of the number of dwelling units as allowed in paragraph 502.4.
- B. In this Section 212, the word "lot" includes any subsequent development of a lot so that the lot and all fixed improvements on the lot comply with the applicable

affordability standards set forth in Subsections 212.1 C (1), (2), and (3) below.

- C. The calculation of the number of additional lots or units allowed is:
 - (1) For each two lots or units designated affordable at the 120% Median Family Income (MFI) level, the developer will be entitled to one additional lot or unit with no affordability restrictions.
 - (2) For each lot or unit designated affordable at the 80% MFI level, the developer will be entitled to one additional lot or unit with no affordability restrictions.
 - (3) For each lot or unit designated affordable at the 50% MFI level, the developer will be entitled to two additional lots or units with no affordability restrictions.
 - (4) In cases where the above calculation results in a number of additional lots or dwelling units that is a fraction, the number shall be rounded down to the nearest lesser integer.
- D. The minimum area and frontage of each lot may be reduced from those areas and lengths specified in Section 204 in direct proportion, not to exceed 20 percent, to the increase in the number of lots permitted in a major or open space subdivision as allowed by this Section.
- E. All lot dimensional requirements for front, side and rear setbacks and building height and all parking space allowance requirements shall be as required in Sections 204 or 502.

212.2 Perpetual Affordability:

- A. Each lot or dwelling unit designated as affordable in the major subdivision, open space subdivision, multi-family residential development, or Planned Residential Development shall remain affordable in perpetuity. There shall be a limitation of the resale price of the affordable lot or unit, and, in every transfer of the lot's or unit's ownership, a restriction of its resale to an income eligible-buyer, by means of a deed covenant or other suitable method specified in a legally enforceable document, applicable to the development and to each affordable lot or dwelling unit, found by the Planning Board, with the advice of the Hanover Affordable Housing Commission, to be appropriate and effective for ensuring such perpetual affordability. In approving such lots or dwelling units, the Planning Board may specify that the applicant provide the means and methods sufficient, in the Planning Board's sole judgment, to guarantee continued affordability throughout the duration of the development.
- B. Such deed covenant or other legally enforceable document shall specify that the Town of Hanover has legal right on its own volition, or through its duly designated agent, to monitor and ensure the continuing validity of such covenant or document and to renew or cause renewal of such covenant or document for the purpose of extending indefinitely and for as many times as necessary the continuing affordability of lots or dwelling units as originally approved by the Planning Board.

212.3 Affordability Determination:

- A. For any developments claiming lots or additional units on the basis of affordability, the Hanover Affordable Housing Commission shall assess the proposed affordability calculations and the proposed method of perpetual affordability conveyance and shall provide the results of this assessment to the Planning Board prior to the submission by the developer to the Planning Board for approval of a development application.
- B. The occupancy of an affordable rental lot or dwelling unit and the ownership and

occupancy of an affordable owner-occupied lot or dwelling unit shall be restricted to those households who, at the time of initial occupancy and/or ownership, are certified to meet but not exceed the median family income level appropriate to the affordable lot's or unit's income-level designation.

212.4 Duration of Density Bonus:

Because the density bonus is permitted for a development only as commensurate with the provision of affordable lots or dwelling units in that development as specified in Section 212.1 above, such lots or units shall remain affordable for as long as the development remains legally in existence.

Section 213 West End Neighborhood Overlay District

213.1 Establishment and Boundaries:

There is hereby created the West End Neighborhood Overlay District. The boundaries of the West End Neighborhood Overlay District are established on the map entitled 'West End Neighborhood' which is on file in the offices of the Town of Hanover and is hereby made part of this Ordinance. For purposes of identification, the signature of the Director of the Office of Planning and Zoning as of the date of adoption is indicated.

213.2 Objectives:

The West End Neighborhood Overlay District is established to achieve the following objectives:

- A. To protect the distinctive characteristics of the neighborhood's character and streetscapes as those of a New England small town, in a manner that is supported by Hanover's Master Plan;
- B. To encourage change and reinvestment within the neighborhood in a manner that reinforces its existing character and streetscapes; and
- C. To retain and enhance the pedestrian-friendly nature of neighborhood streetscapes through an emphasis on pedestrian entries, windows facing the street, active living space oriented to the street, and garages and blank walls oriented away from the street, consistent with prevailing patterns in the neighborhood.

213.3 Development Standards:

All new construction shall conform to the following standards:

- A. Any garages proposed to be built, relocated or expanded, shall be located behind or beneath the principal building or perpendicular to the side of the principal building with vehicular openings not facing the street, or, if located with vehicular openings facing the street, whether attached to or detached from the principal building, shall be set back at least three feet from the Building Front Line of the principal building. Vehicular openings shall be no greater than one-third the overall width of the entire street elevation. For purposes of this Section 213.3, a lot shall have only one Building Front Line and that line shall be on the side with a pedestrian entrance.
- B. Buildings shall face the street so that windows and the main pedestrian entrance will be visible from and oriented to the street. Windows and pedestrian doorways shall comprise a minimum of 15% of the front building walls facing the street excluding the roof but including roof dormers with vertical windows. Fenestration patterns shall be designed so as to avoid blank garage walls facing the street.
- C. Buildings shall not be set back farther from the street than the average set back of the residential properties on the same side of the block.

- D. The front setback shall be established by the principal building that exists on the lot as of May 8, 2012. If there is no building on the lot, the front setback shall be established by the provisions of Section 209.2.B Front Setback Regulations and Exceptions.
- E. Unenclosed, unscreened porches with roofs may project eight feet into the required front yard setback, but may be no closer than 10 feet to the front property line.

ARTICLE III. GENERAL PROVISIONS

The following provisions shall apply to all districts except where listed:

Section 301 Aircraft Landings and Take-Offs

In accordance with New Hampshire Statutes, RSA 424:5, landings and take-offs of aircraft (that is, machines or devices that are capable of atmospheric flight), and facilities to accommodate them, are prohibited and shall not be deemed to be an accessory use to another principal use. This provision shall not apply to landings and take-offs of aircraft which are responding to an emergency call or situation.

Section 302 Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restrictive part of such lot shall extend not more than 30 feet (100 feet in the Rural Districts) into the more restricted part, provided the lot has frontage on a street in the less restricted district.

Where a lot is in two zoning districts, in order to use the land in either district, the minimum lot area requirement for that district must be satisfied.

Section 303 Principal Buildings Including Dwellings on Lots

Except in the Institution (I), Service Business and Limited Manufacturing (BM), Office and Laboratory (OL), Downtown (D), and Business (B) districts, there shall be only one principal building on a lot unless otherwise approved under the Planned Residential Development, Continuing Care Retirement Community, or adaptive re-use provisions.

Section 304 Reserved

Section 305 Reduction of Lot Area

No lot shall be so reduced in area that the area, setbacks, frontage, coverage or other requirements of these regulations shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of the lot is taken for public purpose.

Section 306 Required Area or Setbacks

Space required under these regulations to satisfy area, setback or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

Section 307 Corner Lots

Any portion of a lot adjoining a street shall be considered a front yard for the purposes of these regulations.

Section 308 Projection in Setbacks

Subject to the provisions of Sections 209.2.C and 210.3, every part of a required setback shall be open from grade level to the sky, unobstructed, except for ordinary projections of sills, cornices,

pilasters, chimneys and eaves, provided that no such projections may extend more than 2 feet into any required setback unless otherwise allowed by other sections of the Ordinance.

Section 309 Location of Driveways

All driveways are to be located at least 75 feet from a street line intersection for all uses except for one and two family dwellings and uses in the Downtown (D) districts.

Section 310 Temporary Uses and Structures

- 310.1 Temporary permits may be issued by the Zoning Administrator for a period not exceeding one year for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period of one year, for a maximum of three years, as long as construction is active.
- 310.2 Temporary structures and uses in connection with construction projects which have received Site Plan Approval shall be considered permitted accessory uses on the site and shall not require a temporary permit for the period of construction, provided that the extent and location of fencing and the general layout of temporary structures and uses have been shown on a separate sheet of the site plan approved by the Planning Board. Examples of such incidental structures and uses include but are not limited to the following:
- A. Construction fencing.
 - B. Construction safety and directional signs.
 - C. Other construction and project signs.
 - D. Construction trailers, vehicles, and equipment.
 - E. Portable toilets and lavatories.
 - F. Lumber, metal, drywall, cement, fittings, forms and other construction materials.
- 310.3 Temporary permits may be issued by the Zoning Administrator for a period not to exceed 18 months to allow the use of a temporary access structure (such as a handicap ramp) to enable a disabled individual to more easily and safely enter and exit a residence. The following conditions must be met:
- A. The disabled individual has a continuing need to enter and exit the residence.
 - B. The property owner agrees to remove the temporary structure at the end of eighteen months or apply to the Zoning Board of Adjustment for a Variance to Accommodate Disabilities (Section 1006.4) and be granted such Variance.
 - C. The property owner will apply for a zoning/building permit for the temporary structure, and will meet all building code regulations.

Section 311 Abandonment of Structures

- 311.1 Within six months after work on an excavation for a building has begun, the excavation thus remaining shall be covered such as with building construction or filled to normal grade by owner.
- 311.2 Within six months after a permanent or temporary building or structure has been

destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over (such as with building construction) or filled to the normal grade by the owner.

- 311.3 Further, no structure in process of completion or demolition and no ruins from fire or other casualty shall be abandoned in a disorderly or hazardous state. Such structure shall be considered to have been abandoned when work to remedy the improper condition shall not have been initiated within 90 days after the occasion of the casualty, or if initiated work shall have been discontinued with the owner's consent for 30 or more consecutive days or for more than 30 days out of 60 days.

Section 312 Fences to Excavation

For safety purposes, abandoned excavations with slopes exceeding one horizontal to two vertical shall be protected by a fence at least four feet in height.

Section 313 Obstruction of Vision

On a corner lot regardless of the district, within the triangular area formed by the intersection of two street property lines and a third line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street. By a Special Exception, the Board of Adjustment may waive this requirement in the following districts: Service Business and Limited Manufacturing (BM), Retail Business (B), Downtown (D), Office and Laboratory (OL), and Institution (I).

Section 314 Number of Auto Service Stations

The applicant shall show, in a manner acceptable to the Board of Adjustment, need for an additional auto service station prior to the granting of a Special Exception Permit in addition to meeting any other requirements of these regulations. In lieu of this, the applicant may show that the proposed auto service station is a replacement for a presently operating auto service station and make the necessary agreement with the Board of Adjustment that the presently operating station will permanently cease its present use upon the opening of the new station and that the closed station will be remodeled for its new use.

Section 315 Auto Service Stations

Except as provided herein dimensional requirements shall be met:

- 315.1 An auto service station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library or religious institution.
- 315.2 Lot size shall be at least 20,000 square feet.
- 315.3 Lot frontage shall be at least 150 feet.
- 315.4 Lot depth shall be at least 125 feet.
- 315.5 Outdoor pumps, lubricating and other service devices shall be located at least 30 feet from the front lot line and side and rear lot lines.

- 315.6 All fuel and oil shall be stored at least 15 feet from any property line and 35 feet from any existing building on an adjoining lot.
- 315.7 All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building.
- 315.8 There shall be only two public access driveways from the street. The maximum width of each driveway shall be forty feet. The location of the driveway shall comply with Section 309.
- 315.9 A suitably curbed, landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.
- 315.10 In the central business district all washing, lubrication, and servicing will be conducted in a building sufficiently insulated to confine objectionable noise, flashing, fumes and odors.

Section 316 Off-Street Loading

Off-street loading facilities, which are spaced logically, conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all institutional, commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space.

Section 317 Signs

- 317.1 In all districts, signs or advertising devices shall conform to the following regulations:
- A. No sign other than official street signs or traffic directions shall be erected or maintained within the street right-of-way without approval of the Board of Selectmen or the New Hampshire Department of Transportation as appropriate.
 - B. No sign shall be placed in such a position as to endanger motor vehicle or pedestrian traffic or obscure or otherwise cause confusion with official street or highway signs or signals.
 - C. Signs shall refer only to a use or activity carried on the lot upon which they are situated, except that the Board of Adjustment may grant permission as a Special Exception for erection, off the premises, of a limited number of signs, providing the following conditions are met:
 - (1) Each sign not exceeding two square feet in area on each of two sides.
 - (2) Intended solely to give directional information.
 - D. Signs may be illuminated only by continuous indirect white light. Such indirect lighting may include an opaque, reverse channel back-lit halo-type lamp. Any sign whose face, or any portion thereof, is illuminated from within regardless of accompanying refracting or diffusing devices, whether attached to a building, freestanding, or placed upon an awning, will be considered directly lit and not permitted. The light sources shall be so placed that they will not constitute a hazard to street or highway driving by glare.
 - E. No flashing or animated signs with visible moving parts or intermittent lighting to create the visual effect of movement are permitted. Animation will be permitted on athletic scoreboards subject to the restrictions stated in Section 330 and as permitted

by the Zoning Board of Adjustment as a Special Exception under Section 206.

- F. No sign shall project more than six inches above the roof or parapet line of a building, nor more than sixteen inches out from the wall to which it is attached. Signs which project more than four inches out from the building shall be no less than 8'-6" above the finished grade in front of the building below the sign.
 - G. Signs shall be constructed of durable materials and shall be maintained in good condition and repair.
 - H. The above regulations shall not apply to non-illuminated signs and window posters that are displayed from within a building.
 - I. Posting of land shall conform to state law.
 - J. Signs on awnings are limited to either the name of the enterprise with a maximum of eight-inch high letters, or the logo of the enterprise with a maximum dimension of twelve inches.
 - K. The restrictions of this section shall not apply to ordinary directory panels and information signs maintained within a building or not intended for view from outside the property.
- 317.2 In NP, F, RR, RO, SR, GR and I districts, signs or advertising devices pertaining to the use of the premises on which they are placed are permitted only as follows:
- A. One sign, displaying the street number and name of the occupant of a dwelling not exceeding one square foot in area on each of two sides. Such sign may identify an accessory professional office. In addition, in the RO, GR, and RR districts a sign for multi-family dwellings or PRD's shall be no more than 12 square feet on each of two sides and not located nearer to the street than one-half the depth of the required front setback. A property containing professional offices or other non-residential uses in the RO district may display one sign which shall identify such uses, not be larger than 12 square feet on each of two sides, and not be located nearer to the street than one-half the depth of the required front setback.
 - B. One bulletin or announcement board or identification sign for a permitted non-residential building or use, or for a lawful non-conforming building use, not exceeding twelve square feet in area on each of two sides and not located nearer to the street lot-line than one-half the depth of the required front setback.
 - C. For churches and institutional buildings not more than two bulletin or announcement boards or identification signs are permitted, none of which may exceed thirty square feet in area on each of two sides, nor may be located nearer to a street lot-line than one-half the depth of the required front setback.
 - D. A "For Sale" or "For Rent" sign not exceeding four square feet in area on each of two sides and not located nearer to a street lot-line than one-half of the depth of the required front setback.
 - E. For recreational uses, any number of directional signs, not exceeding one square foot in area on each of two sides, may be located on the lot.
- 317.3 In B and D Districts, signs or advertising devices pertaining to the use of the premises on which they are placed are permitted only as follows:
- A. Any sign permitted in Section 317.2 above, or the following as an alternative:

- B. One or more signs not to exceed 25 square feet of total area per sign attached to a building and/or a permanently extended awning the sum of which shall not exceed a total area of one square foot for each foot of building frontage upon a public street or highway. The area of the sign or signs shall not exceed two hundred square feet of total area on each street upon which the building has frontage. For buildings with frontage of less than fifty feet on a public street or highway, the total area of signs for that frontage shall not exceed seventy-five square feet. For buildings with frontage greater than or equal to fifty and less than one hundred feet on a public street or highway, the total area of signs for that frontage shall not exceed one hundred square feet. The total size of signs on any building front shall not exceed that calculated using the dimensions of that building frontage. The total area of signs having more than one surface shall not exceed the limits in this paragraph.
 - C. A non-illuminated directory sign, bearing the name or type of business of the principal tenants, provided it is located at the principal entrance or access to such rented areas and the area of such sign devoted to each tenant shall not exceed 72 square inches, and the total area of such a sign does not exceed eight square feet.
 - D. Each business building located 50 feet or more from the street line and having this setback in open land may display one free-standing sign, not to exceed 30 square feet on each of two sides nor to be located nearer to the street lot-line than one-half the depth of the required front setback.
 - E. One menu sign bearing the name and type of offering of each restaurant not to exceed six square feet in area. The sign may be attached to the restaurant building, or may be free-standing, provided it is located at or near the principal entrance to the restaurant and is set back at least one foot from all Lot lines.
 - F. One temporary sign per business, not to exceed five per building. The temporary sign(s) may be attached to the building or displayed on the lot containing the building in which the business is located, or within fifteen feet of that lot and so as not to impede pedestrian or vehicular access, and shall not be subject to the restrictions of Section 317.1 F. Each temporary sign, such as, but not limited to, sandwich boards, banners, flags, mannequins, or other advertising devices, must be strictly pertinent to the business operated on the premises and shall be displayed only during the actual hours of that business's operation. The total area of any temporary sign shall not exceed six square feet on each of two sides. No temporary sign shall be erected without first obtaining a Zoning Permit from the Zoning Administrator as provided in Article X. Permits shall be issued for a period not to exceed one year.
 - G. The placement of one sign over a private access way between two buildings for a business or businesses with principal entrance(s) from the private access way shall be allowed, provided that the sign shall not exceed a total area of fifteen square feet for each of two sides per business and twenty square feet for each of two sides in total area. The sign shall be a minimum of 8'-6" above finished grade, except that if the access way is used by vehicles, the sign shall be a minimum of 13'-6" above finished grade.
- 317.4 In OL and BM districts, signs or advertising devices pertaining to the use of the premises on which they are placed are permitted only as follows:
- A. Any sign permitted in Section 317.3 above, or the following as an alternative:
 - B. Not more than two signs not attached to a building, provided that the total area of any one side of such a sign shall not exceed 30 square feet and the area of each sign counted separately, shall not exceed 60 square feet. Any such sign or signs shall not

be located nearer to a street lot-line than one-half the depth of the required front setback.

317.5 Temporary Signs for Construction Purposes:

In any district, signs which exceed the limitations of Sections 317.2, 317.3, and 317.4 above, will be allowed as follows:

- A. The signs shall not exceed 12 square feet in area, shall be used only incidental to construction projects, and shall refer to a use or activity occurring on the lot on which they are situated.
- B. It shall be a condition of the zoning permit issued for such a sign that the sign be removed at the end of the construction period of up to one year. Such permits may be renewed for one year if construction continues for that period.
- C. Such signs shall comply with Section 317.1A, B, D, E and G of this Ordinance.

317.6 Banners:

In the "I" district, Institutional building owners are permitted, in addition to signs and banners otherwise permitted, to install banners on private property related to institutional activities. Banners may be affixed to standards, lamp posts, or buildings and may be posted throughout the year for up to twelve (12) weeks at a time for each installation at each location or for the period of time commensurate with the term of the institutional activity reflected in the banner. Not more than three banners may be posted at one time on any building façade visible from a public street. Banners shall not exceed one hundred and fifty square feet in area on each of two sides.

Section 318 Removal of Natural Material

In any district, so designated, the removal of soil, sand, gravel or ledge for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for the rehabilitation of the site by the Board of Adjustment as a Special Exception. The following shall apply:

- 318.1 Before approval of any new or extension to a sand or gravel operation, the Board shall require the owner to file a performance bond with sufficient security satisfactory to the Town Manager, in an amount equivalent to ensure that upon completion of the extraction operation, the site when extraction is completed will be left in a safe, attractive and useful condition as provided herein. The owner shall submit a plan of proposed restoration to accomplish this end.

The Board may waive the bond except in an amount equivalent to twenty-five percent (25%) of the full cost of the required restoration, only after the owner has presented financial statements and other information deemed necessary by the Board to determine the ability of the owner to satisfactorily comply with the provisions of this ordinance. The full cost of the restoration shall be in an amount determined by the Board. The bond shall be approved as to form by town legal counsel. The condition of the bond shall be to guarantee the satisfactory completion of the restoration plan as approved by the Board.

- 318.2 The removal of all material shall be conducted so as not to result in damage to the land, giving due regard to the contours in the vicinity, such as leveling slopes and removing hills. The digging or creating of pits or steep slopes, except for exposed ledge, shall not be permitted, unless provision is made to refill such a pit.

