

WHITEFIELD, NH
DEVELOPMENT CODE

1992

Amended: March, 1994
March, 1995
March, 1996
March, 2003
March, 2009
Dec, 2012 – Resolution
March, 2017
March, 2019
March, 2020
March, 2021
March, 2023
March, 2024

CURRENT AS OF: 3/15/2024

SELECTMEN:

Howard Bray
Martha Hardiman
Steve Marro

THE TOWN PLANNING COMMISSION:

Stanley Holz, Chairman
William Hicks
Emily Lafasciano
Alice McGee

WHITEFIELD DEVELOPMENT CODE
TABLE OF CONTENTS

	PAGE
Introduction	6
Article I - Title	7
Article II – Purpose	7
Article III – Authority	7
Article IV – Administration and Permits	7
Section 1 – Development Permit Required	7
Section 1.1 – Required	
Section 1.2 – Work Exempt from Permit	
Section 2 – Recreational Vehicle Permits	8
Section 2.1 – RV Occupancy Permits	
Section 2.2 – Registration of Recreational Vehicles	
Section 2.3 – Special Event RV Permit	
Section 2.4 – Recreational Vehicles in campgrounds	
Article V – Process for All Development	9
Article VI – Development Criteria	10
Article VII – Procedures	10
Section 2 - Three Phases of Development	11
Section 2.1 – Conceptual Consultation	
Section 2.2 – Design Review	
Section 2.3 – Preliminary of Final Plan	
Section 2.4 – Final Plan	
Section 3 – Content of Development Submittals	14
Section 3.1 – Conceptual Consultation	
Section 3.2 – Design Review	
Section 3.3 – Preliminary Final Plan Submittal	16
Section 3.4 – Final Plan	17
Section 4 – Effective Period of Development Plan	18
Section 4.1 – Development Permit	
Section 4.2 – Preliminary Final Plan Time Limit	
Section 4.3 – Design Review Time Limit	
Section 4.4 – Final Plan Time Limit	
Section 4.5 – Subdivision Plat	
Article VIII – Appeal	19
Article IX – Zoning Board of Adjustment	19

Article X – Enforcement and Penalties	19
Article XI – Enforcement Authority	19
Article XII – Non Conforming Uses “Grandfathering”	20
Section 5 – Non Conforming Uses, Buildings, Lots and Structures	20
Section 5.1 – Definition	
Section 5.2 – Purpose	
Section 5.3 – Continuance	
Section 5.4 – Lots	
Section 5.5 – Uses	
Section 5.6 – Buildings, Lots and Structures	21
Section 5.7 – Maintenance and Repairs	
Section 5.8 – Discontinuance	
Section 5.9 – Change	
Section 5.10 – Restoration	22
Article XIII – Absolute Criteria for All Development	22
Section 6 – Absolute Criteria Chart	22
Compliance with Existing Plans and Policies Standards	
Section 6.1 – Municipal Master Plan	
Section 6.2 – Subdivision	
Section 6.3 – Preliminary Final Plan	
Section 6.4 – Capital Budget	
Community Character Compatibility Standards	23
Section 6.5 – Conflicts	
Section 6.6 – Scenic Roads	
Public Facilities and Services Standards	23
Section 6.7 – Utilities	
Section 6.8 – Emergency Access	
Section 6.9 – Lighting	
Section 6.10 – On Site Water	
Section 6.11 – Airport	
Resource Protection Standards	24
Section 6.12 – Geological	
Section 6.13 – Topography	
Section 6.14 – Flora & Fauna	
Section 6.15 – Historic Preservation	
Section 6.16 – Mineral	
Section 6.17 – Fragile Area	
Section 6.18 – Open Space	
Environmental Standards	25
Section 6.19 – Air Quality	
Section 6.20 – Water	
Section 6.21 – Noise	
Section 6.22 – Glare & Heat	
Section 6.23 – Vibration	
Section 6.24 – Lighting	

Section 6.25 – Effluents	26
Site Design Standards	26
Section 6.26 – Site Plan	
Section 6.27 – Natural Compatibility	
Section 6.28 – Screened Areas	
Section 6.29 – Setbacks	
Section 6.30 – Traffic	27
Section 6.31 – Entrance/Exit	
Section 6.32 – Buffer Yards	
Section 6.33 – Building Heights	
Section 6.34 – Parking	
Section 6.35 - Frontage	
Absolute Criteria Chart	28
Article XIV – Activity: Commercial	29
Section 7 – Commercial Activity Chart	29
Section 7.1 – Definition	
Section 7.2 – Criteria	
Commercial Activities Chart	32
Article XV – Activity: Industrial	33
Section 8 – Industrial Activity Chart	33
Section 8.1 – Definition	
Section 8.2 – Criteria	
Industrial Activities Chart	35
Article XVI – Activity: Extraction of Resources, Salvage and Junkyards	36
Section 9 – Extraction of Resources, Salvage and Junkyards Chart	36
Section 9.1 – Definition	
Section 9.2 – Criteria	
Extraction of Resources, Salvage and Junkyards Chart	37
Article XVII – Activity: Residential	38
Section 10 – Residential Activity Chart	38
Section 10.1 – Definition	
Section 10.2 – Criteria	
Residential Activities Chart	41
Article XVIII – Activity: Single Family Home	42
Section 11 – Single Family Home Activity Chart	42
Section 11.1 – Definition	
Section 11.2 – Criteria	
Section 12 – Accessory Dwelling Unit (ADU)	43
Section 12.1 – Definition	
Section 12.2 – Purpose	
Section 12.3 – Applicability	
Section 12.4 – Permits	
Section 12.5 – Limitations	
Section 12.6 – Utilities	
Section 12.7 – Change of Use	44

Single Family Home Activities Chart	45
Appendix I – Definitions	46
Appendix II – Open Space Conservation and Development Criteria	57
Appendix III – Coos County Minimum Lot Size by Soil Type – USDA	60
Appendix IV – Airport Development Criteria	66
Appendix V – Floodplain Development Criteria	68
Appendix VI – Excavation Criteria	72
Appendix VII – Sewage Sludge and Residential Septage Application Ordinance	83
Appendix VIII – Activity: Solar Energy Collection Systems	89
Appendix IX – Village District Criteria	95
Village District Map	96
Appendix X – Lighting Regulations	97

WHITEFIELD DEVELOPMENT CODE

INTRODUCTION

Unlike traditional zoning, the Whitefield Development Code reviews a proposed project against its potential impacts, rather than against a strict set of standards and criteria, considering not only the proposed project's physical impact, but also its social, aesthetic and historic impacts as well.

Pressures currently being placed on Whitefield's limited resources and New England village character cannot be accommodated indefinitely without efficient protocol. As has been documented in numerous studies sponsored by private industry and government alike, uncontrolled sprawl development is the most expensive form of growth in terms of economic costs, environmental costs, natural resource consumption, and personal costs. This added expense is particularly significant for that share of the total costs which is likely to be forced onto local government and ultimately the taxpayers. These same studies indicate that better planning and guidance will reduce these costs, especially those borne by the general public through taxes.

In looking for a mechanism to guide growth in a direction which will not destroy the rural village character prized by town residents and visitors alike, several goals were pursued. First, those involved in the process felt that it was important that the effort to guide development should be an extension of being "good neighbors". This came about from witnessing how zoning in neighboring towns was setting neighbor against neighbor and planning board against developer rather than creating a process where individual and collective development goals were aired in a forum that promoted discussion and mutual cooperation. Most importantly, with the results of traditional zoning creating endless strips of characterless commercial development and checkerboards of residential subdivision regardless of existing landscape, an approach was sought which would reward creativity in striking more of a balance between growth and community character preservation. Finally, recognizing that every parcel of land and development have unique characteristics which need to be worked with on a case by case basis, a method to guide development was sought which would examine the MERITS of a proposal rather than rubber-stamping regulations to be followed within a few broad categories of uses.