- 318.3 The excavation operation sites shall be graded smooth and left in a neat condition. Unvegetative cut slopes and spoil banks shall not be allowed to remain except for exposed ledge. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Town Manager.
- 318.4 All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the Town Manager.
- 318.5 No excavation or blasting shall take place within 200 feet of any street or other property line.
- 318.6 No power-activated sorting machinery or equipment shall be located within 300 feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
- 318.7 All excavation slopes in excess of one horizontal to one vertical shall be adequately fenced as determined by the Town Manager.
- 318.8 Extension of an existing non-conforming operation shall not be permitted.
- 318.9 Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
- 318.10 The temporary storage of any type of earth material, topsoil, gravel, rock, or other debris for filling or deposition except for landscaping and/or in association with construction and property maintenance, in an amount greater than 15 (fifteen) cubic yards in the "GR" and "SR" Zones, or in an amount greater than 30 (thirty) cubic yards in the "RR" and "F" Zones, in any two year period, is permitted only by Special Exception. Notwithstanding the foregoing and except for projects subject to Site Plan or Subdivision regulation, a Special Exception shall be required for any deposition of fill in an amount greater than 200 cubic yards. In addition to satisfying the requirements of Section 206.1 the applicant must present a plan to be approved by the Zoning Board of Adjustment showing the final grades and topography of the property. The topography plan will show existing and final grades with contour lines at intervals of not more than five feet. No resulting final elevations will be more than five feet higher at the mutual property line than any of the abutting properties and no resulting slopes on the property will be over 10%. All filling, grading and seeding will be completed within six months of receipt of the Special Exception unless the Board of Adjustment specifically authorizes a longer period of time.
- 318.11 The Zoning Board of Adjustment may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

Section 319 Screened Service Area Requirement

In any district all areas designated, used or intended to be used as service areas for any building or land use other than one-family and two-family dwelling units shall be screened from view with either a wall, a solid fence or a fence and evergreens to a height of at least 5 feet above grade level, on all sides where the adjacent land is in a residential district or residential use.

Section 320 Exterior Lighting

Exterior lighting in conjunction with commercial, industrial, institutional, public, semi-public uses and residential accessory uses such as for swimming pools and tennis courts shall be installed and operated in such a way that provisions are made in directing the lighting, screening, or other means so that adjacent residential uses shall be suitably protected.

Section 321 Agriculture

No manure shall be piled or stored within 100 feet of any highway or within 300 feet of any neighboring residence for more than 14 days. Enclosures for the keeping of pigs or poultry shall not be established within 50 feet of any highway or within 150 feet of any property line of other premises not used for the same purpose.

Section 322 Communication/Telecommunications Facilities

Communication/Telecommunications Facilities shall mean any structure, antenna, tower, or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier wireless exchange access services. Also included are radio, television or other structures for broadcasting or re-broadcasting purposes.

Communication/Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the ordinance. Siting for communications/ telecommunications facilities is a use of land, and is addressed by this Article.

322.1 Height and Locational Requirements:

Communications/Telecommunications Facilities shall be located only in the Institution (Section 204.4) and Forestry (Section 204.8) zoning districts and shall be subject to the maximum height limitations as outlined in each of the districts cited above. However, in those zoning districts an antenna may be mounted on or in an existing structure which is higher than said height limits provided that the height of such structure is not further raised in order to accommodate such antenna.

An applicant for a Special Exception shall demonstrate to the satisfaction of the Board of Adjustment that every effort has been made to locate an antenna on or in an existing structure or tower before the Board may grant a Special Exception for a new free-standing ground-mounted facility.

An applicant proposing a facility shall demonstrate to the Board of Adjustment that its effect has been minimized, including avoiding the necessity of lighting, on the viewshed containing the facility, and that the facility will not visually dominate any viewshed in the Town. The applicant shall demonstrate visual impact of the proposed facility by using a crane test or a balloon test as directed and witnessed by the Board, said test to be open and made known to the public. For a proposed facility to be acceptable such tests shall demonstrate that views from the Appalachian Trail corridor are not adversely impacted by the facility. In addition, an applicant proposing a facility shall notify other towns and cities within 20 miles of the site and the Appalachian Trail Conference of the proposal; these parties may contribute comments which shall be referenced by the Board in its decision.

322.2 Federal Requirements:

All towers must be permitted by the FAA, FCC, and any other agency of the federal or state government with the authority to regulate towers and antennas.

322.3 Additional Requirements for Communications/Telecommunications Facilities:

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

A. Setbacks and Separation:

- (1) Towers must be set back a distance equal to 125% of the height of the tower from any property line.
- (2) Tower, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
- (3) Within the Hanover Town limits towers over 70 feet in height shall be located within 200 feet of or more than two miles from any existing tower that is over 70 feet in height.

B. Security Fencing:

Towers shall be enclosed by security fencing and shall also be equipped with an appropriate anti-climbing device.

C. Appearance:

Any tower or other structure supporting an antenna shall blend visually into the surrounding environment through the suitable and effective use of color, materials, camouflaging, and architectural treatment. The base of such tower or structure shall be concealed or screened by landscaping material or other suitable means.

D. Expert Evaluation:

The Board may obtain an independent third-party expert, at the applicant's expense, such as a Radio Frequency Engineer, to question and evaluate the proposal, including an evaluation of all technical issues involved with the proposal and all assertions and representations made by the applicant.

322.4 Annual Notification, Bonding, and Removal of Abandoned Antennas and Towers:

- A. In January of each year following the granting of a Special Exception for the proposed facility, the owner of the facility shall notify the Zoning Administrator of the continued operation of the facility and certify that such operation is safe and in accordance with all applicable FCC standards. Such notification shall also include proof of adequate insurance covering accident or damage.
- B. Prior to obtaining a Zoning Permit for a facility, the applicant or owner shall provide to the Town a bond or acceptable other surety equal to the cost of removal and disposal of the facility, in a form consistent with the provisions of the Town of Hanover Subdivision Regulations.
- C. Any antenna or tower for which annual notification as specified above is not provided or which is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Town notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

Section 323 Noise Standards**323.1 Table of Restrictions:**

Noise beyond the limits set forth in this section shall be prohibited:

A. Use Districts:

Use District A represents the RO, GR-1, GR-2, GR-3, SR-1, SR-2, SR-3, RR, F and NP Zoning Districts.

B. Use District B represents the BM, B, D-1, D-2, OL, and I Zoning Districts.**Maximum Permissible A-weighted Sound Level Measured In Decibels:**

<u>Use District</u>	<u>Day</u>	<u>Night</u>
A	60	50
B	70	55

For the purpose of this table, “day” shall be defined as 7:00 a.m. to 7:00 p.m., and “night” shall be defined as 7:00 p.m. to 7:00 a.m.

323.2 Measurement of Noise:

- A. Noise shall be measured at any adjoining property line with a sound meter meeting the standards of the American Standards Institute (ANSI S1.4-1983 American Standard Specification for General Purpose Sound Level Meters). The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S 12.31 and S 12.32 American Standard Meter for the Physical Measurement of Sound.
- B. The slow meter response of the sound-level meter shall be used in order to best determine that the amplitude has not exceeded the limiting noise level set forth in Section 323.1.

323.3 Exemptions:

The following uses and activities shall be exempt from the provisions of this Section:

- A. Safety signals, warning devices, emergency relief valves, emergency generators, and other emergency equipment when in operation due to an emergency; testing or other planned operation is not exempt and shall take place only during the day as defined in Section 323.1 B.
- B. Unamplified human voices and crowd noises generated at gatherings open to the public.
- C. Power tools, including lawn mowers, snow blowers and chain saws, when used for the construction or maintenance of property.

Section 324 Governmental Uses

The state, county, town, city, school district, or village district shall give written notification as set forth in RSA 674:54 to the Board of Selectmen and the Planning Board of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. The Planning Board shall conduct a public hearing relative to the proposed governmental use.

In the case of a governmental use proposed by the Town of Hanover or the Hanover or Dresden School Districts, if the relevant Town or School Meeting, Board of Selectmen, or School Board determines as a matter of policy that such use be subject to the same land use procedures as

comparable private uses, then this section shall not apply, and the provisions of this Ordinance pertaining to non-governmental uses shall instead be utilized.

Any use, construction, or development of land occurring on governmentally owned or occupied land, but which is not a governmental use as defined, shall be fully subject to Town of Hanover land use regulations.

This section shall not apply to:

- A. The layout or construction of public highways of any class or to the distribution line or transmission apparatus of governmental utilities, provided that the erection of a highway or utility easement across a parcel of land, shall not in and of itself, be deemed to subdivide the remaining land into two or more lots or sites for conveyance for development purposes in the absence of subdivision approval. For the purposes of this subparagraph, transmission apparatus shall not include wireless communication facilities.
- B. The erection, installation or maintenance of poles, structures, conduits and cables, or wire in, under, or across any public highways under RSA 231, or licenses or lease for telecommunication facilities in, under, or across railroad rights of way. For purposes of this subparagraph, "structures" shall not include wireless communication facilities.

Section 325 Impact Fees

325.1 Authority:

- A. The Planning Board may, as a condition of approval of any Site Plan or Subdivision, and when consistent with applicable Board regulations, require an applicant to pay an impact fee for the applicant's fair share of off-site improvements to public facilities affected by the development.
- B. 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, 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, in lieu of or in addition to paying an impact fee, 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.

325.2 Amount:

The amount of any impact fee shall be calculated by the Planning Board to be a proportional share of municipal capital improvement costs which is 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. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

325.3 Accounting:

In accord with RSA 673:16, II and RSA 674:21, V(c), impact fees shall be held in a separate, non-lapsing account, shall not be commingled with other Town funds, and shall be used solely for the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fees were collected to meet. Such fees shall be paid out only upon order of the Planning Board or its designated agent.

325.4 Assessment, Payment and Refund:

- A. An impact fee imposed under this section shall be assessed prior to, or as a condition for, final subdivision or site plan approval, and shall be collected prior to the issuance of any building permit, or at such other time as specified by the Board in its decision. In the interim between assessment and collection, the Planning Board may require a developer to provide a bond, letter of credit or other suitable security so as to guarantee future payment of assessed impact fee.
- B. Any portion of an impact fee which has not become encumbered, or otherwise legally bound to be spent for the purpose for which it was collected, shall be refunded, with any accrued interest:
 - (1) When a subdivision or site plan approval expires under the respective rules of the Board, or under the terms of a decision, without having become vested under RSA 674:39, and without any extension being granted by the Board; or
 - (2) When an approval is revoked under RSA 674:4-a; or
 - (3) Six years after its collection, or, if any extension of approval is requested by the applicant and granted by the Board, six years after such extension is granted.

325.5 Appeals:

As set forth in RSA 676:5, III, the assessment of any impact fee by the Planning Board under the authority of this section cannot be appealed to the Zoning Board of Adjustment, but may be appealed only to the superior court as provided by RSA 677:15, in the same manner as any other Planning Board decision concerning a subdivision or site plan. Notwithstanding Section 801 of this Ordinance, the Zoning Board of Adjustment shall not have authority to hear appeals of, or grant variances from, such an assessment.

Section 326 Maintenance Yard

The following standards shall apply to all maintenance yards:

- 326.1 Maintenance yards shall be located on a lot of more than ten acres in size.
- 326.2 Maintenance yards shall be located more than 200 feet to any public way or residentially used property, or any property in a “GR”, “SR” or “RR” zoning district in existence at the time such maintenance yard is established or expanded.

Maintenance yards shall be fenced or screened from view from public ways and abutting properties.

Section 327 Building Characteristics

- 327.1 Buildings in the RO Residence and Office district shall have and maintain a residential scale and appearance, in keeping with the objective for the district set forth in Table 204.2C. The number of dwelling units on each property as of May 11, 2004 shall not be reduced as a result of the introduction or expansion of office, Professional Office, Restaurant or Retail Sales use on the property. Any dwelling units used to satisfy the requirements of the preceding sentence shall contain at least two bedrooms if any portion of the lot lies within 100 feet of the front property line along Lyme Road.
- 327.2 In order to promote architectural compatibility with nearby residential properties, buildings located in whole or in part within 100 feet of the front property line along Lyme

- Road in RO or GR Zoning Districts shall have individual building footprints of not more than 3,000 square feet. Buildings shall be multi-story, including 2 or 3 habitable floors.
- 327.3 Buildings located in whole or in part within 100 feet of the front property line along Lyme Road in B, RO, OL or GR Zoning Districts shall address the guidelines listed as Lyme Road Building Characteristics in the Hanover Site Plan Regulations.

Section 328 Adaptive Re-Use of a Historic Barn or Other Agricultural Outbuildings

- 328.1 Intent. The purpose of this provision is to allow for the continued viability of Hanover's historic barns and other agricultural outbuildings which have outlived their original function but contribute to the historic, architectural and/or cultural fabric of rural Hanover. Accordingly, an alternative use may be allowed within the current dimensions of a historic barn, subject to review and approval by the Board of Adjustment as a Special Exception under Section 206 and the requirements of this Section.
- 328.2 Eligibility. Barns and other agricultural outbuildings eligible for adaptive reuse shall be limited to those which:
- A. Are currently located in Hanover;
 - B. Are buildings of which a substantial portion was built before January 1, 1955;
 - C. Are located on the same lot as they were situated as of the date of the adoption of this section, but not necessarily at the same location on the lot;
 - D. Have a minimum footprint of 1,000 square feet; and
 - E. Have historical or architectural significance to the Town, as determined by the Zoning Administrator based on application information and the following criteria:
 - (1) The building possesses integrity of location, design, materials, or workmanship; and:
 - (2) The building is associated with events that have made a significant contribution to our history; or
 - (3) The building is associated with the lives of person(s) significant in our past; or
 - (4) The building embodies the distinctive characteristics of type, period, method of construction or material culture, or possesses high artistic value; or
 - (5) The building has yielded important historical information.
- 328.3 The applicant shall provide information regarding the structure's historic or architectural significance, structural integrity and relation to town agricultural history.
- 328.4 Structures determined to be appropriate for adaptive reuse may be put to one or more of the following uses in any zoning district where adaptive reuse is allowed as long as such re-use is permitted subject to Special Exception approval under Section 206:
- A. Any use permitted within the district in which the structure is located;
 - B. Two-family dwelling (maximum: 2 units with each unit comprised of at least 800 square feet);
 - C. Education;
 - D. Home occupation.

- 328.5 In approving an adaptive re-use for one of the uses listed above, the Board of Adjustment shall ensure that:
- A. Adequate water supply capacity, wastewater system capacity, and off-street parking capacity exist to accommodate proposed use;
 - B. The lot conforms to the minimum lot size standards and to dimensional and setback standards set forth for lots in the district; and
 - C. Any proposed exterior renovations are compatible with the original architectural design (including scale, proportion, textures, materials, historic details, color) of the structure and visually maintains its historic integrity in accordance with the following standards:
 - (1) The historic character of a property should be retained and preserved. The removal of historic materials or alteration of exterior features and spaces that characterize a property should be avoided.
 - (2) Most properties change over time; those changes that have acquired historic significance in their own right should be retained and preserved.
 - (3) Distinctive features, finishes, and examples of craftsmanship that characterize a property should be preserved.
 - (4) Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should to the extent possible match the old in design, color, texture, and other visual qualities and, where possible, materials. Windows, doors, structures to allow ADA compliant access, roof materials, chimneys and other necessary improvements may be added or changed provided that they do not detract significantly from the historic and architectural character of the building.
 - (5) New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property.
 - (6) New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Section 329 Restaurants

Restaurants located on lots that are in whole or in part within 100 feet of the front property line along Lyme Road in the RO and OL Districts shall contain no more than 100 seats.

Section 330 Athletic Scoreboards

Athletic scoreboards will be a permitted use in any district, must be located on the same lot as the athletic facility served, and are subject to review and approval by the Zoning Board of Adjustment as a Special Exception pursuant to Section 206 of the Zoning Ordinance. Athletic scoreboards may display:

- A. Information pertinent to the event and facility
- B. Recognition of donors and sponsors by name only
- C. Other general athletic or institutional information
- D. Any other information customarily displayed on contemporary scoreboards, but not to include commercial advertising.

ARTICLE IV. OFF-STREET PARKING REQUIREMENTS**Section 401 Intent of Requirements**

401.1 To insure the free movement of ordinary public and private traffic in the street at all times, to reduce congestion in the streets and to permit the rapid but safe passage of fire-fighting equipment, as well as other emergency vehicles of all sorts, to facilitate the maneuvering of public emergency equipment in the streets, to facilitate the removal of snow and for all similar related purposes it is declared to be the intent of this article that all structures and land uses be provided with sufficient associated off-street vehicular parking space to meet the reasonable parking needs of persons making use of the premises.

401.2 Within the D district, parking requirements may be satisfied by on-site spaces or Parking Credits. Parking Credits may be awarded in accordance with Section 403.4 or by arranging to convert off-site spaces to Parking Credits in accordance with Section 402.C. Alternatively, the Town of Hanover may allow Parking Credits to be purchased to satisfy parking requirements. One Parking Credit is the equivalent of one parking space. Such Parking Credits are to be conveyed with the property and may not be used to satisfy the zoning requirement of another property, sold, leased, or otherwise transferred or used to satisfy the zoning requirements of another property.

At any time following the adoption of this Ordinance, in order to be compliant with zoning requirements, the total parking assets associated with a property (on-site spaces plus Parking Credits) must equal or exceed the requirements for that property as set forth in Section 404.

Section 402 Required Spaces to be Shown on Plan

No zoning permit shall be issued for the erection of a new building, the expansion of an existing building, the change of use of any existing building, or the development or expansion of a land use, unless:

- A. An accounting is provided showing the number of on-site parking spaces and/or Parking Credits being used (and/or purchased) to satisfy the zoning requirements, and
- B. The plans show the specific location and size of the physical off-street parking space(s) provided to comply with the regulations as set forth in Section 404, and the means of access to such space from public streets. In considering any such plans submitted for approval, the Zoning Administrator shall take into account the safety of the proposed parking area relative to vehicular traffic on the public streets and pedestrians on the public sidewalks, as well as the safety and adequacy of the area itself with respect to vehicles and pedestrians making use of it, and
- C. If Parking Credits are being provided via conversion of off-site physical parking spaces into Parking Credits, the applicant shall receive appropriate documentation from the Town by having provided:
 - (1) Appropriate plans or documentation confirming the existence and location of the off-site spaces and demonstrating that the subject off-site spaces are located in the D districts and are adequate in location and access (the distance between the lots at their closest point shall be a maximum of 750 feet lot line to lot line) to address the parking requirements for such building or use.
 - (2) Formal written concurrence by the owner of the property on which the off-site spaces are located that he agrees to the conversion and acknowledges that the total number of Parking Credits associated with his property will be reduced by one for each physical

- space so converted. If this results in a negative number of Parking Credits the number will be so recorded.
- (3) An accounting of the parking requirements and parking assets for the property on which the off-site spaces are located that demonstrates that the total revised parking assets (arithmetic sum of on-site spaces plus Parking Credits) equals or exceeds the parking requirements as set forth in Section 404.

Section 403 Existing Structures and Uses

- 403.1 The off-street parking requirements as set forth in Section 404 shall apply to:
- A. All buildings and land uses in the D district, and
 - B. All buildings and land uses in other zoning districts except for those:
 - (1) In existence at the effective date of this ordinance; or
 - (2) For which building permits have been approved by the effective date of this ordinance.
- 403.2 Subject to Section 405, all expanded portions of existing buildings and changed land uses occurring after the effective date of this ordinance must conform to off-street parking requirements set forth in Section 404.
- 403.3 Required off-street parking spaces which, after development, are later acquired by the Town (with regard to parking spaces being either given to the Town or purchased by the Town) shall be deemed to continue to serve the building for which the parking spaces were originally provided.
- 403.4 As of the effective date of this ordinance provision, for properties located in the D district, the Town shall prepare a tabulation to establish a baseline set of parking requirements and parking assets associated with each property as follows:
- Step 1. Parking requirements shall be calculated based on requirements as set forth in Section 404.
 - Step 2. The number and location of physical on-site parking spaces shall be verified.
 - Step 3. Sufficient Parking Credits shall be awarded (at no cost to the property owner) such that the total of physical parking assets plus total Parking Credits equals requirements.
 - Step 4. A permanent public record shall be created for each property documenting the parking assets for that property. The record shall include the following information:
 - 1. Current parking requirements as specified in Section 404,
 - 2. Current number of physical on-site parking spaces, and
 - 3. Total Parking Credits.
- 403.5 As of the effective date of the awarding of Parking Credits in accordance with Step 3 of Section 403.4, all properties in the Downtown Districts will be deemed to be in full compliance with the parking requirements of the ordinance.

Section 404 Schedule of Requirements

404.1 In all districts off-street parking spaces shall be provided as follows:

<u>Use Category:</u>	<u>Minimum Parking Spaces Required:</u>
Rooming house, motel, hotel	1 for each living accommodation
Bed & breakfast/Tourist home	3 for the dwelling unit plus 1 for each bedroom for guests
Single family (detached) dwelling unit	2 per unit
Roomer	1 for each roomer
Continuing care retirement community (CCRC)	1.5 per dwelling unit
Multi-family, PRD	1.5 per dwelling unit for the first bedroom and 0.5 spaces for each additional bedroom with total spaces equaling the next highest full space
Accessory dwelling unit	1 additional parking space
Private club or lodge	1 per 6 members
Theatre, auditoriums, and all places of indoor public assembly providing seats for the audience, including places of worship but excluding classrooms in educational institutions	1 for each 10 seats in D, GR-2 and I districts; 1 for each 5 seats in all other districts
Hospitals, nursing, and convalescent Homes	1 per 3 beds and 1 for each 1.5 employees based on the highest expected average employee occupancy
Covered skating rinks, bowling alleys, and all places of public assembly, the capacity of which can- not be measured in terms of seats	1 for 500 square feet of gross floor area exclusive of storage areas
Retail sales, commercial services, and office	1 for 400 square feet of gross floor area
Retail sales of furniture, automobiles, nursery stock and such other goods as usually involve extensive display areas in relation to customer traffic	1 for 500 square feet of gross floor area and of display area outside the building in such use

<u>Use Category:</u>	<u>Minimum Parking Spaces Required:</u>
Eating and drinking establishments	1 for 400 square feet of gross floor area plus 1 for every 10 restaurant seats. However no additional spaces shall be required for outdoor seating which does not exceed 50% of the permitted indoor seating.
Institutional dining facility	1 for each 2 persons to be employed in the institutional dining facility.
Downtown commercial	1 for 400 square feet of gross floor area.
Downtown lodging	0.75 for each living accommodation.
Downtown residential	1 for each dwelling unit.
Downtown civic	1 for each 600 square feet of gross floor area.
Industrial, manufacturing, storage, wholesale, nursery, kindergarten, elementary and middle schools	1 for each 1.5 employees, based on the highest expected average employee occupancy
Funeral homes	1 for each 75 square feet of public floor space
Senior high school	1 for each 1.5 employees and 1 for each 25 students based on the highest expected average occupancy of students and employees
Residential buildings for students or personnel of an institution	1 for each 4 beds
Other schools and colleges	for floor space in uses not listed above, 1 for each 2 employees or staff members to be accommodated
Fraternities and sororities	1 for each 2 beds
Medical center	1 for each employee

404.2 Determination of Applicable Use Categories:

- A. For buildings and uses which fall into more than one of the categories listed in Section 404.1, reasonable and appropriate off-street parking requirements shall be determined by the Zoning Administrator by applying the requirements of Section 404.1 to individual component parts of such building or use, the sum of which shall be the total amount of parking spaces to be provided.
- B. For buildings and uses which do not fall within any of the categories listed in Section 404.1, reasonable and appropriate off-street parking requirements shall be determined by the Zoning Administrator by applying the closest applicable categories of Section 404.1 to such building or use.

- C. In either (A.) or (B.) above, the administrative determination of the Zoning Administrator may be appealed to the Zoning Board of Adjustment, which shall consider all factors entering into the parking needs of each such building or use.

Section 405 Application of Requirements

The Board of Adjustment may approve as a Special Exception the joint use of parking spaces by two or more establishments or uses on the same or contiguous lots, the total capacity of which is less than the sum of the spaces required for each, providing the Board finds that the following standards are met:

- A. That the capacity to be provided will substantially meet the intent of the requirements for reason of variation in the probable time of maximum use by patrons among such establishments.
- B. That the approval by the Board of Adjustment of such use of parking spaces shall be upon the following conditions:
 - (1) That the approval granted will automatically terminate upon the termination of any establishment participating in the joint use.
 - (2) The approval will automatically terminate upon any substantial change in the time pattern of the joint use of spaces by any establishment participating therein which results in the total spaces provided being insufficient for the combined requirements of the users.

Section 406 Location of Off-Street Parking Spaces

Required off-street parking spaces shall be provided on the same lot or premises with the building or land they serve, except as follows:

- A. Parking spaces required for buildings or land uses on two adjoining lots may be provided in a single common facility on one or both of said lots.
- B. Parking spaces required for any residences in the I District for students, for fraternal housing, or for any institutional personnel may be provided off the premises of the building served, except for handicapped parking and parking for short term transient use, which shall be provided in reasonable proximity. The number of handicapped spaces to be provided shall be calculated based on the Americans With Disabilities Act, 42 USC 12101. An equal number of short-term spaces shall be provided for short term transient parking.
- C. For buildings or uses other than described in (B.) above and other than buildings or uses located in the D districts, the Board of Adjustment may permit as a Special Exception all or part of the required parking spaces to be located elsewhere than the building it serves, if the said Board finds that such off-premise space will satisfy the parking requirement by control or regulation of the land owners. The applicant shall satisfy the Zoning Board that the required off-street parking spaces are adequate in location and access to satisfy the parking requirements for such building or use.
- D. The provision of off-lot, off-street parking spaces shall be limited to non-residential uses, and to uses in the "I District". Notwithstanding (A.), (B.) and (C.) above, all required off-street parking spaces, other than those in a parking facility, shall be located only in a Zoning District in which the use being served by those spaces is a permitted use. However, such spaces may be permitted by Special Exception in a zoning district in which the use being served is also permitted by Special Exception. This provision shall not apply to the D district.
- E. Requirements may be satisfied through the use of Parking Credits.

Section 407 Improvement and Maintenance of Parking Facilities

- 407.1 Required off-street parking spaces may be enclosed in a structure or may be open, provided that all required parking spaces shall be graded, surfaced, drained, and suitably maintained for parking purposes to the extent necessary to avoid nuisance of dust, erosion, or excessive water flow across public ways and to ensure their reasonable availability for use. In appropriate situations, the Zoning Administrator may require suitable markings to indicate individual parking spaces, maneuvering areas, entrances and exits. Upon application duly made, the Zoning Administrator shall have authority to waive the requirement of maintaining for parking purposes any off-street parking space for any appropriate period of time, during which the Zoning Administrator finds that use of the space will be suspended because of an interruption of the use or occupancy of the premises which the space is intended to serve.
- 407.2 Each required car space shall be not less than 8 feet wide nor less than 18 feet long, exclusive of aisles, drives and maneuvering space.
- 407.3 Required off-street parking spaces shall be maintained as long as the use or structure exists which the spaces are designed to serve. Nothing hereunder shall be construed to constitute or contemplate a dedication of required off-street parking spaces to general public use, but any such spaces, required in conjunction with particular structures and land uses, may be reserved at all times for those persons who make use of such structures and premises, except when such parking spaces are acquired by the Town (with regard to parking spaces being either given to the Town or purchased by the Town) as public parking areas.
- 407.4 For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated to be 270 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Town.

Section 408 Parking and Transportation Demand Management Plan Option

An applicant or group of applicants proposing to use property or properties located in the Service Business and Limited Manufacturing (BM), Business (B), Office and Laboratory (OL), and Institution (I) zoning districts may satisfy the parking requirements of the zoning ordinance relating to its buildings and uses by preparing and implementing a Parking and Transportation Demand Management (PTDM) Plan. Such a PTDM Plan as defined in Article X of Hanover's Site Plan Review Regulations shall substitute for all provisions of Sections 401.2 through 407 and shall be deemed to satisfy the zoning requirements for off-street parking upon site plan approval by the Planning Board.

ARTICLE V. OPEN SPACE, PLANNED RESIDENTIAL DEVELOPMENT, AND CONTINUING CARE RETIREMENT COMMUNITY

Section 501 Open Space Development

501.1 Objective:

Open Space Development is intended to encourage environmentally sound planning to protect open space and natural resources, and create attractive living environments, through creative placement of dwelling units; to discourage developmental sprawl and consumption of scenic, forested, agricultural, and recreational land, thus maintaining the rural character of the Town of Hanover. These provisions are limited to SR-1, SR-2 and RR Zoning Districts.

501.2 Issuance of Zoning Permit:

The Zoning Administrator may issue a zoning permit for an Open Space Subdivision after the Planning Board has approved the Final Plat under the Hanover Subdivision Regulations.

501.3 Area and Dimensions:

An Open Space Subdivision shall be subject to the following minimum number of lots of land, lot size and listed setbacks in the following zoning districts: these areas and dimensions supersede those listed in Tables 204.6 and 204.7:

<u>Minimum District</u>	<u>Minimum # Lots</u>	<u>Lot Size</u>	<u>Minimum Setbacks</u>	
			<u>Front</u>	<u>Side/Rear</u>
RR	3 or more	1.5 acres	35 feet	35 feet
SR-1	4 or more	0.5 acre	25 feet	15 feet
SR-2	2 or more	0.25 acre	20 feet	10 feet

Minimum road frontage of new lots shall be 50 feet along proposed Open Space Subdivision roads except that the provisions of Section 209.1 shall apply to new lots fronting on the turn around portion of cul-de-sacs; Section 209.1 shall also apply to new lots fronting on existing Town roads at the time the new Open Space Subdivision Plat is proposed.

501.4 Maximum Density:

A. General Rule:

The maximum number of dwelling units in an Open Space Subdivision shall not exceed, except as indicated in paragraph b) of this section, that permitted under the regular and ordinary provisions of the zoning district or districts containing the proposed Open Space Subdivision. Where the proposed subdivision is located in two zoning districts, the maximum number of dwelling units shall be the sum of such dwelling units allowed separately within each District on the condition that the Open Space Subdivision is an allowed use in both districts.

B. Density Bonus:

In recognition of the provision of attractive and useable open space for public use as defined in Section 501.5, a density bonus for an Open Space Subdivision, not exceeding ten percent (10%) over and above the number of permitted lots in the respective zoning district, may be granted at the discretion of the Planning Board. An additional bonus of one (1) lot per subdivision may be granted when a specific open space is acceptable to the Planning Board, and is deeded or otherwise dedicated for public use to the Town of Hanover, or to a governmental or non-profit agency acceptable to the Town.

501.5 Other Requirements:

The following additional requirements shall pertain to any Open Space Subdivision:

- A. A minimum of 35% of the area in the proposed subdivision shall be maintained and dedicated as open space, conservation, recreation, agricultural or forestry land.
- B. Each lot shall have reasonable access to the open space.
- C. In the RR District, each lot shall be so designed that a square whose four sides are each 150 feet in length shall fit somewhere within the lot lines of each proposed lot. The dimensions of the square in the SR-1 and the SR-2 Districts shall be 75 feet by 75 feet.
- D. In the RR District, individual on-site septic systems and water supplies shall be permitted in Open Space Subdivisions subject to all required Town, State and/or Federal approvals. At the discretion of the Planning Board, and subject to all State and/or Federal approvals, community utility systems may be permitted. Such community disposal systems shall be located outside of designated open space areas. In the SR-1 and SR-2 Districts, all lots shall be connected to the municipal water and sewer systems.
- E. Open space shall be protected from development unless otherwise permitted by the Planning Board. In addition, the Planning Board may require that all or some of the open space shall be protected by means such as by conveyance of the land or a conservation easement to a government entity, conservation organization or homeowner's association approved by the Planning Board. If a conservation easement is used to restrict development, it shall prohibit activities that would diminish the open space benefit or function.

Section 502 Planned Residential Development**502.1 Objective:**

The objectives of a Planned Residential Development are to encourage flexibility of design and development in OL, RR, and GR Districts, and allow a more useful and flexible pattern of housing types which may include multi-family dwellings; to allow for the economic advantage of smaller networks of streets and utilities; and to encourage the preservation and recreational use of Open Space in harmony with the natural terrain, scenic qualities and outstanding features of the land. Neighborhood retail sales are allowed in RR District only.

[Editorial Note: By action of the 2006 Hanover Town Meeting, Planned Residential Developments are not permitted in the Rural Residence (RR) district.]

502.2 Issuance of Zoning Permit:

The Zoning Administrator may issue a zoning permit for a Planned Residential Development after the Planning Board has approved Final Plat under the Hanover Subdivision Regulations.

502.3 Area and Setbacks:**A. Minimum areas of land for Planned Residential Developments:**

The minimum area of land shall be not less than 50 acres in the Rural Residential District; 5 acres in the Office and Laboratory District and in the General Residence-1 District; 2 acres in the General Residence-2 District; and 20 acres in the General Residence-3 District and General Residence-4 District.

B. Minimum setbacks for Planned Residential Developments:

- (1) All buildings and/or parking in the Planned Residential Development shall be set back from a public street existing at the time of initial application not less than:

<u>District</u>	<u>Setback</u>
RR	100 feet
OL	30 feet
GR-1	30 feet
GR-2	20 feet
GR-3	20 feet
GR-4	25 feet

- (2) All buildings and/or parking in the Planned Residential Development shall be set back from abutting property lot lines existing at the time of initial application not less than:

<u>District</u>	<u>Setback</u>
RR	50 feet
OL	20 feet
GR-1	20 feet
GR-2	20 feet
GR-3	20 feet
GR-4	20 feet*

- * Buildings in the GR-4 District shall be set back not less than 50 feet from the lot lines of properties, other than public rights of way, located in the SR, RR, or GR Districts, as such lot lines exist at the time of filing of the initial PRD application.

C. Minimum Setbacks & Other Dimensional Requirements Within Planned Residential Developments:

Within Planned Residential Developments, the setback requirements in Section 204.5 and 204.7 do not apply, and there are no fixed setback requirements for zoning purposes. The distances between buildings and distances between buildings and streets within the PRD are determined under the Subdivision Regulations. In addition, in a PRD in the GR-3 and GR-4 Districts, Area and Dimensional Requirements from Table 204.5 do not apply and there are no minimum required Area per Additional Family, Setbacks, Building Footprint or Lot Coverage other than as set forth in Section 502.3(B) or as follows:

- (1) The minimum lot size shall be 5000 square feet in the GR-3 District and 2700 square feet in the GR-4 District,
- (2) The minimum lot frontage shall be 40 feet in the GR-3 District and 30 feet in the GR-4 District, and
- (3) The maximum height shall be 35 feet in the GR-3 District and 45 feet in GR-4 District, with the proviso that no more than 25% of the total footprint area of buildings within a Planned Residential Development in the GR-4 District may exceed 35 feet in height. Buildings exceeding 35 feet in height shall be set back not less than 300 feet from the property line common to a public right of way and the lot lines of properties located in the SR, RR, or GR Districts, as such lot lines exist at the time of filing of the initial PRD application.

502.4 Maximum Density in Planned Residential Development:

- A. The maximum number of dwelling units shall not exceed the following:
 - (1) RR: One unit for each 3 acres;
 - (2) OL: One unit for each 10,000 square feet; one additional unit for each additional 5,000 square feet;
 - (3) GR-1: One unit for 10,000 square feet and one additional unit for each additional 5,000 square feet;
 - (4) GR-2: One unit for 10,000 square feet; one unit for next 3,000 square feet; and one unit for each additional 2,000 square feet;
 - (5) GR-3: One unit for each half acre;
 - (6) GR-4: One unit for each 5,000 square feet.
- B. Where the proposed Planned Residential Development (PRD) is located in more than one zoning district, only that land which lies within a zoning district in which a PRD is permitted may be used to calculate the maximum number of dwelling units that could be developed in that PRD, and all buildings in that PRD may be located only in a zoning district in which a PRD is permitted. Section 302 is not applicable in developments where this provision is employed.

502.5 Other Requirements:

The following requirements shall be included in any Planned Residential Development:

- A. All dwelling units must be connected to the municipal sewer system and the Town's central water system.
- B. A minimum of 45% of the area of the Planned Residential Development in the GR-3 District, 30% of the area of the Planned Residential Development in the GR-4 District, and 65% of the area of the Planned Residential Development in all other districts, shall be retained for open space and outdoor recreational areas. For purposes of this paragraph, if the proposed PRD is located on a lot in more than one zoning district, "area of the PRD" shall mean only that land which lies within a zoning District in which a PRD is permitted. For a Planned Residential Development in the GR-4 District, up to 40% of the open space and outdoor recreational area requirement may be satisfied by dedication of an area on a portion of the lot in the Natural Preserve District and/or an off-site area in any district (including the Natural Preserve District), as long as any off-site area is abutting the Planned Residential Development.
- C. Two or more buildings are required, and no building shall contain more than 10 dwelling units in RR and no building shall contain more than 15 dwelling units in OL and GR.
- D. In the GR-4 District, a minimum of two different building types are required for developments ranging in size from 2 acres to 5 acres, a minimum of three different building types are required for developments from 5 acres to 10 acres, and a minimum of four different building types are required for developments exceeding 10 acres. For the purpose of this section, building type is defined by the combination of a) the number of bedrooms in the building, b) the number of units in the building, and c) the building square footage rounded to the nearest 500 square feet.
- E. Open space shall be protected from development unless otherwise permitted by the Planning Board. In addition, the Planning Board may require that all or some of the open space shall be protected by means such as by conveyance of the land or a

conservation easement to a government entity, conservation organization or homeowner's association approved by the Planning Board. If a conservation easement is used to restrict development, it shall prohibit activities that would diminish the open space benefit or function.

- F. In lieu of Section 404 requirements for multi-family, the multi-family parking requirement for Planned Residential Developments in the GR-4 District shall be one off-street parking space for each one-bedroom unit and two off-street parking spaces for each unit containing two or more bedrooms.
- G. Within a Planned Residential Development, in lieu of the stipulations of Article IV and Section 902, the Planning Board may approve any arrangement and dimensions of parking spaces required for each dwelling unit in the development, as it deems appropriate for the safety and design of the development.

Section 503 Continuing Care Retirement Community (CCRC)

503.1 Objective:

The objectives of a Continuing Care Retirement Community are to allow a more useful and flexible pattern of retirement and elderly housing in RR and GR Districts, so as to promote the most appropriate use of land for this purpose; to facilitate economical and efficient provisions of public services; to allow land use patterns which preserve trees, outstanding natural topography and geological features, and prevent soil erosion; to preserve the natural and scenic qualities of the open land in the Town for conservation and recreation. Neighborhood retail sales are allowed in the RR District only.

[Editorial Note: By action of the 2006 Hanover Town Meeting, Continuing Care Retirement Communities are not permitted in the Rural Residence (RR) district.]

503.2 Issuance of a Zoning Permit:

The Zoning Administrator may issue a zoning permit for a Continuing Care Retirement Community after the Planning Board has approved the Final Plat under Hanover Subdivision Regulations.

503.3 Area and Setbacks:

- A. Minimum areas of land for a Continuing Care Retirement Community: The minimum area of land shall be not less than 50 acres in the Rural Residential District, General Residential-1 District, General Residential-2 District and General Residential-4 District.

- B. Minimum setbacks for a Continuing Care Retirement Community:

- (1) All buildings and/or parking in the Continuing Care Retirement Community shall be set back from a public street existing at the time of initial application not less than 100 feet.
- (2) All buildings and/or parking in the Continuing Care Retirement Community shall be set back from abutting property lot lines existing at the time of initial application not less than 100 feet.

- C. Minimum Setbacks:

Within the Continuing Care Retirement Community the setback requirements in Section 204.5 and 204.7 do not apply and there are no fixed setback requirements for zoning purposes. The distances between buildings and distances between buildings and streets within the CCRC are determined under the Subdivision Regulations.

503.4 Maximum Density in a Continuing Care Retirement Community:

- A. The maximum number of dwelling units shall not exceed 5 units per acre in any District in which the CCRC is allowed.
- B. There shall be a minimum of 100 dwelling units and the maximum number shall not exceed 250 units. Any units used for staff dwelling shall be counted as dwelling units.
- C. If any portion of a lot is located in a zoning district where a CCRC is not an allowable use, then such a lot area cannot be used to calculate density.