The Whitefield Development Code has the advantage of utilizing performance standards to assess the merits of each proposal on an individual basis. These performance standards allow any mixed uses that are "good neighbors", characteristic of the more traditional patterns of development at work in Whitefield forming the basis of its New England village character. The Code contains a number of absolute standards that must be answered yes or no if they apply to the development. The Code also has a point system involving optional standards that makes it flexible and creative in meeting the collective community goals that the residents generated through the Community Attitude Survey for the Whitefield Master Plan. Rather than dividing the town into rigid zones where certain uses are concentrated, this Code recognizes the natural tendencies of neighborly mixed uses and meshes numerous criteria to create protection from unwanted nuisances.

The Whitefield Development Code serves under New Hampshire law as a municipal zoning ordinance and will provide for the controlled development of Whitefield for years to come.

Article I –Title:

This ordinance shall be known, cited, and referred to as the "Whitefield Development Code".

Article II -Purpose:

The purpose of this Code is to improve and protect the public health, safety and welfare; encourage flexibility and creativity in the appropriate and wise use of land; to create a tool to better enable the town government to meet the demands of an evolving and growing community; to assure the proper use of natural and historic cultural resources; and to preserve existing community character to the extent possible while allowing for development and a reasonable return on holdings.

Article III - Authority:

This Code is adopted pursuant to the authority conferred by NH RSA 674:16, 17, 18,19,21 and is adopted in accordance with the provisions of NH RSA 675:3,7. A determination by a court that any section or part of this Code is illegal or unconstitutional shall have no effect on the enforcement of any other section or part. Repeal or invalidation of this Code or any portion hereof does not abrogate or annul any Development Permit, other lawful permits, or any easement or covenant hereto.

Article IV - Administration and Permits:

The Whitefield Planning Board shall be responsible for the daily administration of the Development Code, including attendant Subdivision Regulations, according to the authority conferred by NH RSA 674:21-II. This RSA also confers the authority to grant permits by the Planning Board, which will grant a "Development Permit" to an application which passes the standards contained in the Development Code and to certify that all standards approved have been met before the project is put into use.

Section 1 - Development Permit Required:

A Development Permit is required for the following:

1.1 Required: Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish or change the occupancy of a building or structure, or to change to a substantially different use, or to cause any such work to be done, shall first make application to the Planning Board or Code Administrator to obtain the applicable permit.

1.2 Work Exempt from Permit: Permits shall not be required for the following: Exemption for permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

- a. Fences not over 6 feet high.
- b. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- c. Private walkways.
- d. Painting, papering, tiling, carpeting, cabinets, counter tops, windows and similar finish work not to exceed more than \$7,500.00 per project.

- e. Emergency Repairs
- f. Repair/Replace-In Kind: To fix, mend, or replace a thing suffering from damage or deterioration with like material.
- g. Temporary swimming pools.
- h. Swings and other playground equipment.
- i. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

Section 2 – Recreational Vehicle Permits:

2.1 RV Occupancy Permits: No recreational vehicle may be used as a primary dwelling, domicile, or residence for any length of time. Recreational vehicles may only be occupied on a temporary basis as set forth in this section. An RV occupancy permit must be obtained from the Board of Selectmen or its designee for any recreational vehicle placed on a lot and used for living quarters for more than 7 days; provided, however, that recreational vehicles may be used as living quarters only on a temporary basis and not on a lot which already contains any other dwelling, and no recreational vehicle may be occupied with an RV occupancy permit for more than 180 days in any one calendar year. RV occupancy permits shall be valid for one year and may be renewed by application to the Board of Selectmen or its designee prior to the expiration date. Each original or renewal application must be signed by the landowner and the owner of the recreational vehicle, and shall demonstrate to the satisfaction of the Board of Selectmen or its designee that adequate provisions have been made for sanitary disposal of sewage, waste and refuse, either in an existing residence or through a self-contained unit. Such use shall conform to the requirements of the State of New Hampshire Department of Environmental Services related to sanitation facilities. Normal setback requirements as found in Article XIII (Absolute Criteria for All Development), Section 6.29 (Setbacks) shall apply. No more than two recreational vehicles will be permitted on one lot. The RV occupancy permit must be prominently displayed on such recreational vehicle.