503.5 Other Requirements:

The following requirements shall be included in any CCRC:

- A. All dwelling units must be connected to the municipal sewer system and the Town's central water system.
- B. A minimum of 35% of the area shall be retained for open space and outdoor recreational activities.
- C. Five or more residential buildings are required. These buildings may be interconnected by a covered walkway.
- D. Open space shall be protected from development unless otherwise permitted by the Planning Board. In addition, the Planning Board may require that all or some of the open space shall be protected by means such as by conveyance of the land or a conservation easement to a government entity, conservation organization or homeowner's association approved by the Planning Board. If a conservation easement is used to restrict development, it shall prohibit activities that would diminish the open space benefit or function.

ARTICLE VI. MANUFACTURED HOUSING PARK AND SUBDIVISION**Section 601 Manufactured Housing**

It shall be unlawful for any person to park a manufactured home on any public or private property, except in accordance with these regulations as follows:

601.1 In an approved manufactured housing park.

601.2 In an approved manufactured housing subdivision.

Section 602 Manufactured Housing Park Standards

The following regulations shall apply in respect to manufactured housing parks which may be permitted only as a Special Exception in the RR District and to all manufactured housing in parks:

602.1 A manufactured housing park shall have an area of not less than 10 acres.

602.2 Manufactured housing parks shall provide for individual manufactured housing spaces, access driveways, parking and recreation open space.

602.3 Each manufactured housing space shall be at least 7,200 square feet in area and shall front on an access driveway. The minimum setbacks of a manufactured house occupying a manufactured housing space shall be 20 feet for front and rear setbacks and 15 feet for each side setback.

602.4 All access driveways within a manufactured housing park shall have a right-of-way at least 50 feet in width and have a surface treated gravel surface at least 24 feet in width and 12 inches in depth of compacted gravel. All-weather walkways shall be provided.

602.5 Two parking spaces with 12 inches depth of compacted gravel for each manufactured housing space shall be provided, at least 8 feet wide by 18 feet long, at least one of which shall be on the manufactured housing space.

602.6 Manufactured housing parks shall provide recreation area and other open space in accordance with provisions of the Subdivision Regulations of the Town of Hanover.

602.7 A suitable non-porous pad shall be provided for each manufactured house.

602.8 Each manufactured housing space shall have an attachment for water supply which is adequate, safe and potable. The water supply source must be approved by the State Board of Health and meet all local and state regulations.

602.9 Each manufactured housing lot shall have an attachment for sewage disposal.

602.10 No manufactured house, office or service building shall be closer to a public street right-of-way line than 80 feet, nor closer to a property line than 50 feet.

602.11 A strip of land at least 25 feet in width shall be maintained as a landscaped area abutting all manufactured housing park property lines except when the park boundary is adjacent to residential uses where the landscaped area shall be at least 50 feet in width.

602.12 No additions shall be made to a manufactured house except for a canopy and/or porch open on three sides, or an addition made by a manufactured housing or accessory manufacturer.

602.13 Provisions for storage and disposal of household garbage and rubbish shall be made.

602.14 A 220 volt electrical source supplying, whichever is greater, at least 100 amperes or not less than that required by the National Electrical Code shall be provided for each manufactured housing space. The installation shall comply with all State and local electrical laws and regulations. Such electrical outlets shall be weather-proof. The use of underground electrical utility installation shall be required

Section 603 Water and Sewer Service in Manufactured Housing Park:

603.1 A centralized water system shall be provided with adequate size lines to provide for domestic use. If the system is not gravity fed, elevated storage shall be provided with a minimum capacity of 500 gallons per manufactured housing space. The system shall meet all local and state regulations in regard to installation and operation.

603.2 A centralized sanitary sewage collection and treatment system shall be provided. The installation, operation and maintenance of the system shall meet all local and state laws and regulations.

603.3 Prior to issuance of a zoning permit for a manufactured housing park, the operator shall provide the Zoning Administrator with copies of approval of the design and plans for the water and sewer systems from appropriate state and local agencies.

Section 604 Manufactured Housing Subdivision

Manufactured housing may be located on lots in a manufactured housing subdivision having an area of not less than 15 acres. Such subdivision shall be exclusively for manufactured housing.

Section 605 Manufactured Housing Subdivision Standards

605.1 Purpose of Manufactured Housing Subdivision:

The purpose of a manufactured housing subdivision is to allow clustering with reduced lot sizes for manufactured housing so as to promote alternate forms of housing, the most appropriate use of land and preservation of open land in the Town for conservation and recreation.

605.2 Issuance of Zoning Permit:

The Zoning Administrator may issue a zoning permit for a manufactured housing subdivision after the Planning Board has approved the Final Plat under the Hanover Subdivision Regulations.

605.3 Area and Dimensions:

A manufactured housing subdivision in the Rural Residential District shall be subject to the following minimum lots of land and listed setbacks within the subdivision:

<u>Minimum Lots</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
5	35 feet	35* feet	35* feet

*Five feet when adjoining open space.

(These above areas and dimensions supersede those listed in Table 204.7)

The setback applicable to a lot within the subdivision that abuts a lot outside the subdivision shall be 50 feet. In addition, the front setback from an existing public street shall be 50 feet.

605.4 Maximum Density:

The maximum number of manufactured houses in a manufactured housing subdivision shall not exceed that permitted within the RR District based on the maximum of one manufactured house for each 3 acres of land.

605.5 Open Space:

A minimum of 35% of the tract shall be retained for open space and outdoor recreational areas. The following provisions shall apply:

- A. There shall be legal restrictions running with the land to preserve open space for purposes of recreation, agriculture, conservation or forestry.
- B. Restrictions shall provide for the management and maintenance of the open space, including the manner and source of funds; these restrictions may be contained in any suitable legal instrument, as approved by the Town Manager. Prior to the approval of the Final Plat, the Planning Board shall obtain from the Town Manager a written statement that the restrictions are in conformity with these requirements.
- C. Upon the request of the owners, such restrictions as have been provided may be modified by the Planning Board subsequent to the approval of the Final Plat. The Planning Board shall hold a hearing for this purpose in the same manner and with the same notice as for a hearing on the Final Plat. Such modifications shall be subject to terms and conditions deemed by the Planning Board as necessary to carry out the purpose and intent of open space.
- D. Open space shall be protected from development unless otherwise permitted by the Planning Board. In addition, the Planning Board may require that all or some of the open space shall be protected by means such as by conveyance of the land or a conservation easement to a government entity, conservation organization or homeowner's association approved by the Planning Board. If a conservation easement is used to restrict development, it shall prohibit activities that would diminish the open space benefit or function.

605.6 Lot Sizes:

- A. Where the lots in the manufactured housing subdivision do not have both off-lot water and sewage disposal, each manufactured house shall be located on an individual lot containing not less than 1.95 acres.
- B. Where such lots have both off-lot water and sewage disposal, then each manufactured house shall be located on an individual lot containing not less than 30,000 square feet.

605.7 Procedures and Standards:

A manufactured housing subdivision shall conform to all of the requirements for a Major Subdivision as set forth in Article 7 of the Subdivision Regulations. In addition, the following special standards will apply:

- A. A buffer area, suitably landscaped and not less than 30 feet in width, shall be provided at the boundary of adjacent property. The buffer area may be part of the required setback. Additional buffer areas may be required within a development between groups of building lots.
- B. Access to all lots shall be from interior roads. Each lot shall have reasonable access to the common open land but need not front directly on such land.
- C. The subdivision plan shall provide for the convenience and safety of vehicular and pedestrian movement within the development and for the necessary location of driveways in relation to street traffic.
- D. Two off-street parking spaces shall be provided for each manufactured house.

ARTICLE VII. PROTECTION OF FLOOD PLAINS, WATERBODIES, INTERMITTENT STREAMS, AND WETLANDS

Section 701 Flood Plain Protection

701.1 Purposes:

There is hereby established the Flood Plain District:

- A. In order to comply with the regulations for the federal government for qualification for flood damage insurance, and
- B. In order to encourage only that type of development of flood-prone areas which:
 - (1) Is appropriate in the light of the probability of flood damage and the need to replace flood losses to the public and to individuals,
 - (2) Represents an acceptable social and economic use of the land in relation to the hazards involved, and
 - (3) Does not increase danger to human life, and
- C. In order to discourage all other development of flood-prone areas.

701.2 Location of the Flood Plain District:

The Flood Plain District is shown on maps described in Section 202 above as FBFM and FIRM, but limited only to the A and AE zones shown on the FIRM map. The interpretation of the maps shall be that indicated in the New Hampshire Flood Management Handbook, as updated by the New Hampshire Office of Energy and Planning. Areas adjacent to the mapped flood plain whose elevations are indicated as being below the 100-year flood zone, but not shown on the map itself as being in the flood plain, may nonetheless be part of the Flood Plain District. Such Flood Plain Districts shall be superimposed over any other zoning established in this Ordinance.

701.3 Encroachments:

There is hereby prohibited any fill, new construction, substantial improvement and any other development within the 100 year floodplain, except as provided for in Sections 701.5 and 701.6.

701.4 Manufactured Housing:

No manufactured housing shall be placed or replaced within the Floodway. Any replacement of manufactured housing outside of the Floodway shall be subject to the following requirements:

- A. All manufactured housing shall be anchored to resist flotation, collapse or lateral movement by providing over the top and frame ties to ground anchors. Specific requirements shall be that:
 - (1) Over-the-top ties be provided at each of the four corners of the manufactured housing, with two additional ties per side at intermediate locations and manufactured housing less than 50 feet long requiring one additional tie per side;
 - (2) Frame ties be provided at each corner of the housing with five additional ties per side at intermediate points and manufactured housing less than 50 feet long requiring four additional ties per side;
 - (3) All components of the anchoring system will be capable of carrying a force of 4,800 pounds; and
 - (4) Any additions to the manufactured housing will be similarly anchored.

- B. The following additional requirements shall also apply where elevations are provided on the FIRM (Elevations are shown on the FIRM in Zone AE) and where elevations are not provided on the FIRM (Elevations are not shown on the FIRM in Zone A):

No dwelling unit, including a manufactured home, shall be placed within a special flood hazard area. All manufactured homes to be 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. In addition, adequate surface drainage and access for a hauler must be provided and in the instance of elevation on pilings, the lot shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than 10 feet apart and reinforcement shall be provided for piers more than 6 feet above the ground level.

701.5 Permitted Uses:

The following uses shall be permitted within the Flood Plain District to the extent that such uses are not prohibited by any other ordinance and provided that Building, fill or storage of equipment is not required:

- A. Agricultural uses and forestry uses.
- B. Outdoor recreation uses.
- C. Accessory uses to A and B above.
- D. No new buildings or substantial improvements of structures are permitted in the flood plain district unless such a prohibition would preclude reasonable use of the lot as determined by the underlying zoning district in which it is located. To reach such a conclusion, the Board must find that the conditions for a variance are met. An applicant for such a variance must also meet the applicable Standards for Granting Special Exceptions set out in Section 701.7 below. Fill in the floodplain is permitted for this purpose subject to conditions 1006.1.D, the minimum variance that will afford reasonable relief.

701.6 Uses Allowed by Special Exception:

The following uses shall be allowed within the Flood Plain District by Special Exception:

- A. Railroads, streets, bridges and essential services.
- B. Marinas, boat rentals, docks, piers, wharves.
- C. Outdoor storage.
- D. Off-street parking space/or parking facility.

Notwithstanding the provisions of Section 701.6 B, a seasonal dock which may be permitted as a minimum impact expedited project by the Wetlands Bureau of the State of New Hampshire and as permitted under Section 702.5 A shall be permitted and shall not require a Special Exception.

701.7 Standards for Granting Special Exceptions

For any proposal for which subdivision or site plan approval by the Planning Board is required, no application for Special Exception shall be accepted until preliminary subdivision or site plan review has been completed; the application for Special Exception shall reflect the Planning Board's resulting recommendations. In acting upon Special Exception applications, the Board of Adjustment shall find that the proposed use

complies with all other applicable sections of this Ordinance, with all other applicable town, state and federal regulations and laws and further that such proposed use shall not:

- A. Create danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. Create danger that materials may be swept onto other lands or downstream to the injury of others.

The Board shall also find:

- C. That the proposed water supply and sanitation systems are sufficient and adequate to prevent disease, contamination and unsanitary conditions and comply with applicable town and state regulations and laws. Water supply and waste treatment systems shall be so constructed as to prevent the entrance of flood waters.
- D. Depending upon use, that the proposed use requires a waterfront location.
- E. That alternative locations not subject to flooding are unavailable for the proposed use.
- F. That the proposed use is compatible with existing development and development anticipated in the foreseeable future as indicated in the Town Comprehensive Plan. The Board shall also consider the relationship of the proposed use to the Flood Plain Management Program in effect, if any, for the area.
- G. That access to the property in times of flood for ordinary and emergency vehicles is safe and not hazardous.
- H. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the Base Flood level.
- I. All new construction and substantial improvements of non-residential structures shall have the lowest floor (including basement) elevated to or above the Base Flood level or together with attendant utility and sanitary facilities shall be designed so that below the Base Flood level the structure is flood proofed, watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- J. Where flood proofing is utilized for a particular structure in accordance with the standards as contained herein, a registered professional engineer or architect shall certify that the flood proofing methods are adequate to withstand the flood depths, pressures, velocity, impact and uplift forces and other factors associated with the Base Flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are flood proof shall be maintained by the Zoning Administrator.
- K. Flood proofing shall consist of the following, as needed:
 - (1) Installation of watertight doors, bulkheads and shutters.
 - (2) Reinforcement of walls to resist water pressures.
 - (3) Use of paints, membranes or mortars to reduce seepage of water through walls.
 - (4) Addition of weight to building to resist flotation.
 - (5) Installation of pumps to lower water levels in building.
 - (6) Pumping facilities for subsurface external foundation wall and basement floor pressures.
 - (7) Construction to resist rupture or collapse caused by water pressure or floating

debris.

- (8) Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
- (9) Installation above Base Flood elevations of all water heaters, furnaces, electrical distribution panels and other critical mechanical or electrical installations, with separate electrical circuits dropped from above to serve basements.
- (10) Venting tanks above Base Flood elevations.

- L. Water supply systems, sanitary sewage systems and on-site waste disposal systems.
 - (1) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
 - (2) New and replacement sanitary sewage systems (centralized systems and treatment facilities) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from systems into the flood waters.
 - (3) On-site waste disposal systems (including individual septic tanks and leach fields) shall be located so far as practicable to avoid impairment to them or contamination from them during flooding.
- M. Anchorage to prevent flotation and lateral movement.
- N. The applicant shall demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increases in flood levels within the community during the base flood discharge.

701.8 Non-Conforming Structures and Non-Conforming Uses:

Existing non-conforming structures and buildings and non-conforming uses shall be allowed to continue. Such structure or building may be enlarged or extended as a Special Exception in conformity with the standards set forth in Section 701.7 above.

701.9 Recreational Vehicles:

Recreational vehicles placed on sites within Flood Zones A and AE shall either:

- A. Be on the site for fewer than 180 consecutive days and
- 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.

701.10 Permits:

- A. A permit shall be obtained for the use and/or development of any land in the flood plain district. No permit issued hereunder shall be valid unless 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 and Amendments of 1972, 33 USC 1334. The applicant shall satisfy the Zoning Administrator of such compliance prior to the issuance of a permit.
- B. All permit applications hereunder shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in the FP District, all new construction and substantial improvements (including the placement of prefabricated buildings and manufactured housing) shall be:
 - (1) Designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure,

- (2) Constructed with materials and utility equipment resistant to flood damage,
 - (3) Constructed by methods and practices that minimize flood damage, and
 - (4) Constructed with electrical, heating, ventilation, plumbing, air conditioning and other service or utility facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- C. In riverine situations, prior to issuing any permit for development that would alter or relocate any watercourse within the Flood Plain District, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Zoning Administrator, 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 Zoning Administrator, including notice of all scheduled hearings before the Wetlands Bureau. It shall be a condition of any such permit that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The Applicant shall submit to the Zoning Administrator, certification provided by a registered engineer, assuring that the carrying capacity of the altered or relocated watercourse(s) can and will be maintained.
- D. As to the areas of the FP District shown as Zone A for which specific elevations are not yet available, the Zoning Administrator shall obtain, review and reasonably utilize any Base Flood elevation data available from a Federal, State or other source as criteria for requiring that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above Base Flood level and all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated or flood proofed to or above the Base Flood level.
- E. Elevations to be furnished by applicant. Applicant shall provide to the Zoning Administrator and the Zoning Administrator shall maintain a record of the elevation of:
- (1) The lowest habitable floor including basement of all new or substantially improved structures whether or not such structures contain a basement, or,
 - (2) If the structure has been flood proofed, the elevation to which the structure has been flood proofed.
- F. The property owner or applicant shall present a plan, certified by a professional engineer licensed in New Hampshire, which clearly delineates the 100 year flood elevation.
- G. The 100 year flood elevation determination shall be used as criteria for requiring that:
- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level;
 - (2) All new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level or be flood-proofed and certified by a Professional Engineer.
- H. Certification of Flood-Proofing:
The Zoning Administrator shall maintain for public inspection, and furnish upon request, any certification of flood-proofing and the as built elevation of the lowest floor (including the basement) of all new or substantially improved structures and

include whether or not such structure contains a basement. The Zoning Administrator shall also maintain records as to whether the structure has been flood-proofed, and the elevation to which the structure is flood-proof. This information shall be furnished by all applicants for a permit.

- I. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones 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.
- J. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
 - (1) The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
 - (2) The area is not a basement;
 - (3) Shall be designed to automatically equal 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.

- K. 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.

701.11 Regulations in a Flood Plain District and Regulations in the Underlying Zoning District:
Land located in a Flood Plain District shall be used only in accordance with the provisions of Section 701 regardless of the uses permitted or allowed in the underlying zoning district.

701.12 Disclaimer of Liability:

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur, floods may occur in other stream beds, or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that any area outside the Flood Plain District boundaries or land uses permitted within such district will be free from flooding or flood damages. This Ordinance does not create liability on the part of the Town of Hanover or any officer thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 702 Wetland, Waterbody, and Intermittent Stream Protection**702.1 Authority and Purpose:**

The provisions of this Section 702 are adopted pursuant to the authority contained in RSA 674:16-17 in the interest of public health, safety and general welfare of the residents of the Town of Hanover. The purpose of these provisions is to regulate activities in water resources and their buffers as defined in this Section. Such provisions are intended to:

- Serve to mitigate contamination or pollution of surface and ground water;
- Maintain ground water recharge, sustain storm water storage;
- Protect wildlife habitats;
- Preserve wetlands; and
- Maintain the ecological and aesthetic values associated with water resources and their buffers in the Town of Hanover.

This Section should be administered balancing the foregoing objectives with the public interest in protecting historic resources, scenic views, and agricultural soils.

An additional purpose of this Section is to reduce regulatory burdens on applicants by conforming, where consistent with the substantive requirements of the Ordinance, the regulatory and procedural requirements of the Ordinance to those imposed by the dredge and fill regulations adopted by the Division of Water Resources of the Department of Environmental Services of the State of New Hampshire. This is not always possible. For example, the State of New Hampshire dredge and fill regulations, unlike this Ordinance, do not regulate activity beyond the shoreline in water resource buffers. Moreover, some permit approval criteria are unique to the Hanover Ordinance.

702.2 General Restrictions:**A. General Rule:**

In order to achieve the foregoing purposes, no person may engage in activity, as defined in Section 902, within a waterbody or wetland, vernal pool, or intermittent stream or in the buffer area around those features as defined in Section 902, unless explicitly permitted pursuant to this Section 702. In this Section, the term water resource refers to waterbodies, wetlands, vernal pools and intermittent streams, all as defined in this Ordinance, and the term water resource buffer refers to the buffer area described in the foregoing sentence.

B. Impermissible Activities:

The following activities are prohibited within a waterbody or wetland, vernal pool, or intermittent stream or in the buffer area around those features as defined in Section 902: salt storage, auto junkyards, solid or hazardous waste facilities, bulk chemical storage, or the use of chemical lawn fertilizers.

C. Leach Fields:

No person may place a leach field or any part thereof within 125 feet of any water resource without receiving a special exception pursuant to Section 702.7

702.3 Identification of Water Resources and their Buffers:

Persons proposing to engage in activities are responsible for identifying the water resources and associated buffers that are subject to the restrictions set forth herein. General locations of some but not all water resources are shown on the map entitled "Water Resources" maintained by the Hanover Planning and Zoning Department. The precise delineation of water resources and their buffers will be based upon the definitions set forth in this Section 702, not upon that map.