2.2 Registration of Recreational Vehicles: All recreational vehicles must be registered in accordance with the motor vehicle laws of the State of New Hampshire. Any recreational vehicle which does not have a valid motor vehicle registration and current number plate shall be assessed by the Town of Whitefield as taxable real estate pursuant to RSA 72:7-d.

2.3 Special Event RV Permit: A special event RV permit is required for the placement of more than two recreational vehicles on a lot. Upon application, special event RV permits may be issued by the Board of Selectmen or its designee and may be valid for a period of up to seven days. The landowner shall demonstrate to the satisfaction of the Board of Selectmen or its designee that adequate provisions have been made for sanitary disposal of sewage, waste and refuse, either in an existing residence or through a self-contained unit. Normal setback requirements as found in Article XIII (Absolute Criteria for All Development), Section 6.29 (Setbacks) shall apply.

2.4 The use of recreational vehicles in campgrounds shall constitute a commercial use under Article XIV of this Code.

Article V – Process for All Development:

General: The criteria that must be addressed are contained in the following articles and appendices. The specific criteria, a particular development proposal must satisfy, are dependent upon the type of use being proposed and the location. The Whitefield Development Code divides land uses into the following categories:

- Article XIII - ABSOLUTE Criteria for All Development
- Article XIV - Commercial Activity
- Article XV - Industrial Activity
- Article XVI - Extraction of Resources, Salvage, Junkyards Activity
- Article XVII - Residential Activity
- Article XVIII - Single Family Home Activity
- Appendix II – Open Space and Conservation Criteria
- Appendix III – Coos County Minimum Lot Sizes by Soil Type
- Appendix IV – Airport Development Criteria
- Appendix V – Floodplain Development Criteria
- Appendix VI – Excavation Criteria
- Appendix VII – Sewage, Sludge and Residential Septage Application
- Appendix VIII – Solar Activity Collection Systems
- Appendix IX – Village District Criteria
- Appendix X - Lighting Regulations

Every single or mixed land use development activity must satisfy the criteria in the "ABSOLUTE Criteria for All Development" category (summarized in the "Absolute Criteria for All Development Chart" following that section). In addition, each use must satisfy all applicable criteria of the appropriate ACTIVITY category of which it is a part, which include relative criteria that add to the flexibility of the Code (summarized in the "Point Charts" following each section). The Planning Board may determine that a criterion is irrelevant and does not apply to the proposed development.

Types of Criteria: The Whitefield Development Code contains two types of review criteria: numbered and lettered criteria. Numbered criteria are absolute requirements each development must satisfy before approval can be granted. Found both in the "Absolute Criteria for All Development" and ACTIVITY sections, these include assuring community character compatibility and compliance with official plans and policies, minimum public facilities standards, resource protection, environmental standards and site design. Each of the applicable numbered criteria must be answered YES before approval can be granted.

Lettered criteria are relative "points" that make the Code flexible and negotiable in character. Each development must achieve a specified minimum percentage of these criteria. The lettered relative criteria are located at the end of each ACTIVITY section and focus on location as well as design of a project.

Evaluation: The performance of a particular development plan shall be evaluated as follows:

Absolute (Numbered) Criteria: Each of the numbered criteria on the "All Development" and appropriate "Activity" section charts is answered YES, NO or NOT APPLICABLE. A NO answer to any of the applicable numbered criteria will automatically exclude the development from further consideration. A criterion is considered to be applicable if it is reasonably capable of being applied to the development.

Relative (Section) Criteria: The development plan is evaluated against each of the applicable lettered criteria and assigned a SCORE. A criterion is considered to be applicable if it is reasonably capable of being applied to the development. Several criteria are applicable to any

development proposal and are pre-checked on the relevant chart. The numerical SCORE is assigned based upon the following:

YES (+1) = for an adequate job of implementing the criterion.

VERY WELL (+2) = for an excellent job of implementing the criterion or for doing the best job possible, given the constraints and opportunities of the site.

NO (0) = for no effort or failure to implement the criterion.

Each lettered criterion has been pre-assigned a MULTIPLIER, which determines the relative importance of the criterion to the other criteria. The meaning of each MULTIPLIER is as follows:

- 5 - indicates that the criterion is of exceptional importance.
- 4 - indicates that the criterion is very important.
- 3 - indicates that the criterion is important.
- 2 - indicates a criterion of normal importance.
- 1 - indicates a minor criterion.

The points earned for each criterion are the product of multiplying the SCORE times the MULTIPLIER. The MAXIMUM POINTS POSSIBLE in each chart are added together and the POINTS EARNED are added together to get TOTALS. By dividing the TOTAL POINTS EARNED by the TOTAL MAXIMUM POINTS POSSIBLE, the PERCENTAGE EARNED is determined.

The PERCENTAGE EARNED must be at least the minimum percentage specified for that ACTIVITY category.

Article VI - Development Criteria:

Absolute Criteria for All Development, Activity Criteria, and other development provisions- see, as applicable, Article XIII – XVIII and Appendices II-X.

Article VII - Procedures:

A development shall be processed in three phases: A preliminary conceptual consultation, design review, and final plan. A preliminary conceptual consultation is required at the preliminary stage of the development proposal, if multiple lots and phased development occur according to criteria in the Code. The concept plan is the applicant's impression of the anticipated pattern of development for a particular parcel of land that is expressed graphically and from which a design review is developed. The purpose of the preliminary conceptual consultation is to establish general planning and development control parameters while allowing sufficient flexibility to permit detailed planning at the time of development.

The design review shall generally specify the site location map placing the parcel in the larger context of the community; a site survey showing pertinent features of the site; an indication of any future subdivisions contemplated in or adjacent to the proposal; a topographic map of the area; any soils information such as permeability or boring data that has been gathered; and a sketch showing the proposed layout of lots, streets, and recreation area; watercourses; natural features; and easements.

The final plan must specify not only the design details and factual data of location and ownership, but must also include any special studies, reports, and technical reviews the board will need to understand and evaluate the impact of the proposal.

Section 2 – Three Phases of Development

2.1 Conceptual Consultation:

- a. This is an opportunity for applicants to discuss requirements, standards, and policies that apply to development proposals. Major problems can be identified and solved before a formal application is made.
- b. The general outline of the proposal, evidenced schematically by sketch plans, shall be submitted by the applicant and reviewed by the Planning Board. Thereafter, the Board shall furnish the applicant with comments, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the application.

A CONCEPTUAL CONSULTATION IS OPTIONAL FOR ALL DEVELOPMENT PROPOSALS.

2.2 Design Review:

- a. Upon completion of the conceptual consultation meeting or as a first step in the application process, a design review shall be submitted to the Planning Board in sufficient time to allow for proper review and notice (by the first Monday of the month, preceding the month of the Planning Board Meeting). If the project is to be developed over time in two or more separate design review submittals, a preliminary plan shall also be required (see below). After the application has been reviewed and a decision is made concerning whether sufficient information has been submitted to reach a decision as to whether or not the applicable criteria of the Code are met by the proposal, the matter will be placed on the agenda for the appropriate meeting of the Planning Board.
- b. Proper legal notice in newspapers of general circulation, public places and to abutters according to NH RSA 675:7 shall be given.
- c. The Planning Board may approve, disapprove, or approve with conditions the proposed development. Approval of the design review application shall not constitute final approval of the final plan; rather it shall be deemed an expression of approval of the layout and densities submitted on the preliminary as a guide to the preparation of the final plan.

2.3 Preliminary of Final Plan:

- a. A Preliminary plan shall be required for any property intended to be developed over time in two or more separate design review submittals. It is also required if over 10 acres are in common ownership and/or if subdivision has occurred within 20 years, thereby creating multiple lots and phased development. The preliminary plan, together with the proposed design review for the first phase of the development shall be submitted to the Planning Board and processed as design review. Once approved, the decision of the Planning Board shall be recorded in the Office of the County Registry of Deeds.