702.4 Activities Allowed by Right:

The following activities, if otherwise prohibited by Section 702.2, are permitted. The itemized activities are not intended to permit evasion of restrictions by piecemeal activity. None of these activities may occur in any vernal pool or its buffer.

A. Minimal Disturbance:

Activity that disturbs, in the aggregate, less than 100 square feet in a wetland, waterbody or intermittent stream, 500 square feet in the associated 25 foot buffer and 1500 square feet in the associated 25-75 foot buffer, and that does not increase drainage into the wetland, waterbody or intermittent stream during or after construction. Disturbance caused by silt fence installation before or during construction is permitted and is not included in the calculation of permitted disturbance.

B. Wetland Patches:

An activity within a wetland or intermittent stream or a buffer of a wetland in cases in which the wetland or intermittent stream comprises, in the aggregate, less than 1000 square feet. This permission does not exempt activities from review to the extent they may adversely affect the functioning of any other water resource.

C. Changes in Mass or Volume:

A project that involves no increase in lot coverage and no alteration of terrain but results solely in a change in building mass or volume.

702.5 Activity That Requires Notification to the Zoning Administrator:

The following activities, if otherwise prohibited by Section 702.2, are permitted upon notification to the Zoning Administrator and notice to the Hanover Conservation Commission as contemplated by Subsection D of this Section. The following itemized activities are not intended to permit evasion of restrictions by piecemeal activity.

A. Expedited State Applications:

Activities within the jurisdiction of the Division of Water Resources of New Hampshire Department of Environmental Services for which a Permit by Notification or a Minimum Impact Expedited Application as authorized by that Department is properly filed and sufficient in accordance with the regulations and procedures of that Department. The effect of such regulations is to require that an application for such a permit for activity in Hanover be consented to by the Hanover Conservation Commission. New Hampshire permits subject to this Section do not apply to activity in buffers. See Section 702.6 A for required standards for activity in a buffer associated with activity for which a Permit by Notification or a Minimum Impact Expedited Permit has been obtained.

B. Existing Legal Structures:

Repair or reconstruction of an existing legal structure authorized by and meeting the conditions of New Hampshire Department of Environmental Resources Regulation Env-Wt 303.05 (a) as it may be re-designated from time to time.

C. Agricultural Activities Approved by the Conservation District:

Any activity otherwise prohibited by this Ordinance constituting maintenance or improvement of existing crop or pasture land for continued agricultural use upon certification of the Grafton County Conservation District required by the Regulations of the Department of Environmental Services and compliance with the other requirements for qualification of such activity as a minimum impact project under such regulations.

D. Form of Required Notice:

Notice required by this Section shall be filed with the Clerk of the Town of Hanover at least 15 days before the activity begins with a copy to be transmitted by the Town Clerk to the Hanover Conservation Commission. In the case of matters permitted under Subsection A, the notice shall be that required by the New Hampshire Department of Environmental Services in order that the proposed activity be processed as under a permit by notification or a minimum impact expedited application, as the case may be. In the case of matters permitted under Subsection B, the notice shall identify the applicant, the proposed activity, and factual material sufficient to establish the basis for the applicability of this Section. In the case of matters permitted under Subsection C, the notice shall be a copy of the certification of the Grafton County Conservation District.

702.6 Activity Permitted by Administrative Permit:

The Zoning Administrator may grant an Administrative Permit, for any of the activities itemized in this Section that otherwise would be prohibited by Section 702.2 (the itemization of matters should not be construed to permit evasion by piecemeal activity of the necessity for review by the Zoning Board of Adjustment):

A. Activity in Buffer Associated with Abbreviated State Procedures:

Activity in a protected buffer necessitated by, resulting from, or associated with activity in water resources permitted under Section 702.5 A, upon a demonstration to the Zoning Administrator, found satisfactory by the Zoning Administrator, that the activity is the feasible alternative with the least adverse impact on the associated water resource.

B. Timber Harvesting:

Any activity which is otherwise prohibited by this Ordinance but which is permitted to proceed upon filing of a Notification of Forest Management or Timber Harvest Activities Having Minimum Wetlands Impact under procedures adopted by the New Hampshire Department of Environmental Services, upon a determination by the Zoning Administrator that such application is complete. The Administrative Permit authorized by this Subsection B shall include a condition that the activities authorized by the Permit shall be conducted in accordance with best management practices as described in the most recent edition at the time the permit is granted of the publication entitled *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire* published by the New Hampshire Department of Resources and Economic Development.

C. Minor Activities:

Any of the following activities otherwise prohibited by this Ordinance, upon a finding by the Zoning Administrator that the criteria set forth in Subsections A through E inclusive of Section 702.7 have been satisfied. None of these exceptions is available for activity in any vernal pool or its buffer.

(1) Limited Disturbance:

Activity that disturbs, in the aggregate, less than 200 square feet in a wetland, waterbody or intermittent stream, 1000 square feet in the associated 25 foot buffer, and 3,000 square feet in the associated 25-75 foot buffer and does not increase drainage into the wetland, waterbody or intermittent stream during or after construction. Disturbance caused by silt fence installation before or during construction is permitted and is not included in the calculation of permitted disturbance.

(2) Small Wetlands:

Activity within a wetland or intermittent stream or a buffer of a wetland in cases in which the wetland or intermittent stream comprises, in the aggregate, less than 2000 square feet. This permission does not exempt activities from Zoning Board of Adjustment review to the extent they may adversely affect the functioning of other waterbodies or wetlands.

(3) Repairs, Maintenance and Reconstruction of Established Structures:

Activity associated with repair, reconstruction and/or maintenance of existing legal structures, improvements, or features, even though another activity which would currently require a Special Exception or Administrative Permit has previously been undertaken on the same lot, in or adjacent to the same wetland or waterbody, provided that:

- (a) Such structures, improvements, or features were constructed in conformity with the Hanover Zoning Ordinance then in effect;
- (b) The repair, maintenance, or reconstruction involves no change in the size, volume, extent, or location of the related wetland or waterbody; and
- (c) The repair, maintenance, or reconstruction involves no change in the footprint size, volume, placement, height, or extent of the related feature or improvement.

In any five year period for any lot, there shall be no more than two Administrative Permits granted under this Section 702.6 C. Special Exception review shall be required for any additional permit.

D. Application Requirements for Any Administrative Permit:

The applicant shall submit the information required by the Department of Planning and Zoning on forms established for that purpose. In establishing information requirements, the Department of Planning and Zoning shall attempt, where reasonable, to ask for and rely on the same information as is required to be submitted by the New Hampshire Department of Environmental Services and/or the United States Army Corps of Engineers for parallel or comparable regulatory permits:

- (1) The applicant shall have the burden of demonstrating to the Zoning Administrator that the permit should be issued.
- (2) The Zoning Administrator may require information in addition to that submitted by the Applicant if needed to determine whether or not an Administrative Permit should be granted under this Section 702.6.

E. Notice of Grant of Administrative Permit:

If an Administrative Permit is granted under this Section 702.6, the Zoning Administrator shall notify abutters via first class mail, at the expense of the applicant, specifying the time by which any appeal must be filed. An appeal of the Zoning Administrator's decision may be made to the Zoning Board of Adjustment under Section 1005.1.A by the applicant, by any official body of the Town, or by any person directly affected.

702.7 Activity Permitted by Special Exception:**A. Special Exception Standards:**

Activities otherwise restricted under Section 702.2 and not permitted under Subsections 702.4, 702.5 or 702.6 shall only be permitted if the Zoning Board of Adjustment finds that the proposal conforms to the standards set forth in this Subsection 702.7. The burden of demonstrating satisfaction of those standards, including the use of mitigation measures if needed, shall be upon the applicant.

- (1) Avoidance:
The proposed activity cannot reasonably be located on that portion of the lot lying outside of any water resource and water resource buffer, and will not cause random or unnecessary destruction of water resources.
- (2) Minimization:
The manner in which the applicant proposes to meet his or her needs and objectives is the reasonable and feasible alternative with the least adverse impact on water resources and their buffers. In considering feasible alternatives, the Zoning Board of Adjustment may, in its discretion, grant a request for a Special Exception from dimensional requirements of this Ordinance if, in its judgment, preservation of water resources and their buffers justifies such Special Exception. (See Section 206.3). The Zoning Board of Adjustment will not, in any event, create a specific, identified hazard to public health safety or welfare in order to preserve a water resource or a water resource buffer.
- (3) Functions and Values Assessment:
The proposed activity, when considered together with any proposed and approved mitigation measures, will not result in any unreasonable and significant net adverse effect on the natural function of any water resources or their buffers in the area. The applicant shall submit a functional assessment, prepared by a certified wetland scientist in all cases except those involving a homeowner proposing activity on his own behalf relating to his or her primary residence, of the impacted wetland site and proposed mitigation site(s) if any, using the considerations set forth in the US Army Corps of Engineers New England District's *The Highway Methodology Workbook Supplement Wetland Functions and Values, Appendix A Wetland Evaluation Supporting Documentation* as a guide for the assessment. Such natural function considerations shall include groundwater recharge/discharge, alteration of flood flow or low flow, fish and shellfish habitat, sediment/toxicant/pathogen retention, nutrient removal/retention/transformation, production export, sediment/shoreline stabilization, wildlife habitat, recreation, education/scientific value, uniqueness/heritage, visual quality/aesthetics, and endangered species habitat. In considering the application, the Zoning Board of Adjustment will take into consideration any compensatory mitigation proposal submitted to the Division of Water Resources of the Department of Environmental Services of the State of New Hampshire under Regulation Env-Wt 800 et seq.
- (4) Water Quality:
The proposed activity will not cause significant degradation in the quality of surface or ground water.
- (5) Water Quantity:
 - (a) Peak Flow. The proposed activity will not increase the peak run off rate of surface water from 2/10/25 year 24 hour storms into any wetland or waterbody wherever located.
 - (b) Water Recharge. Applicant will take measures to reasonably ensure that the volume of water diverted by impervious surfaces created by the proposed activity in 2/10/25 year 24 hour storms will infiltrate as ground water (be "recharged") elsewhere on the affected lot.
 - (c) Licensed Engineer Required. In the case of a lot that includes structures and improvements consisting of roadways, driveways, parking areas, walkways, facilities built from concrete or asphalt, decks or porches without roofs the surface area of which aggregates 7500 square feet or more from which water

flows directly into wetlands or waterbodies, wherever located, the volume of water diverted by such surfaces and the recharge capacity shall be calculated by a New Hampshire Licensed Professional Engineer. The recharge capacity shall be calculated using the following formula:

$$Re = (F)(A)(I)/12$$

where,

Re = Recharge volume in acre feet (multiply by 43,560 to convert to cubic feet):

F = Recharge factor below based upon NRCS hydrologic soil group (in inches):

Group A 0.40

Group B 0.25

Group C 0.10

Group D no requirement

A = Site area in acres

I = Percent of impervious surfaces specified above (expressed as a decimal)

(6) Erosion Control:

The proposed activity will not, either during or after construction, cause or pose any unreasonable and avoidable threat of soil erosion or increased silting into any wetland or waterbody, or unreasonably cause erosion or accumulation of sediment on any adjoining property.

In judging reasonableness under clauses (1) through (6) above, the Zoning Board of Adjustment shall balance the protection of water resources with the public interest in the protection of historic resources, scenic views, and agricultural soils.

B. Application Requirements for Special Exception:

- (1) For any Special Exception under Section 702.7, the applicant shall submit the information required by the Office of Planning and Zoning on forms established for that purpose. In establishing information requirements, the Office of Planning and Zoning shall attempt, where reasonable, to ask for and rely on the same information as is required to be submitted by the New Hampshire Department of Environmental Services and/or the United States Army Corps of Engineers for parallel or comparable regulatory permits.
- (2) The Zoning Board of Adjustment may request additional information if needed to determine whether or not a Special Exception should be granted under Section 702.7. When delineation of boundaries of water resources and their buffers, or the application of decisional criteria, is in doubt, the Zoning Board of Adjustment or Zoning Administrator may require the applicant to submit a delineation or assessment prepared by a certified wetlands scientist or other person whose qualifications are satisfactory to the Board or Administrator, as the case may be, or, in the alternative, if the applicant so elects, at the applicant's expense, the Board or Administrator may engage such a consultant to determine the delineation and/or conduct the assessment.
- (3) For any proposal for which subdivision or site plan approval by the Planning Board is required, no application for Special Exception or Administrative Permit shall be accepted until the Design Review phase of subdivision or site plan review has been completed; the application for Special Exception or Administrative Permit shall reflect the Planning Board's resulting recommendations.

702.8 Notice to Conservation Commission for All Activities in or near Water Resources and their Buffers:

A copy of all notifications or applications under sub-Sections 702.5, 702.6 or 702.7 shall be sent to the Conservation Commission promptly upon filing with the Clerk of the Town of Hanover or the Zoning Administrator, as the case may be. The Conservation Commission may, in its discretion, review and comment upon any such request. In the case of an application for a Special Exception under sub-Section 702.7, the Conservation Commission or its Chair may request from the Zoning Board of Adjustment additional time of up to 30 days to complete its review and comment before a final decision is made. The Conservation Commission may request information in addition to that submitted by the Applicant if it considers the information necessary for it to decide what recommendation to make to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall review and make part of the record any comments from the Conservation Commission with regard to any request for a Special Exception. Applicants, abutters and other parties shall be given an opportunity to review and respond to any comments from the Conservation Commission.

702.9 In the event of a conflict with the requirements of other sections, such as Section 701, the stricter requirement shall apply.

ARTICLE VIII. NON-CONFORMING USES AND NON-CONFORMING STRUCTURES

Section 801 Existing Use

Any lawful building or use of a building or premises or parts thereof in existence at the time of adoption of this Ordinance, or of any amendment hereto, may be continued although such building or use does not comply with the provisions hereof.

Section 802 Change and Expansion of Non-Conforming Use

Unless a Variance is obtained under Article X, no non-conforming use shall be changed to another non-conforming use and no such non-conforming use shall be enlarged or extended, except that any building or structure associated with a non-conforming use may be expanded up to 20 percent of the gross floor area of the principal building existing at the time of adoption of this Ordinance, providing the other provisions are complied with.

Section 803 Change of Non-Conforming Structures

A non-conforming structure may be enlarged or extended if no part of the enlargement or extension violates any dimensional requirement of this ordinance.

If the non-conforming structure is non-conforming only with respect to setback requirements, it may be enlarged or extended if the enlargement or extension would be:

- A. No closer than the existing structure to the lot line(s) to which the existing structure is non-conforming;
- B. No higher than the existing structure; and
- C. No closer than the closest point of the existing structure to a structure on an adjacent property.

The Zoning Board of Adjustment may grant a Special Exception for an addition to a non-conforming structure, which is non-conforming only with respect to setback requirements, and which proposed addition extends no closer than the existing structure to the lot line(s) to which the existing structure is non-conforming, even if criteria (b) and/or (c) above are not met, if it finds in the circumstances that the criteria of Section 206 are met. Any other enlargement or extension shall not take place unless a Variance is obtained under Article X.

If a non-conforming structure has become structurally deficient, the Zoning Administrator may issue a zoning permit for the razing, rebuilding, or restoration of such structure, provided that the new structure is no larger in volume, footprint, floor space, and height than the original structure, and in the same location.

Section 804 Change of Non-Conforming Use

A non-conforming use, if changed to a use permitted in a district in which it is located for a period of four months or more, shall not be changed back to a non-conforming use.

Section 805 Abandonment of Non-Conforming Use

A non-conforming use shall be considered to be abandoned if the use has been discontinued for a period of two years. No abandoned non-conforming use may be resumed.

Section 806 Damage by Fire of a Non-Conforming Structure

If a non-conforming structure is damaged by fire, explosion, or other catastrophe, the Zoning Administrator may issue a zoning permit for the rebuilding and restoration of such building which may not be greater in volume or floor space than the original structure unless any addition in size conforms to the provisions of this Ordinance. Application for a building permit and initiation of construction to restore the non-conforming structure must occur within two years of date of damage.

Section 807 Damage by Fire of Non-Conforming Use

If the structure housing a non-conforming use is damaged by fire, explosion, or other catastrophe, the structure may be restored and the non-conforming use may be resumed providing the structure is not greater in volume or floor space than the original structure and the application for zoning permit and initiation of construction to restore the non-conforming use occurs within two years of the date of damage. The Zoning Administrator is authorized to issue a zoning permit for the rebuilding of the structure and restoration of such non-conforming use providing the foregoing conditions are met.

Section 808 Construction Approved Prior to Adoption of Amendment to the Ordinance

Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within one year of the date of the permit and which entire building shall be completed according to such plans within two years from the date of this Ordinance.

ARTICLE IX. DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows. In addition, as to Article VII, the terms used therein but not defined below shall be interpreted as set forth in Chapter X, Title 24 of the Code of Federal Regulations, Section 1909.1.

Section 901 Word Definitions

The word “**person**” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word “**shall**” or “**will**” is mandatory, the word **may** is permissive.

The words “**used**” or “**occupied**” include the words “**intended**”, “**designed**”, or “**arranged to be used or occupied**”.

Section 902 Term Definitions**Accessory Building or Use:**

A building or use subordinate and customarily or, in light of the general and specific purposes of the Ordinance, reasonably incidental to the principal building or use on the same lot. The term “accessory building”, when used in connection with a farm, shall include all buildings customarily used for farm purposes (see Section 210).

Activity:

Any undertaking that would potentially change the quality or flow pattern of water to, from, or in a water resource, either on or below the surface. Examples of activity include construction or placement of a structure, parking facility, parking space, public or private street, storage of liquid fuels, or alteration of terrain, dredging, excavation, filling, or grading. Activity does not include the cutting, maintenance or removal of vegetation as long as the soil surface is not disturbed in a manner that would potentially change the quality or flow pattern of water to, from, or in a water resource.

Adaptive Re-use:

The new use of a historic barn or agricultural outbuilding according to the provisions of Section 328.

Agriculture:

Use of land and/or water where the cultivation of soil, production of crops, and/or raising of livestock is conducted as a gainful business. Agriculture includes the sale of products grown or raised on the premises.

Agriculture, Forestry, and Environmental Research and Education:

Research and educational activities for all age levels on topics relating to agriculture, forestry, or the environment. These activities may be conducted in the outdoors or inside a building. New buildings specifically constructed to house activities associated with agricultural, forestry, or environmental research and education activities may only be located on lots having frontage on a numbered State Highway. All area and dimensional requirements shall be as specified in the underlying zoning district.

Alteration of Terrain:

Human conduct that changes or disturbs the terrain so as to impede natural run off or create an unnatural run off that has the potential to adversely affect water quality in water bodies or wetlands.

Antenna:

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

Area of Special Flood Hazard:

The land in the floodplain within the Town of Hanover subject to a one-percent or greater possibility of flooding in any given year. The area designated as zone A and AE on the Flood Insurance Rate Map.

Auto Service Station:

Any area of land, including structures thereon, that is used or designated to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, mechanical repairs or otherwise cleaning or servicing such motor vehicles. A service station is not a sales or major repair agency for autos, trucks, or trailers.

Auto Storage:

Commercial indoor storage for automobiles or other mobile equipment.

Available Land Area:

For the purposes of Section 209.4 E, the area of an individual lot or parcel of land on which a building is to be situated, plus its related land area, if any; used for the purposes of determining Floor Area Ratio and Open Space Ratio (see Appendix A).

Awning:

A roof-like covering, without sides which extend to the ground, attached to a building for the purpose of providing shelter from sun and weather.

Bank:

Establishment providing custody of money, financial or other similar services and serving the general public.

Banner:

A banner is a large piece of flexible material with a design, picture, or writing on it, is visible from a public street, and is temporarily attached to standards, lamp posts or buildings.

Base Flood:

A flood having a one percent chance of being equaled or exceeded within any one year period.

Basement:

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

Bed and Breakfast:

A single-family, owner-occupied dwelling, with meal service, limited to breakfast, for 16 or fewer in-house transient guests in a maximum of 8 bedrooms with a rental period a maximum of

two weeks.

Breakaway Wall:

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

Building:

A constructed unit forming a shelter for persons, animals, or property and having a roof and being permanently located on the land; where the context allows, the word “building” shall be construed as though followed by the words “or part thereof”. For the purposes of Article VII, for the definition of building, see structure.

Building Footprint:

The percentage of the total area of a lot of record covered by building(s) as measured from the exterior surfaces of the building(s).

Building Front Line:

Line parallel to the front line transecting that point in the building face which is closest to the front lot line except for minor projections as provided for in Section 308.

Building Height:

Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, not including any parapet less than 2 feet high, and to the average height between the eaves and the ridge for other types of roofs including the upper slope of gambrel roofs. See Section 209.4 for exceptions in the Institution Zone.

Camping Trailer:

A non-self-propelled structure mounted on wheels, requiring for occupancy, the unfolding or erection of articulated parts, and designed for travel, recreation and vacation use.

Care and Treatment of Animals:

The building or use for veterinary establishment, riding schools or kennels.

Child Day Care Agency:

Any person or organization, either established for profit or otherwise, which regularly receives for child day care four or more children, unrelated to the operator or staff of the agency; types of child day care agencies include:

- **Family Day Care Home:** An owner occupied residence in which child day care is provided for less than 24 hours per day.
- **Group Child Day Care Center:** A child day care agency in which child day care is provided for preschool children and/or school-age children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.

Church:

A place of public worship.

Clinic:

An office building used by members of the medical profession for the diagnosis and out-patient treatment of human ailments.

Club, Private:

Building or use catering exclusively to club members and their guests for recreational purposes.

Commercial Service:

Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, dry cleaner, photographic studio, and business providing similar services of a personal nature.

Communications/Telecommunications Facilities:

Any structure, antenna, tower, or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier wireless exchange access services; also included are radio, television or other structures for broadcasting purposes.

Conforming Structure:

A structure or part thereof that is in compliance with the Zoning Ordinance covering building bulk, dimensions, height, area, setbacks, density or off-street parking or loading requirements.

Conforming Use:

A use which occupies a building or land that does conform to the use regulations of the district in which it is located.

Conservation:

A careful preservation and protection; planned management of a natural resource to prevent exploitation, destruction or neglect.

Conservation Lot:

A lot which is protected permanently through the grant of a conservation easement to a governmental agency or a conservation organization approved by the Planning Board in consultation with the Conservation Commission. The lot need not have road frontage but must have adequate access as approved by the Planning Board. Such conservation easement shall restrict the uses of the lot to silviculture, agriculture and non-commercial outdoor recreation conducted in accordance with sound conservation practices and shall otherwise be in form and substance satisfactory to the Planning Board in consultation with the Conservation Commission.

Continuing Care Retirement Community (CCRC):

A community for the elderly which includes a contract for lifetime care of the residents; a CCRC shall have common facilities, including licensed intermediate and skilled nursing facilities primarily for and adequate to meet the needs of the residents, and other services which are not accessory to other permitted uses; the community and all of its facilities shall be under one ownership.

Contractor's Yard:

Carpenter shop, plumbing, roofing, contracting or similar service establishment.

Coverage:

That percentage of the lot area covered by the building area; where no coverage is specified, coverage shall be limited by setback requirements.

Cul-de-Sac Street:

A street having one open end and being permanently terminated at the other by a vehicular turnaround; a cul-de-sac street shall not provide entrance to other streets.

Development:

For purposes of Article VII only, 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 occupations, or storage of equipment or materials.

Downtown Civic:

Civic uses in the Downtown district include Churches, Public Education, Libraries, Governmental Offices, Post Office, Assembly, Court, Public Safety and Recreation.

Downtown Commercial:

Commercial uses in the Downtown district include Bank, Clinic, Commercial Service, Funeral Establishment, Office, Private Club, Restaurant, Retail Sales, Theatre, Tourist Information, Education, and other uses consistent with the statement of objectives set forth in Table 204.2A.

Downtown Lodging:

Hotel uses in the Downtown district.

Downtown Residential:

Residential uses in the Downtown district which include and are limited to One-Family Dwelling, Two-Family Dwelling, and Multi-Family Dwelling.

Drive-In Facility, Other:

Drive-in sales and service facilities other than drive-in restaurant, drive-in theatre and produce stand.

Dredge:

To dig, excavate, or otherwise disturb the contour or integrity of sediments in the bank or bed of a Protected Water Resource.

Drive-In Restaurant or Refreshment Stand:

Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshment or beverage on the premises.

Driveway:

A road improved with gravel, macadam, concrete or other similar substance giving access from a street to a building or parking area. A road serving more than two lots shall be considered to be a street, unless otherwise approved by the Planning Board as a shared driveway within an approved subdivision.

Dwelling, One-Family:

A detached residential dwelling unit other than a manufactured house, designed for and occupied by one family only.

Dwelling, Two-Family:

A residential building designed for or occupied by two families living independently of each other in individual dwelling units.

Dwelling, Multi-Family:

A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Seasonal:

A dwelling used on an intermittent basis for single-family residential purposes; such as, but not limited to, a vacation home, summer cottage or hunting and fishing camp, for not more than a total of 183 days in any 365 day period by owners or lessees.

Intent: By this definition it is intended that land in the F District shall not be used for occupancy on any continuing basis which would require public services including furnishing transportation for school purposes or furnishing police and fire protection except for buildings used for second or vacation homes.

Dwelling Unit:

One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sanitary and sleeping facilities. It shall include prefabricated and modular units, provided these units meet the standards of the local building code but shall not include manufactured housing, motel, hotel, tourist home, rooming house or similar structures. Additional cooking facilities not associated with individual sleeping or sanitary facilities shall not be deemed a separate dwelling unit.

Dwelling Unit, Owner-Occupied:

A dwelling unit that is the primary and actual residence of the owner who is regularly present at the dwelling unit.

Education:

Schools, colleges, trades schools, vocational school, and similar type of establishments.

Essential Services:

The erection, construction or major alteration by public utilities, private institutional utilities, or municipal or other governmental agencies of underground or overhead gas, electrical, sewer, steam, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, and similar equipment and accessories in connection therewith, and including municipal buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. Private institutional utilities shall be subject to Public Works and Building Code review and applicable permitting. For the purposes of this Ordinance, Essential Services shall not include the replacement of facilities (other than municipal buildings) or minor relocations or minor additions such as street lights, hydrants, wire, electrical transformers, fire alarm boxes or pipes.

Excavate:

To dig, remove or form a cavity or hole.

FAA:

An acronym that shall mean the Federal Aviation Administration.

FCC:

An acronym that shall mean the Federal Communications Commission.

Family, Related:

Any number of persons related by blood or by marriage or adoption living together as a single housekeeping unit.

Family, Unrelated:

Any group of not more than 3 persons not related by blood, marriage or adoption living together as a single housekeeping unit. In determining the maximum number of persons, the children of any resident person shall not be counted.

FEMA:

An acronym that shall mean the Federal Emergency Management Agency.

Fill:

As a noun, any rock, soil, gravel, sand or other such material that has been deposited or caused to be deposited by human activity; as a verb, to place or deposit materials in or on a Protected Water Resource or a buffer.

Flood or Flooding:

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, and (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Study:

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):

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 Hanover.

Flood Insurance Study: see flood elevation study.

Floodplain or Flood-Prone Area:

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

Flood Proofing:

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

Floodway (or Regulatory Floodway):

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

Floor Area Ratio (F.A.R.):

The ratio of Gross Floor Area to Gross Site Area. The Floor Area Ratio may also be referred to as the Gross Floor Area Ratio.

Forestry:

The growth and harvesting of forest products. This does not include clearing of trees in conjunction with building development or site improvement or incidental cutting for private use such as firewood.

Frontage:

The width of a lot measured along its common boundary with the street line.

Functionally Dependent Use:

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.

Funeral Establishment:

Funeral establishments shall include funeral parlors, undertaking homes, similar establishments where funerals are conducted, as well as working areas provided, display areas and similar uses associated with funeral establishments.

Gainful Business:

A business in which services or products are sold on a regular basis at a price commensurate with market conditions.

Governmental Uses:

Uses, construction or development of land owned or occupied, or proposed to be owned or occupied by the state, university system, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature. The types and functions of governmental uses are stated below:

- **Cemetery:** Includes such functions as cemetery, cemetery vaults, and necessary maintenance structures.
- **Education:** Includes such functions as elementary, middle, junior high schools and high schools, college, vocational or technical school, kindergarten, library and similar educational institutions.
- **Garbage Disposal:** Includes areas or structures for disposal of sewage, solid waste and garbage under the control of a governmental unit, including sanitary landfills, incinerators, sewage treatment plants, and similar methods of disposal.
- **Institution:** Governmental and other facilities primarily engaged in public services such as education, health and research.
- **Office:** Includes such functions as governmental office, laboratory, post office, clinic, assembly and court.
- **Parking:** Includes but is not limited to, municipally owned parking facilities, available for use by the general public.
- **Public Safety:** Includes such functions as fire, police, rescue, and ambulance services.
- **Recreation:** Includes such functions as recreation center, senior citizens center, gymnasiums, auditorium, and outdoor recreational facilities such as play fields, tennis courts and golf courses.
- **Service:** Includes such functions as garage, warehouse, vehicular repairs, outside storage for vehicles and supplies and similar uses.

Grade:

As a noun, the surface configuration of terrain; as a verb, to change the surface configuration of terrain that will alter the runoff of waters from the pre-existing surface configuration.

Gross Floor Area:

The sum of the physical areas of all floors of all buildings on a lot as measured to the outside surfaces of the exterior walls, with the exception of porches, balconies, open-sided roofed-over areas, and any floor or space designed and used for the parking of motor vehicles. For the purposes of calculating Floor Area Ratio, Gross Floor Area shall also exclude the area of all building floors whose finished surface is six feet or more below the Lowest Adjacent Grade of the lot.

Gross Site Area:

The total lot area.

Height:

When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Highest Adjacent Grade:

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure:

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) 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;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Hospital:

Includes sanitarium, clinic, nursing home, convalescent home, and any other place for the diagnosis, treatment or care of human ailments.

Hotel:

A building or group of buildings which contains two or more living accommodations for six or more transients regardless of accommodations, which constitutes the temporary abode, for 30 days or less, of persons whose primary residence is elsewhere. This shall include hotel or motel, condominium hotel, timeshare, or other type of interval occupancy or ownership, together with indoor or outdoor facilities for dining, relaxation, or recreation for such occupants. A hotel may also include customarily accessory facilities, services, and activities, such as outdoor recreation, for guests and the general public.

Hundred-Year (100-Year) Flood: see Base Flood.

Hydric Soil:

Soil that is saturated or flooded during a sufficient portion of the growing season to develop anaerobic conditions in the upper soil layers. Hydric soil delineations shall be determined based on the most recent edition of the manual “Field Indicators for Identifying Hydric Soils in New England” published by the New England Interstate Water Pollution Control. Hydric soils normally have 4 inches or more of organic soil or muck and/or a gray mineral soil with mottled gray and rust-colored mottles in the upper 12 inches of the soil.

Hydrophytic Vegetation:

Plant species adapted for life in water or in saturated soils. (See list of common hydrophytic indicator species for Hanover available at the Planning and Zoning Office)

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 that development for the construction or improvement of capital facilities owned or operated by the Town of Hanover, 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; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space.

Inclusionary Housing:

- **Affordable:** For a unit which will be sold, “affordable” at a certain income level means that the total of mortgage payment or rent, real estate tax, and homeowners insurance for the dwelling unit is no greater than 30% of that income level.
For a unit which will be rented, “affordable” at a certain income level means that the rent plus any mandatory fees for the dwelling unit are no greater than 30% of that income level.
- **Density Bonus:** A density bonus allows a developer to produce more units in a development than the base number of units which would otherwise be allowable under the zoning applicable to that development.
- **Median Family Income (MFI):** The median income level for families in Grafton County as defined and published periodically by the United States Department of Housing and Urban Development (HUD) and used to determine the eligibility of applicants for HUD's assisted housing programs. Very-low income families are those earning less than 50% of MFI. Low-income families are those whose earnings do not exceed 80% of the MFI. Moderate income families are those earning more than 80% but less than 120% of the MFI. The MFI applicable to a proposed development shall be the most recent such publication prior to the submission of application for the approval of the development. The MFI applicable to the resale of an affordable dwelling unit in such development shall be the most recent such publication prior to the resale.

Institution:

Facilities primarily engaged in public services including, but not limited to, education, research, health, and public worship.

Institutional Dining Facility:

A building owned by an institution and used primarily to provide food service for the institution's employees, congregation, patients, and /or students.

Intermittent Stream:

A stream that flows for sufficient time to develop and maintain a defined channel with scouring and deposition which connects directly into or out of a wetland or waterbody, but which might not flow during dry portions of the year. An intermittent stream includes the horizontal area extending ten feet from the stream centerline or ten feet from the top of each bank for streams wider than five feet, whichever is the greater distance. Intermittent streams shall not include man-made drainage ditches, swales, water bars, sub drains, or similar drainage improvements. Intermittent streams included on the map entitled "Water Resources" maintained in the Hanover Planning and Zoning Office are intended to be treated as intermittent streams hereunder.

Laboratory Research:

Laboratory for use as a commercial, scientific, or research laboratory of a non-nuisance and non-hazardous character.

Light Industry:

The assembly, manufacture, processing, packaging, or other industrial operations conducted in such a manner that all resulting cinders, dust, fumes, gas, odors, smoke and vapor are effectively confined to the premises or disposed of so as to avoid any air pollution and conducted in such a manner that the noise level at the property line will not exceed decibel levels as outlined in Section 323.1 and objectionable flashing and vibration will not occur.

Lot:

A parcel of land occupied or to be occupied by only one principal building and the accessory buildings or uses customarily incidental to it, except as provided in Section 303 (Principal Buildings Including Dwellings on Lots), Section 502 (Planned Residential Development) and as approved in Section 503 (Continuing Care Retirement Community). A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such setbacks and other open spaces as are herein required except as provided below. Such lot shall have frontage on an improved public street, or other means of access approved in accordance with RSA 674:41, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of these Regulations. A lawful lot may be used for any use permitted or allowed in the zoning district in which it is located as approved in this Ordinance or any amendment thereto, provided, however, that in the "GR" General Residence district, residential use of a lawful lot shall be limited to one family and uses accessory thereto, unless the lot meets the "Area per Additional Family" requirements set forth in Table 204.5. A lawful lot is a lot which meets the minimum requirements of the Zoning Ordinance in effect at the time the lot was created. All lots shown on a subdivision plan which has received Final Plat approval from the Planning Board shall be separate lots regardless of whether there is separate ownership or common ownership of contiguous lots.

Lot Area:

The horizontal area of the lot lying within lot lines, exclusive of any area in a street, and for lots in major subdivisions including land in the RR district, exclusive of any area as specified in Section 207.3.

Lot, Corner:

A lot situated at the intersection of, and abutting, two streets which have an angle of intersection of not more than 135 degrees. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at its points of intersection with the side lot lines meet at the interior angle of not more than 135 degrees.

Lot Coverage:

The portion of a lot of record covered by structures and improvements including but not limited to decks, porches without roofs, parking areas, all driveways accessing parking areas or facilities and all other impervious and improved surfaces and constructed areas. "Lot Coverage" excludes the portion of any structure located underground.

Lot Measurements:

Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot of Record:

A lot which is part of a subdivision recorded in the office of the Grafton County Registry of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lowest Adjacent Grade:

The lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In the D-1 district the lowest natural elevation shall only be measured along streets on which the structure has frontage. In the D-2 district the lowest elevation shall be measured along the entire perimeter of the structure.

Lowest Floor:

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

Maintenance Yard:

Any area of 10,000 or more square feet, exclusive of accessways, used for unenclosed storage, handling, and processing of construction materials, property maintenance materials, landscaping materials, recycling materials, composting materials, or related vehicles, equipment, trailers, containers, or job-site trailers or structures, or any combination of the above, not accessory to residential use.

Manufactured Home:

With reference to Article VII, Section 701 only, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

Manufactured Home Park or Subdivision:

For the purposes of Section 701 only, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Housing:

Any structure transportable in one or more sections which, in the traveling mode is eight (8) feet or more in width and forty (40) feet or more in length, or when erected is 320 square feet or more in area, and which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, which include plumbing, heating and electrical heating systems. Manufactured Housing as defined in this section shall not include pre-site built housing as defined in RSA 674:31-a. For flood plain management purposes “manufactured housing” includes park trailers, travel trailers, and other similar vehicles placed on a site for more than 180 consecutive days.

Manufactured Housing Park:

Any tract of land of at least 10 acres of which two or more manufactured houses are parked and occupied for living purposes.

Manufactured Housing Subdivision:

A subdivision of land which allows individual ownership of lots on which can be located only manufactured housing.

Mean Sea Level:

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.

Medical Center:

An institution comprised of a building or group of buildings devoted to any or all phases of medical activity including, but not limited to, treatment, hospitalization, research and teaching. The term also includes support facilities whose use is related and auxiliary to an existing medical center, whether or not located on the same lot. Such support facilities include, but are not limited to, a nursing facility, an extended care facility, or a hotel.

Motor Home:

A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

Neighborhood Retail Sales (PRD & CCRC):

Shop or store for the sale of retail goods designed to serve the Planned Residential Development or Continuing Care Retirement Community in which it is to be located. All exclusions contained in the definition of “Retail Sales” apply to neighborhood retail sales.

New Construction:

For the purposes of Section 701 only, 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 Hanover and includes any subsequent improvements to such structures.

Non-Conforming Structure:

A structure or part thereof not in compliance with the Zoning Ordinance covering building bulk, dimensions, height, area, setbacks, density, or off-street parking or loading requirements, where such structures conformed to all applicable laws, ordinances and regulations prior to the enactment of this Zoning Ordinance or amendments hereto.

Non-Conforming Use:

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto and that does not conform to the use regulations of the district in which it is located.

Non-Residential Use:

All uses of buildings, structures or land except one-family dwellings, two-family dwellings and multi-family dwellings.

Non-transient:

Residing in one location for more than 30 days.

Office:

Place where the business of a commercial, industrial, service or professional organization is transacted.

Off-Lot Water and Sewer:

The providing of water from a source and the disposal of the sewage not located on the lot on which is located the building for which these utilities are provided; further provided that each of these systems shall be designed so as to provide service to ten or more independent users.

On-Lot Water and Sewer:

The providing of water from a source such as a drilled well and the disposal of the sewage by such means as septic and drainage field located on the same or adjacent lot as the building for which these utilities are provided.

Open Space:

As it relates to a proposed development, the primary purpose of land designated as open space shall be to serve open space functions as stated in the Hanover Master Plan and Subdivision Regulations. Open space is the area of a lot with no buildings or other man-made improvements except those improvements which specifically support the use of the open space, such as a path, fence or seating. The lands may be in their natural state to serve important environmental and/or aesthetic functions, or they may be used for agriculture, forestry and/or outdoor recreation.

The open space shall generally be unfragmented, contiguous and continuous, that is, not interrupted by buildings, roads, driveways or other improvements which support development of the site. Smaller, discrete areas of open space on the development parcel may be considered when such areas serve the open space goals of the Hanover Master Plan and when the small area contributes to the protection of natural features which cross a property line or when such an area serves the open space needs of the residents of the development.

Open Space Development:

A purely residential subdivision of a tract where, instead of subdividing the entire tract into house lots of conventional size, a similar number of single family dwelling units may be clustered on lots of reduced dimensions. The remaining land in the tract which has not been built upon is reserved for open space.

Open Space Ratio (O.S.R.):

The ratio of the total available land area to the largest plan area of the building(s) as defined by the outside dimensions of the building(s) (see Appendix A).

Outdoor Storage:

Storage not in a structure, provided that any storage material other than new equipment, new building material or other new products displayed for sale are fenced or screened.

Parapet:

A low protective wall at the edge of a roof.

Park and Ride Facility:

A type of parking facility which is the principal use of a parcel of land of not less than five acres for parking of vehicles for persons who are employed at or seek to do business at some other location and for whom separate conveyance to and from such other location is provided by their employers, by the town, by public transit, by other commuters, or by some other party. A Park and Ride Facility may include such appurtenances as a waiting room, restroom, or shelter.

Parking Area:

An accessory use only: an area of the lot for the location of off-street parking spaces to serve the principal use on the same lot.

Parking Space, Off-Street:

For the purposes of these regulations, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Parking Facility:

The use of land which constitutes the principal use, for the parking of vehicles including but not limited to a parking lot, a parking structure, a park and ride facility, or a parking garage.