- b. This section allows for changes to a preliminary plan. Minor changes to a preliminary plan may be approved administratively by the Planning Board. Such changes may be authorized without additional public hearings.
- c. Major changes shall be approved only by the Planning Board, and must follow the same review and public hearing process required for design review. Any changes approved in the preliminary plan shall be recorded as amendments to the preliminary plan in accordance with the procedures established for the filing of the initially approved plan documents.
- d. Major changes shall be defined as follows:
 - (1) A change in the use or character of the development;
 - (2) An increase in the problems of traffic circulation and/or public utilities;
 - (3) An increase of greater than two percent (2%) in the approved gross floor areas of buildings; and
 - (4) An increase of greater than one percent (1%) in the approved number of residential dwelling units.
- e. Subsequent applications for design review and final plan approval may be made for each phase of the approved preliminary plan, provided that such phase is consistent with the approved preliminary plan and the provisions of the Development Code.
- f. If a project is to be built in phases, each phase shall include an appropriate share of the proposed recreational, open space, and other site and building amenities of the entire development, which shall be determined for each specific project at the time of preliminary plan approval and shall not be based solely upon a proportional or equal share for the entire site.
- g. Requirements may be made for off-site improvements on a phased project.

2.4 Final Plan:

- a. Application for a final plan may be made only after approval by the Planning Board of a design review/preliminary plan, except, however, for good cause shown, the Board may determine if application for final plan may be made concurrently with the design review/preliminary plan. Materials pertaining to the final plan must be submitted to the Planning Board by the first Monday of the month, immediately preceding the month of the Planning Board meeting. After the Planning Board has reviewed the application and is satisfied that sufficient information has been submitted to permit the Board to reach a decision as to whether or not the applicable criteria of this section are met by the proposal, the matter will be placed on the agenda for the appropriate meeting of the Planning Board.

- b. As a requirement of approval, the final plan shall be in substantial compliance with the approved design review/preliminary plan. Substantial compliance shall mean that the plan does not:
- (1) Change the general use or character of the development;
 - (2) Increase the number of residential dwelling units by more than one percent (1%);
 - (3) Involve a reduction of more than five percent (5%) of the area reserved for common open space and/or usable open space;
 - (4) Increase the floor area proposed for non-residential use by more than five percent (5%);
 - (5) Increase the total ground area covered by buildings by more than five percent (5%).
- c. The final plan shall also comply with all other applicable criteria of the Development Code, provided, that the Planning Board shall not impose additional requirements or conditions pertaining to the general layout and densities as shown on the design review/preliminary plan.
- d. Proper legal notice in newspapers of general circulation, public places and to abutters according to NH RSA 675:7 shall be given.
- e. The Planning Board may approve, approve with conditions, or disapprove the proposed development. The Board shall provide the applicant with written notice of decision specifying any approval conditions or reasons for disapproval. The notice of decision shall be made available for public inspection at the Town of Whitefield Town Office within 5 business days after the decision is made, as required by RSA 676:3. Any revisions made to the proposed development shall require the same review process required for final plans.
- f. This section allows for changes to a final plan. Minor changes to a final plan may be approved administratively by the Planning Board. Such changes may be authorized without additional public hearings.
- g. Major changes shall be approved only by the Planning Board, and must follow the same review and public hearing process required for the approval of design review. Any changes approved in the final plan shall be recorded as amendments to the final plan in accordance with the procedures established for the filing of the initially approved plan documents. Major changes shall be defined as follows:
- (1) A change in the use or character of the development;
 - (2) An increase in the problems of traffic circulation and/or public utilities;
 - (3) An increase of greater than two percent (2%) in the approved gross floor areas of buildings;
 - (4) An increase of greater than one percent (1%) in the approved number of residential dwelling units;

- (5) A reduction by greater than three percent (3%) of the approved open space;
- (6) Any change in the development that would normally cause the project to be disqualified under the applicable criteria.