Passenger Stations:

Passenger stations shall include bus and taxi stations, providing all parking, loading and unloading shall take place on the premises.

Penthouse, Mechanical:

A structure located on the roof of a building to accommodate mechanical, electrical and other equipment used to support systems within the principal building; the penthouse shall not be used for human occupancy.

Pick-up Coach:

A constructed unit designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

Planned Residential Development:

A form of subdivision intended for mixed housing types, from single to multi-family, in which the buildings are grouped in patterns which allow a large percentage of open space to be retained for common use.

Plat:

A map showing proposed layout of streets and lots to scale.

Principal Building, Structure, or Use:

The building, structure, or use which houses or constitutes the main or primary activity on the premises.

Produce Stand:

Sale of flowers, garden supplies or agricultural produce designed to serve highway customers.

Public Water, Public Sewer:

Water supply and sewage disposal systems approved by the Town for municipal operation.

Publishing:

Uses which include on-site printing and related types of manufacturing operations. Retail copy services shall not be considered Publishing uses. Administrative activity related to publishing where printing or manufacturing does not occur on-site shall be considered an Office use.

Recreation, Outdoor:

Outdoor recreation activities which shall include such facilities as outdoor tennis courts, swimming pool, golf courses, play fields, and similar uses. No buildings shall be allowed except for the necessary related uses such as restrooms and maintenance facilities. In all cases, any building shall be treated as a Special Exception.

Recreational Vehicle:

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary quarters for recreational, camping, travel or seasonal use.

Related Land Area:

For the purposes of Section 209.4 E (3), any contiguous open land having a common boundary with a lot or parcel of land on which a building is to be situated, and which shall be shown to have been removed permanently from construction, present and future, by legal means, but which need not be held under single ownership, or under the same ownership (in part or in whole) as the said lot or parcel (see Appendix A). The following additional areas may be considered as part of the Related Land Area, when approved by the Zoning Board as being in the best interest of the Town of Hanover:

- (1) Permanently open space within 500 feet of the proposed building(s), or visually related to the proposed building(s).
- (2) In no case may the open space be counted as part of the related land area if it has been previously designated or is obviously more appropriately part of the related land area of another building. For calculation purposes, an open space may be divided between several buildings.

Removal of Natural Material:

The removal of natural material is the removal of loam, sand, gravel, fill or borrow for commercial purposes. The quarrying of stone is not included herein.

Residential Institution:

Residential institution shall include home for the aged, orphanage, rest home, extended care facility and similar types of group living accommodations.

Residential Use:

Includes one-family dwelling, two-family dwelling, multi-family dwelling and manufactured housing.

Restaurant:

Restaurant shall include diner, cafe, and cafeteria and shall not include drive-in restaurants. It shall be an eating establishment which is primarily designed for its patrons to eat at tables, booths or a counter. Take-out refreshments are only incidental to the main purpose of the establishment.

Retail Sales:

Includes shop and store for the sale of retail goods, personal service to the public, and take-out food establishments where no seating is provided; and shall exclude any drive-in service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and manufactured housing sales and service and commercial services.

Rooming House:

Any owner-occupied dwelling unit (other than a hotel or motel) in which living accommodations without kitchen facilities are rented to at least 4 but not more than 8 non-transient roomers. A boarding or lodging house shall be deemed a rooming house.

Sawmill:

Sawmill operations or forest produce manufacture in structures, provided they are not within 200 feet of any property line and provided that outdoor storage shall not be located within the required front setback or within 50 feet of any property line.

Sawmill, Temporary:

Sawmill operations, not necessarily in structures, providing that no saw or other noisy equipment shall be operated within 50 feet of any highway or for more than 14 days of any calendar year within 300 feet of any residence. Such temporary sawmill may be limited as to hours of operation and duration of use.

Service Area:

The area adjacent to the building entrance, usually in the rear, through which the non-residential user receives supplies and waste materials are removed.

Setback:

Space on a lot not to be occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the building and shall not project into a required setback.

Setback, Front:

Minimum required distance between the front lot line and the front line of a building or structure extended to side lot lines of the lot. Where applicable, the front setback shall be as shown on the map entitled "Downtown Area Setback Line" dated May 14, 2002.

Setback, Rear:

Minimum required distance between the rear lot line and the rear line of a building or structure extended to the side lot lines of the lot. The rear setback shall be measured from the rear lot line to the rear line of the building or structure.

Setback, Side:

Minimum required distance between the building or structure and a side lot line, and extending through from the front setback to the rear setback.

Sign:

Any structure or part thereof or device attached thereto or painted or represented thereon, which displays or includes any letter, word, model, banner, flag, pendant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction, or advertisement. For the purposes of this Ordinance, the word "sign" includes "billboard", but does not include athletic scoreboards, street or traffic signs or warnings, or the flag, pennant, or insignia of any nation, group of nations, state, city, or other governmental units.

Slope:

The inclination of a surface, defined as the number of units of rise or fall per 100 horizontal units. All units must be expressed in the same standard units. Slope is calculated as a percentage by dividing the total change in elevation of the surface in question by the horizontal distance from one end to the other end of the surface in question and by multiplying by 100. Changes in elevation and/or distance are measured perpendicular to the contours of the map being used.

Special Exception:

The use of a building or lot which may be permitted under this Ordinance only upon application to the Board of Adjustment and subject to the approval of that Board, and only in cases where the words "Special Exception" or the letters "SPECIAL EXCEPTION" in this Ordinance pertain, and in accordance with the provisions of Section 206.

Special Flood Hazard Area:

See "Area of Special Flood Hazard."

Start of Construction:

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 a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Steep Slopes:

Unless on-site survey shows otherwise, steep slopes shall be defined as all slopes 25 % and over in slope as designated in the "Soil Survey of Grafton County Area, New Hampshire" (U.S. Department of Agriculture, Natural Resources Conservation Service).

Street or Public Street:

A public highway which the town or state has the duty to maintain regularly or a highway shown on a subdivision plat approved by the Planning Board and recorded in the Grafton County Registry of Deeds which provides the principal means of access to abutting property.

Street Line:

Right-of-way line of a street as dedicated by a deed of record; where the width of the street is not established, the street line shall be considered to be twenty-five feet from the center line of the street pavement.

Structures:

Anything constructed or erected with a fixed location on, above or below the ground, or attached to something having a fixed location on, above, or below the ground. Structures include, but are not limited to, buildings, swimming pools, manufactured housing, billboards, and poster panels. It shall not include minor installations such as fences and safety fences, mail boxes, flagpoles, and retaining walls of a height of 4 feet or less as measured from the toe of the wall to the top of the wall at its tallest point. For the purposes of this definition electrical transformers and the following essential services are not considered structures: underground or overhead gas, electrical, sewer, steam, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit-cables, and similar equipment and accessories in connection therewith.

Student Residence, “I” Institution district:

A building designed for and occupied by students, and operated in conjunction with another institutional use, which may include individual living units with social rooms and kitchen facilities for any number of students. This definition shall apply only to those student residences located within the “I” Institution zoning district.

Student Residence, Residential districts:

A building designed for and occupied by students including social rooms and a limited number of kitchens and operated in conjunction with another institutional use.

Substantial Damage:

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:

Substantial Improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulate cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Tourist Home:

Any dwelling (other than a hotel or motel) in which living accommodations without kitchen facilities are rented to ten or fewer transient guests for more than 12 days per year.

Tower:

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

Travel Trailer:

A vehicular, portable, non-self-propelled structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer and, when factory equipped for the road, having a body width not exceeding 8 feet and a body length not exceeding 32 feet.

Truck Terminal:

A truck terminal shall be allowed to have facilities for transfer of merchandise, repair, maintenance and servicing of trucks and trailers and indoor and outdoor storage of equipment including tractors, trucks and trailers. Any outdoor storage shall be fenced or screened.

Use Accessory to Permitted Use:

A building or use accessory to a permitted land use as specified in the tables in Section 204.

Use Accessory to Special Exception:

A building or use accessory to a Special Exception land use as specified in the tables in Section 204.

Use, Permitted:

Use specifically allowed in the district, excluding illegal uses and non-conforming uses.

Variance:

Such departure from the terms of this Ordinance as the Board of Adjustment, upon appeal in specific cases, is empowered to authorize under the terms of Section 1006 and applicable statutes of the State of New Hampshire.

Vehicular Sales and Repair Facility:

Enclosed establishment for the display, sale and repair of new and used motor vehicles, trailers, motorcycles, manufactured housing and boats. No retail sale of gasoline or retail sale of oil is permitted except as incidental to the repair facility. Outdoor display of new and used equipment may be permitted.

Violation:

For the purposes of Section 701 only, 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 s 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.

Warehouse:

A structure whose principal use is the storage of goods, wares and merchandise, whether for the owner or for others, and whether it is a public or private warehouse.

Water Resources:

Waterbodies, wetlands including vernal pools, and intermittent streams.

Water Resource Buffer:

The buffer area of a water resource is the area within 75 horizontal feet of the top of the bank of any waterbody or within 75 horizontal feet of any wetland. In the case of a sewage disposal system the buffer shall be the area within 125 horizontal feet of:

- (1) A bank of any waterbody,
- (2) The edge of any wetland, or
- (3) An intermittent stream.

Water Surface Elevation:

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 floodplain.

Waterbody:

Any river, stream, brook, lake or pond containing surface water throughout the year, and shall include all area up to the top of the bank of the waterbody. The bank of a waterbody is the transitional slope immediately adjacent to the edge of the surface water, usually characterized by a break in slope at both the top and the bottom.

Watercourse:

A natural or man made channel through which water may flow.

Wetland:

Any area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include but are not limited to, swamps, marshes, bogs and similar areas. Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers "Wetlands Delineation Manual, Technical Report Y-87-1" (January 1987); provided, however, that delineations based on hydrophytic vegetation or hydric soils shall be sufficient for projects allowed by administrative permit under Section 702.7, so long as the vegetation or soil has not been disrupted by artificial planting or past dredging or filling. Wetlands classifications, when made, shall be in accordance with U.S. Fish & Wildlife Service Manual FWS/OBS-79/31, "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al, 1979).

Wetlands Hydrology:

Wetlands hydrology means saturation or inundation to the surface for two weeks or more during the growing season.

Wholesale Business:

Includes warehouse, wholesale establishment, discount house, bulk storage and bulk sales outlet.

Vernal Pool:

A surface water or wetland, excluding areas resulting from man-made activities such as gravel pit operations, logging equipment rutting, sedimentation ponds, or detention ponds, but including area intentionally created for purposes of compensatory mitigation which provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provide by these pools and which cycle annually from flooded to dry conditions although their hydroperiod, size and shape might vary from year to year. Typically, vernal pools have the following characteristics:

- (1) Formed in a shallow depression or basin;
- (2) Have no permanently flowing outlet;
- (3) Hold water for at least two continuous months following spring ice-out;
- (4) Lack a viable fish population; and
- (5) Support one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators as defined by NH DES.

ARTICLE X. ADMINISTRATION AND ENFORCEMENT**Section 1001 Zoning Permit**

1001.1 Written application for a Zoning Permit must be filed with the Town of Hanover for any of the following, and, except as provided in applicable statutes of the State of New Hampshire, until a permit has been obtained from the Zoning Administrator (or, if the permit is denied, until the Zoning Board of Adjustment has directed that a permit be issued), none of the following shall be commenced:

- A. The erection or use of any new building, exterior sign or other structure.
- B. The relocation of any building, structure, exterior sign, or part thereof.
- C. The alteration of any building or structure resulting in an expansion of the footprint in any direction or an expansion of the volume in any way.
- D. An increase in the area or the lighting of a sign regulated under Section 317.
- E. A change in the non-conforming use of structures or land;
- F. The occupancy of vacant land for any purpose except the raising of crops;
- G. Any use of premises that would constitute a departure from the terms of this Ordinance, including, without limiting the generality of the foregoing, a change in the nature of the use of any building or premises to a non-conforming use from any lawful prior use, or the expansion of any existing lawful non-conforming use.
- H. Any change in lot size or shape that would result in a violation of area or dimensional regulations.

1001.2 Application for a Zoning Permit shall be upon an appropriate form to be prescribed by the Town and shall be accompanied by such of the following as the Zoning Administrator may require:

- A. Plans, drawn to scale, showing the actual shape, dimensions, and location of the lot to be used, of existing buildings upon it, of alterations proposed for existing buildings, and of proposed new buildings;
- B. Information as to the existing and intended use of each building, lot or part thereof, and as to the number of families, lodgers, or other occupants any building upon the premises is designed to accommodate;
- C. Any other information with respect to the lot and applicant's proposed use thereof, as well as relative to other lots in the neighborhood which, in the judgement of the Zoning Administrator, is necessary to determine whether the action or use for which a permit is sought is a conforming action or use under the terms of the Ordinance.

1001.3 Upon receipt of a completed application for a residential project, abutters shall be notified of the pending application. The Zoning Administrator shall determine whether an application for a permit is in compliance with this Ordinance. If the Zoning Administrator determines that it is, the application for permit shall be approved and a Zoning Permit issued. SUCH ZONING PERMIT SHALL NOT TAKE EFFECT UNTIL THE APPEAL PERIOD HAS EXPIRED. The Zoning Administrator shall act upon any application within fifteen (15) days after it has been filed.”

1001.4 Issuance of a Zoning Permit pursuant to this Ordinance constitutes approval by the Town of the proposed use only under the requirements of this Zoning Ordinance.

- 1001.5 The issuance of a Zoning Permit for any use for which it is required shall precede or be in conjunction with the issuance of a Building Permit.
- 1001.6 No Zoning Permit issued hereunder shall take effect until fifteen days have passed after its issuance. Within three days following the issuance of a Zoning Permit, the Zoning Administrator shall post a copy of this permit in at least one public place until fifteen days have elapsed from the date of its issuance. Work may commence within this fifteen-day period, at the owner's risk, as soon as the Building Permit for this work has been issued. The Building Inspector may issue the Building Permit at any time after the Zoning Permit has been issued.
- During this fifteen-day period, an appeal of the Zoning Permit may be filed with the Zoning Board in accordance with RSA 676:5. Each Zoning Permit shall state the date by which such an appeal may be taken. In the event an appeal is taken to the Zoning Board of Adjustment, the Zoning Permit shall not take effect pending the final decision on the appeal.
- 1001.7 A Zoning Permit, Variance or Special Exception shall become void if construction is not begun thereunder within 2 years from the approval date of such Zoning Permit, Variance or Special Exception.
- 1001.8 On approval by the Zoning Board of Adjustment of a Variance or Special Exception, the Zoning Administrator shall issue a Zoning Permit as of the day of judgement of the Zoning Board of Adjustment.

Section 1002 Reserved

Section 1003 Zoning Administrator

- 1003.1 The administrative and enforcement officer for this Ordinance shall be known as the Zoning Administrator and shall be hired or appointed by the Town Manager.
- 1003.2 The Zoning Administrator shall administer the Zoning Ordinance and shall not have the power to permit any use of land or buildings which is not in conformance with this Ordinance.

Section 1004 Enforcement and Penalty

- 1004.1 This Ordinance shall be enforced by the Zoning Administrator, if any building or use of land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance. The Zoning Administrator shall institute, in the name of the Town, any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate such construction or use or to prevent in or about the premises any act, conduct, business, or use constituting a violation.
- 1004.2 The owner of record of a property is solely responsible for ensuring at all times that such property complies in full with all provisions of this Ordinance. Any person who violates this Ordinance shall be subject to fines and penalties as provided by State Law, including RSA 676:17.

Section 1005 Board of Adjustment

There shall be a Board of Adjustment, as provided by the statutes of the State of New Hampshire, whose members shall be appointed by the Board of Selectmen.

1005.1 Powers of Board:

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

- A. To hear and decide appeals where it is alleged there is an error in any order, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- B. To hear and decide Special Exceptions to the terms of this Ordinance upon which the Board of Adjustment is required to pass as provided herein. (See Section 206).
- C. To authorize upon appeal in specific cases such Variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done. In doing so, the Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and community.
- D. In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the powers granted to it under RSA Chapter 674, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.
- E. The concurring vote of three members of the Board shall be necessary to reverse any action of the Zoning Administrator or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance or to effect any variation in this Ordinance.

1005.2 Rules Governing Proceeding Before Board:

- A. All appeals and applications to the Board of Adjustment shall be in writing, on forms prescribed by that Board. Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth the interpretation, the Special Exception or the Variance for which application is made.
- B. Whenever a notice of appeal is filed for a Variance or an application is made for a Special Exception, the Board of Adjustment shall hold a public hearing, and notice shall be given as follows: The appellant and all the abutters shall be notified of the hearing by certified mail, return receipt requested, stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing of the appeal. A public notice of the hearing shall be placed in a newspaper of general circulation in Hanover not less than 5 days before the date fixed for the hearing of the appeal. The public hearing shall be held within 30 days of the receipt of the notice of appeal. Any person may appear in person or by agent or attorney at the hearing of an appeal. In addition to the notices sent as described above, the Board shall also send such a notice to the Planning Board and the Board of Selectmen, and either Board shall be a proper party to appear and to be heard upon any such appeal or application. Upon the entry of any decision, report or order in such a proceeding, the Board of Adjustment shall cause a copy to be sent to the

Planning Board. In those proceedings before the Board of Adjustment at which the Planning Board submits its recommendations, such recommendations shall be in the same format as that required of the Board of Adjustment in reporting its decision. The Board of Adjustment shall state its reason in reasonable detail as to the granting or denial of a Special Exception or Variance with particular reference to the standards or conditions applicable thereto.

- C. The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Town Manager and shall be a public record.
 - (1) Any appeal taken from any decision of the Zoning Administrator shall be taken within fifteen (15) days of the date of the decision except for decisions that a violation exists. With regard to decisions by the Zoning Administrator that there has been a violation of the Zoning Ordinance, the alleged offender shall have seven (7) days from the date of receipt of the Notice of Violation to appeal the decision of the Zoning Administrator.
- D. The Board of Selectmen shall establish such appropriate fees as will compensate the Town for the cost of processing and reviewing all appeals and applications submitted to the Board of Adjustment. The applicant shall pay the established fee upon submission of the appeal or application.
- E. The provisions contained herein are intended to comply with applicable provisions of RSA Chapter 674 as amended. Any such amendment shall constitute a similar amendment herein without further action.

Section 1006 Variance

1006.1 The Board of Adjustment may, on an appeal, grant a Variance from the provisions of this Ordinance, if the applicant produces evidence to support a finding of each of the following facts by the Board of Adjustment:

- A. The variance will not be contrary to the public interest;
- B. The spirit of the Ordinance is observed;
- C. Substantial justice is done;
- D. The values of surrounding properties are not diminished; and
- E. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
 - (1) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (a) No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and
 - (b) The proposed use is a reasonable one.
 - (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist, if, and only if, owing to special conditions of the

property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of “unnecessary hardship” set forth in subparagraph E shall apply whether the provision of the Ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the Ordinance.

1006.2 In authorizing a Variance, the Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and the community, including but not limited to a time limit when the Variance will expire if not utilized.

1006.3 The Board of Adjustment may on an appeal grant a Variance from the provisions of Article VII, Protection of Flood Plains, Waterbodies and Wetlands, as follows:

- A. No Variance shall be issued within the floodway if any increase in flood levels during the Base Flood discharge would result.
- B. A Variance may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level in conformity with the procedures of subsections C, D, E & F set forth below.
- C. A Variance shall be issued only upon a showing of good and sufficient cause, a determination that failure to grant the Variance would result in exceptional hardship to the applicant and a determination that the granting of the Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or a victimization of the public, or conflict with any other applicable existing Town ordinances.
- D. A Variance shall be issued only upon a determination by the Board that the Variance is the minimum necessary considering the flood hazard to afford relief.
- E. The Zoning Administrator shall notify the applicant in writing that the issuance of a Variance to construct the structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all Variance actions.
- F. The Zoning Administrator shall maintain a record of all Variances and justification for their issuance and shall report such Variances issued in an annual report to be submitted to the Administrator of the Federal Insurance Administration.
- G. A Variance shall be issued only upon a determination by the Board that the applicant has demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increases in flood levels within the community during the base flood discharge.