Section 3 - Content of Development Submittals:

For each phase of the review process, the following information and data shall be submitted unless the Planning Board determines that the information is unnecessary for the proper evaluation of the development:

3.1 Conceptual Consultation:

- a. Data regarding site conditions, land characteristics, available community facilities and utilities, and other related general information about uses of land within one-half mile of the subject parcel of land;
- b. Sketch drawing showing the proposed location of the uses of land, major streets, and other significant features;

3.2 Design Review:

- a. Written documents:
 - (1) Application form and filing fee;
 - (2) Legal description of the site;
 - (3) List of abutters with names and addresses of all owners of record;
 - (4) Statement of planning objectives, including description of project with as much detail as to estimated numbers as is possible, including a description of rationale behind the assumptions and choices made by the applicant;
 - (5) Development schedule indicating approximate date when construction of the development, or stages of the same, can be expected to begin and be completed, including the proposed phasing of construction of public improvements and recreational and open space areas;
 - (6) Traffic impact analysis;
- b. Preliminary architectural elevations of all buildings sufficient to convey the basic architectural intent of the proposed improvements,
- c. Site plan drawing of the development composed of one or more sheets with an outer dimension of 24 x 36 inches, showing the following information:
 - (1) Title by which the proposed development is to be referred;
 - (2) Scale, north point and date of preparation;

- (3) Location of municipal boundaries at or near the development;
 - (4) Parcel size in gross and net acres and square feet;
 - (5) Total number, type, and density per type of units;
 - (6) Total bedrooms per each dwelling unit type;
 - (7) Soil types and boundaries;
 - (8) Estimated square footage and percentage of lot of: building coverage, parking, driveway and roads, open space, active recreational use;
 - (9) Topographic character of the land at a contour appropriate with the scale of the project;
 - (10) Watercourses, water bodies, floodplains;
 - (11) Unique natural features, significant wildlife areas and vegetative cover;
 - (12) Tentative location and floor area of existing and proposed buildings;
 - (13) Location of roads, parking, and open space, showing also circulation system with ingress and egress and length of frontage;
 - (14) Maximum building height of all structures;
 - (15) Proposed landscaping, screening and buffer design;
 - (16) Listing of specific land uses being proposed;
 - (17) Indication of uses and character within 150 feet of the proposal;
 - (18) Vicinity map of the area surrounding the site within a distance of at least 1 mile showing relevant features;
 - (19) Owner certification of acceptance of conditions and restrictions as set forth on the site plan;
 - (20) Attorney's or owner's certification of ownership;
- d. General landscaping plan indicating treatment of materials used, including existing vegetation, plans to preserve trees. Details of size and species for intended plantings of vegetation will be required at the time of final plan phase;
 - e. Existing and proposed utility systems;
 - f. Street cross sections schematics;

- g. Preliminary drainage report;
- h. Preliminary subdivision plat;
- i. Impact studies and other studies as the Planning Board may require for the full and complete consideration of the development;
- j. If appropriate, a list of all partners and/or officers and directors of the corporation involved as either applicants or owners of the development.

3.3 Preliminary Final Plan Submittal:

- a. Application form and filing fee;
- b. A preliminary final plan shall be submitted containing the following information:
 - (1) Parcel size and length of frontage;
 - (2) Existing topographical character of the land at a contour appropriate with the scale of the project; all water courses; floodplains; unique natural features; significant wildlife areas and vegetative cover;
 - (3) Soil types and extents;
 - (4) Maximum height of all structures;
 - (5) Approximate acreage of each area; number, height, floor area and types of all uses indicated; approximate location of each use, including open space;
 - (6) Approximate location of streets, parking, points of access; public utilities;
 - (7) Survey of area within 150' of proposal indicating general character of land use, natural features;
 - (8) Vicinity map of area surrounding the site within a distance of at least 1 mile showing relevant features;
 - (9) Owner's certification of acceptance of conditions and restrictions as set forth on the master plan;
 - (10) Planning Board certification of approval of completed application;
 - (11) Attorney's or owner's certification of ownership;
- c. Preliminary final plan shall be accompanied by:
 - (1) The name and address of each owner of property in the plan area;
 - (2) List of names and address of abutters, all owners of record of real property

- (3) Statement of planning objectives, including description of project with as much detail as to estimated numbers as is possible, including a description of rationale behind the assumptions and choices made by the applicant;
- (4) Legal description of site;
- (5) Development phasing schedule including the sequence for each phase, approximate size in areas of each phase, and proposed phasing of construction of public improvements and open space areas;
- (6) Conceptual drainage plan;
- (7) Other documentation as determined by special circumstances;
- (8) Signed reproducible mylar of all site plans;
- (9) If appropriate, a list of names of all partners and/or officers and directors of the corporation involved as either applicants or owners of the development.