1006.4 Variance to Accommodate Disabilities:

The Board of Adjustment may grant a variance from the terms of this zoning ordinance without finding hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises provided that the Board of Adjustment:

- A. Shall determine that any variance granted under these provisions shall be in harmony with the general purpose and intent of the zoning ordinance;
- B. May stipulate in the finding and the Notice of Action included in the variance that the variance granted pursuant to these provisions shall survive only so long as the particular person has a continuing need to use the premises; and
- C. Shall require that the owner of the premises pay to the Town of Hanover all costs of recording the Notice of Action regarding such variance in the Grafton County Registry of Deeds; such recording shall be done by the Town of Hanover.

A temporary permit may be issued by the Zoning Administrator, under Section 310.3, to allow the use of a temporary access structure (such as a handicap ramp) to enable a disabled individual to more easily and safely enter and exit a residence.

Section 1007 Equitable Waiver of Dimensional Requirement.

1007.1 When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

- A. That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;
- B. That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;
- C. That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and
- D. That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

1007.2 In lieu of the findings required by the board under subparagraphs 1007.1 A and B, the owner may demonstrate to the satisfaction of the board that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.

1007.3 Application and hearing procedures for equitable waivers under this section shall be governed by RSA 676:5 through 7. Rehearings and appeals shall be governed by RSA 677:2 through 14.

1007.4 Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

Section 1008 Fee

The fee for any permit issued under this Ordinance shall be established by the Board of Selectmen. Such fee shall accompany each application for a permit.

Section 1009 Consent to Inspect

Every applicant for a permit or approval under this ordinance shall be deemed to have consented to such inspection of the relevant property or properties as is directly related to that application and is reasonably necessary for the town's officials, board members, employees, or other agents to acquire information appropriate to make an informed decision relative to the application and to ascertain the compliance with the permit and its terms of issuance, approved plans, conditions of approval, and requirements of this ordinance. Refusal by an applicant to consent to such inspection shall be grounds for disapproval of the application or shall be grounds for refusal by the town to issue any Certificate of Completion, Compliance, or Occupancy relative to the permit or application.

ARTICLE XI. MISCELLANEOUS PROVISIONS**Section 1101 Severability Clause**

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

Section 1102 Effective Date

This Ordinance shall take effect immediately upon its adoption.

Section 1103 Amendments

This Ordinance and its accompanying maps may be amended in accordance with the provisions of the applicable statutes of the State of New Hampshire.

Section 1104 Validity

Whenever the provisions of this Ordinance or rulings made under the authority hereof differ from those of other ordinances or regulations of the Town, that provision or ruling which imposes greater restriction or higher standard shall govern.

Section 1105 Repeal

Upon the valid adoption of this Zoning Ordinance pursuant to RSA Chapter 31, the existing Zoning Ordinance and all amendments thereto are hereby repealed. In the event that the "Zoning Ordinance of the Town of Hanover, New Hampshire, 1976" is not adopted, then the existing Zoning Ordinance and all amendments thereto shall continue to be in full force and effect.

APPENDIX A. Special Exception for Height (Sec.209.4 E)

In the B-1, D-1, BM, OL, and I districts, a Special Exception for height in excess of the normal permitted height of a building within the district may be granted by the ZBA when two special conditions are met in addition to all other pertinent requirements as set forth elsewhere in this Ordinance. However, in no case may the height allowed be in excess of the stated maximum height limitation for that district, or of that listed separately for lots adjacent to residential districts. The conditions for excess height are a limitation on the size of the ground floor in proportion to the available land area, together with a limitation on gross floor area (counting all stories) in proportion to the available land area. These limitations are expressed in terms of two ratios, namely, the Open Space Ratio and the Gross Floor Area Ratio.

In applying the area limitations, "available land area" is considered to be the area of the individual lot or parcel of land on which the building is to be situated, plus any contiguous open land area ("related land area") having a common boundary with the said parcel or lot and which may be shown to have been removed permanently from construction, present and future, by legal means. Related land area, for the purposes of this requirement, need not be held under single ownership, or under the same ownership (in part or in whole) as the said parcel or lot. The related land area must be in the same zoning district as the actual lot area.

Application of Open Space Ratio of 4; (Condition I):

Ground floor area (B_1) may be equal to or less than, but shall not exceed, $1/4$ the available land area ($A + A_1$)

Application of Gross Floor Area Ratio of 3; (Condition II):

Gross Floor Area ($B_1 + B_2 + \dots + B_N$) may be equal to or less than, but shall not exceed, 3 times the available land area ($A + A_1$).

Example 1:

Lot Area (A) = 6,000 sq. ft. No Related Land Area
($A_1 = 0$). ($A + A_1$) = 6,000 sq. ft.

- Apply Condition I: Ground Floor Area (B_1) may not exceed $1/4 \times (A + A_1) = 1/4 \times 6,000 = 1,500$ sq. ft.
- Choose N = number of stories for $H = 60$ ft. at 10 ft./story. $N = H/10 = 6$.
- Calculate Gross Floor Area (approximate): Assuming all floors have equal area, $(B_1 + B_2 + \dots + B_6) = 6(B_1) = 6 \times 1,500 = 9,000$ sq. ft.
- Apply Condition II: Gross Floor Area ($B_1 + B_2 + \dots + B_6$) may not exceed $3 \times (A + A_1) = 3 \times 6,000 = 18,000$ sq. ft.

Therefore a ground floor area of 1,500 sq. ft. and a Gross Floor Area of approximately 9,000 sq. ft. satisfy Conditions I and II for a lot size of 6,000 sq. ft., and would be grounds for a Special Exception on a height of 60 ft.

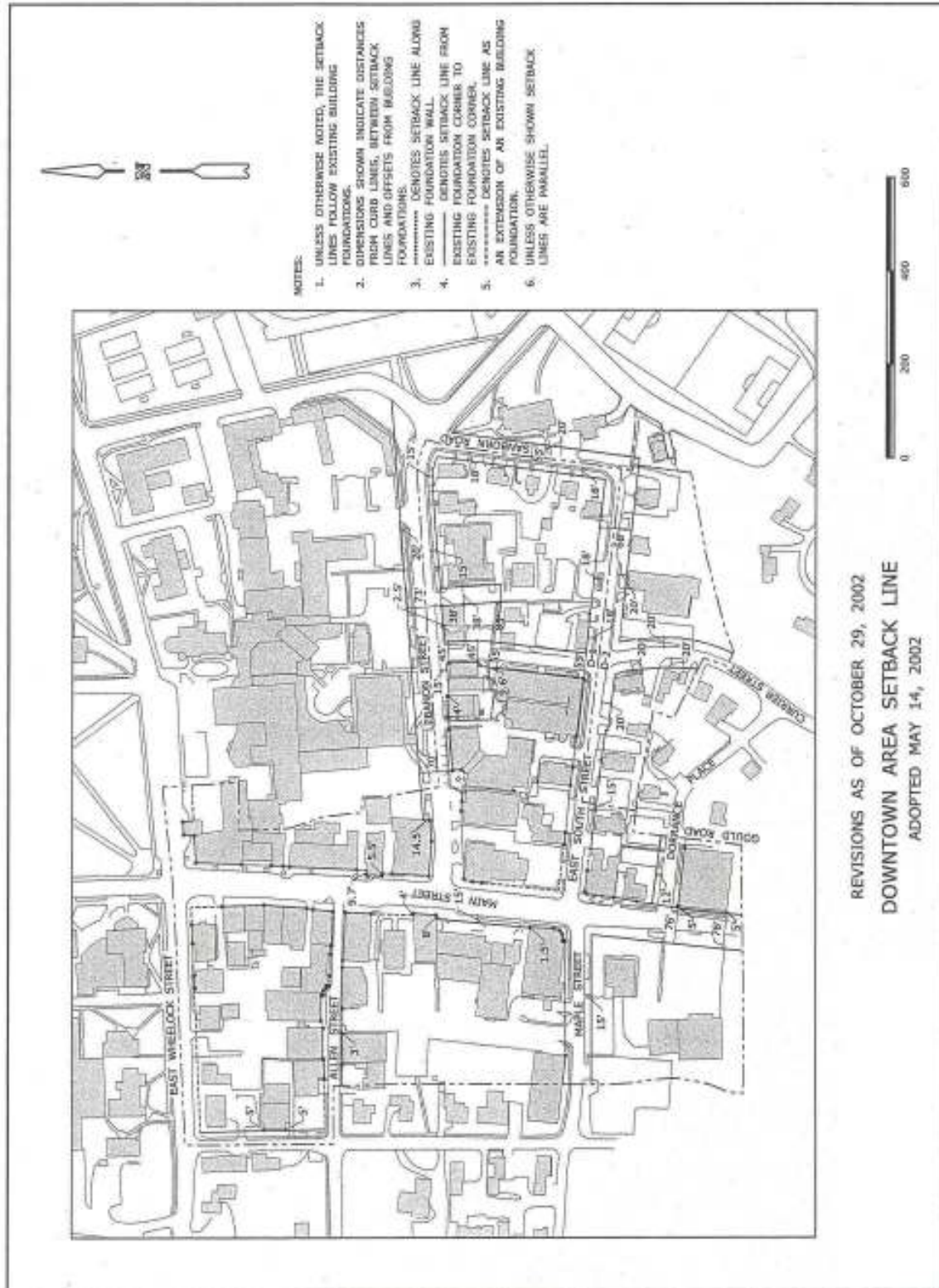
Example 2:

Lot Area (A) = 6,000 sq. ft. Related Land Area = 4,000 sq. ft.
($A + A_1$) = 10,000 sq. ft.

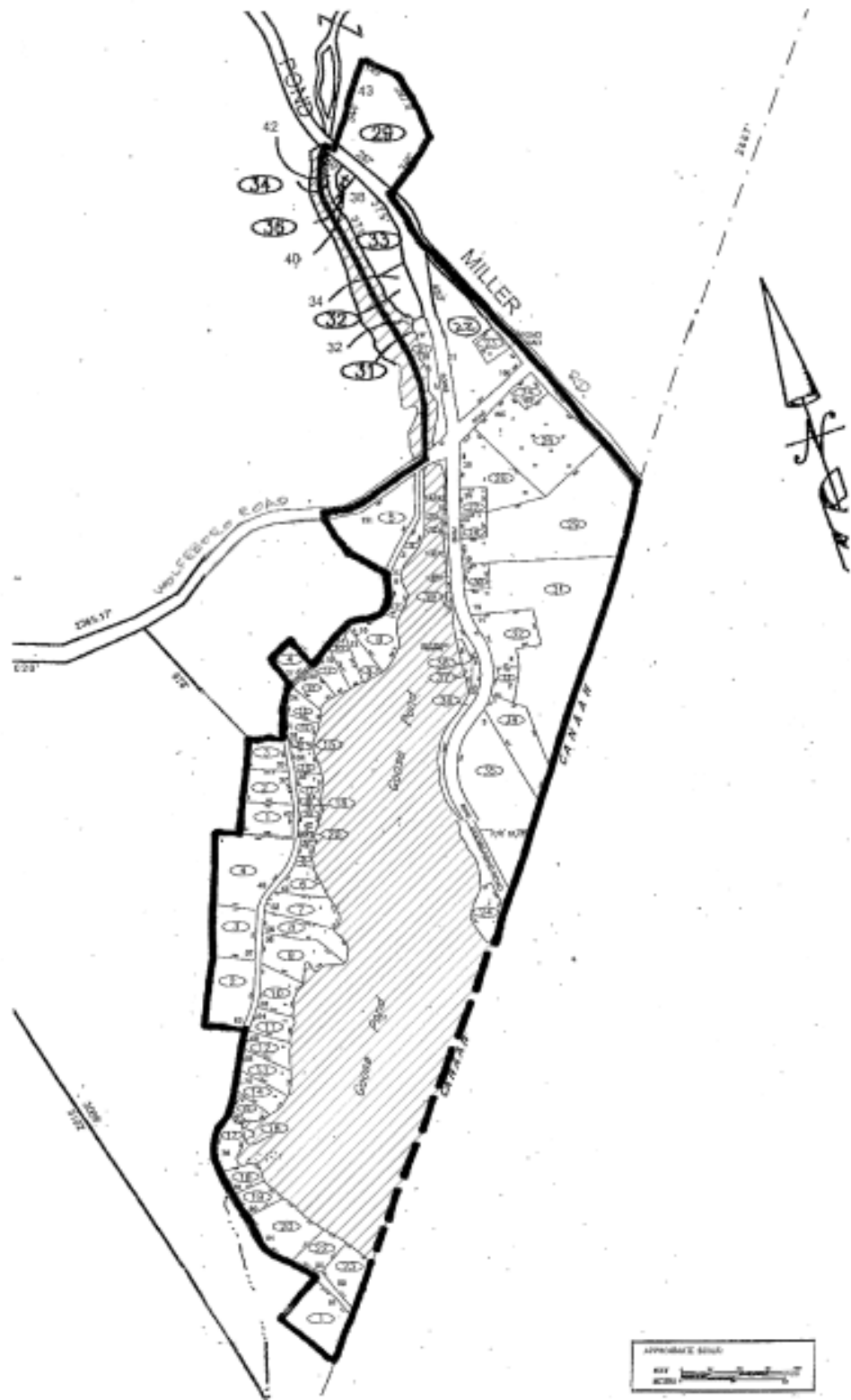
- Apply Condition I. B_1 may not exceed $1/4 \times (A + A_1) = 1/4 \times 10,000 = 2,500$ sq. ft.
- Choose $N = 6$ stories.
- Calculate approximate Gross Floor Area = $6 \times 2,500 = 15,000$ sq. ft.
- Check Condition II. ($B_1 + B_2 + \dots + B_6$) may not exceed $3 \times (A + A_1) = 3 \times 10,000 = 30,000$ sq. ft.

Therefore a ground floor area of 2,500 sq. ft. and a Gross Floor Area of 15,000 sq. ft. (approximately) would be grounds for a Special Exception on a height of 60 ft.

Note: In general, it may be anticipated that Condition I will control the limitation on Gross Floor Area so long as N, the number of stories, is less than $12 \times$ (the product of the Open Space Ratio and the Gross Floor Area Ratio). However, both Condition I and Condition II should be checked in the final computation.

Downtown Area Setback Line Map:

Map of “GP” Goose Pond Zoning District:



Map of West End Neighborhood Overlay District (see Section 213)

ATTEST:

Jonathan Edwards,
Director of Planning & Zoning
May 8, 2012

Zoning Districts:

BM Service Business and Limited Manufacturing

D Downtown:
D-1 Downtown Center
D-2 Downtown Edge
B Business

RO Residence and Office

OL Office and Laboratory

I Institutional

GR General Residence:

GR-1 General Residence-1

GR-2 General Residence-2

GR-3 General Residence-3

GR-4 General Residence-4

SR Single Residence:

SR-1 Single Residence-1

SR-2 Single Residence-2

SR-3 Single Residence-3

RR Rural Residence

GP Goose Pond

F Forestry & Recreation

NP Natural Preserve

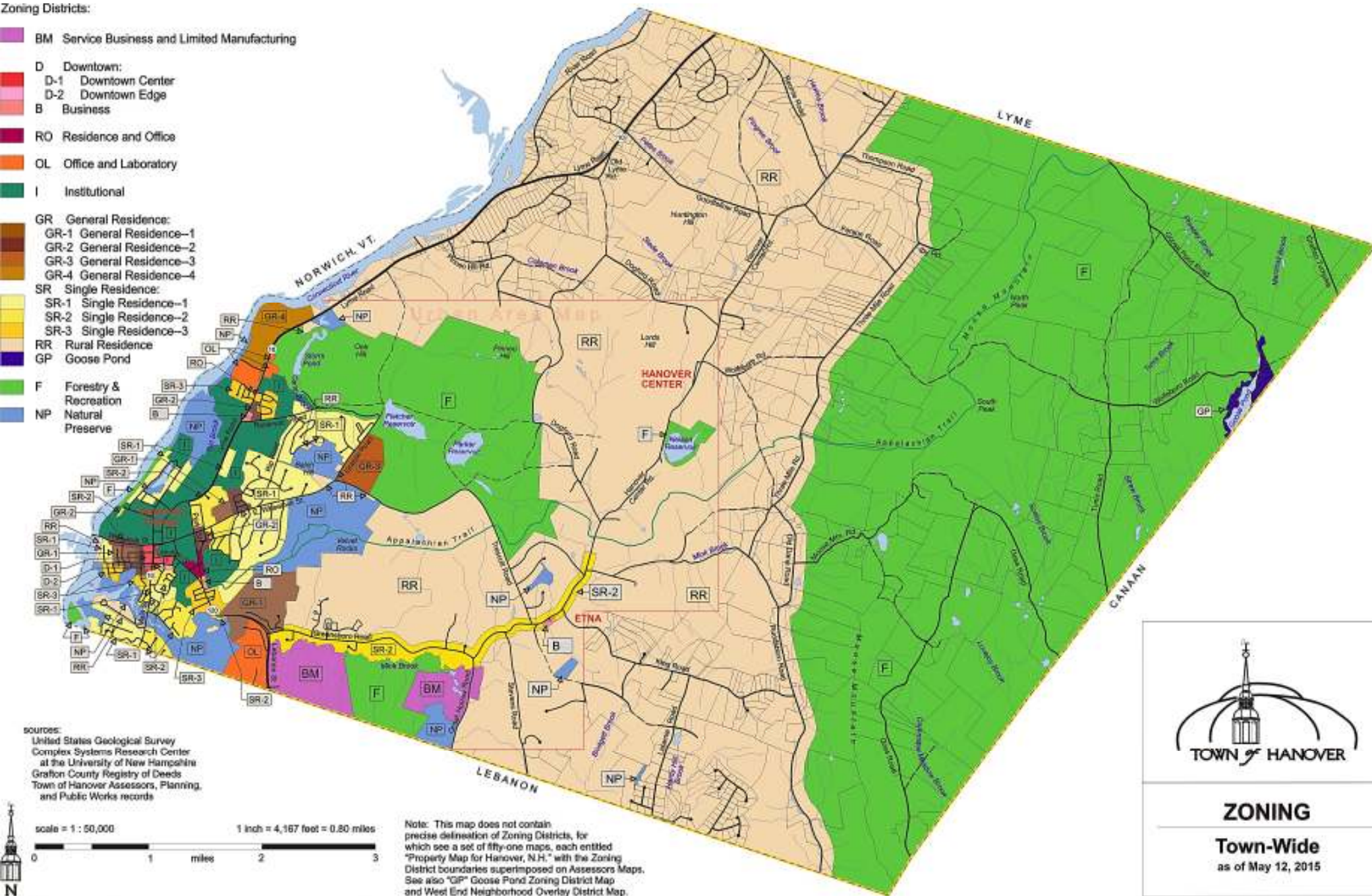
sources:
United States Geological Survey
Complex Systems Research Center
at the University of New Hampshire
Grafton County Registry of Deeds
Town of Hanover Assessors, Planning,
and Public Works records

scale = 1 : 50,000

1 inch = 4,167 feet = 0.80 miles

0 1 2 3 miles

Note: This map does not contain
precise delineation of Zoning Districts, for
which see a set of fifty-one maps, each entitled
"Property Map for Hanover, N.H." with the Zoning
District boundaries superimposed on Assessors Maps.
See also "GP" Goose Pond Zoning District Map
and West End Neighborhood Overlay District Map.



ZONING

Town-Wide
as of May 12, 2015

Zoning Districts:

BM Service Business and Limited Manufacturing

D Downtown:
D-1 Downtown Center
D-2 Downtown Edge
B Business

RO Residence and Office

OL Office and Laboratory

I Institutional

GR General Residence:
GR-1 General Residence-1
GR-2 General Residence-2
GR-3 General Residence-3
GR-4 General Residence-4

SR Single Residence:
SR-1 Single Residence-1
SR-2 Single Residence-2
SR-3 Single Residence-3

RR Rural Residence

GP Goose Pond

F Forestry & Recreation
NP Natural Preserve

SOURCE:
United States Geological Survey
Complex Systems Research Center
at the University of New Hampshire
Grafton County Registry of Deeds
Town of Hanover Assessors, Planning,
and Public Works records

scale = 1 : 25,000 1 inch = 2,084 feet = 0.40 miles

0 0.5 miles 1.0 1.5

Note: This map does not contain
precise delineation of Zoning Districts, for
which see a set of fifty-one maps, each entitled
"Property Map for Hanover, N.H.," with the Zoning
District boundaries superimposed on Assessors Maps.
See also West End Neighborhood Overlay District Map.



ZONING

Urban Area
as of May 12, 2015