3.4 Final Plan:

- a. Application form and filing fee;
- b. Final site plan shall be submitted on 24" x 36" sheets showing the following information:
 - (1) Land use data (same information as required on the preliminary final plan);
 - (2) Lot lines, easements, frontage, public rights-of-way as per subdivision plat;
 - (3) Exact location of all buildings and structures;
 - (4) Existing and proposed streets with names; designation of street to be public or private; limits of those private access ways to be dedicated as public utility easements and/or as other types of easements;
 - (5) Owner certification of acceptance of conditions and restrictions as set forth on the final plan;
 - (6) Planning Board certification of approval of the completed application;
 - (7) Attorney's or owner's certification of ownership;
- c. Final landscape plan indicating the treatment of exterior spaces according to the extent and location of all plant materials and other landscape features; proposed treatment of all ground surfaces (paving, turf, etc);
 - (1) Any bond, cash deposit, or equivalent, deposited pursuant to this requirement shall be released upon certification by the Planning Board that the required landscape plan has been completed;

- d. Subdivision plat: an official subdivision plat of the site must accompany the final plan, conforming to the subdivision requirements of the Town, except as waived by the approved completed application. Approval by the Planning Board of the final plan and subdivision plat shall be required before filing of the subdivision plat or issuance of a Development Permit;
- e. Final utility plans: Final detailed engineering for sewer, water, electrical, street improvements and other public improvements;
- f. Signed reproducible mylar of all site and landscape plans, architectural elevations, and subdivision plats;
- g. Other information and data as the Planning Board may require for full and complete consideration of the development;
- h. If appropriate, a list of names of all partners and/or officers and directors of the corporation involved as either applicants or owners of the development.

Section 4 - Effective Period of Development Plan:

The development shall be constructed in a timely manner. The development shall be subject to revocation under the following conditions:

4.1 Development Permit: Commence one year from date of approval and complete within three years. An extension may be granted by the Planning Board.

4.2 Preliminary Final Plan Time Limit: there is no time limit for action on a preliminary final plan.

4.3 Design Review Time Limit: Within a maximum of three years following the approval of a completed design review/preliminary plan application, the applicant shall proceed by filing a final plan(s) with the Planning Board that is in sufficient detail covering all or part of the development. If no final plan(s) is filed within the above time limits, the right to proceed under the preliminary plan shall expire for any portion of the preliminary plan for which a final plan has not been filed in a timely manner.

4.4 Final Plan Time Limit: Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 24 months after the date of approval, or in accordance with the terms of the approval. The Planning Board may, for good cause, extend the 24-month period set forth if they so choose. For the purposes of this section, a development is substantially complete once all building and engineering improvements (water, sewer, streets, curbs, drainage, lights fire hydrants, etc.) are installed and completed in accordance with applicable regulations. Failure to develop within the specified time limit and improvement requirements shall cause a forfeiture of the right to proceed under the final plan and require resubmission of all materials and re-approval of the same.

4.5 Subdivision: Every subdivision plat approved by the Planning Board and properly recorded in the Registry of Deeds and every site plan approved by the Planning Board shall be exempt from all subsequent changes in the Development Code and Subdivision

Regulations, for a period of 5 years after the date of approval; provided that it meets the criteria in RSA 674:39.

Article VIII – Appeal:

Decisions delegated to the Planning Board shall be directly appealable to the Board of Adjustment pursuant to RSA 676:5.

Article IX - Zoning Board of Adjustment:

The Board of Adjustment shall have the authority of and function as the Zoning Board of Adjustment which shall be established according to NH RSA 673:1-IV and 673:3-II. The Board of Adjustment shall consist of 5 members and up to 5 alternate members who shall be residents of the town. The town shall be authorized to appoint members and alternates as needed according to NH RSA 673:6. The Board of Adjustment shall hear administrative appeals and other appeals from the Planning Board pursuant to RSA 674:33, RSA 674:33-a, and RSA 676:5, as well as a variance from the strict application of any of the criteria, pursuant to NH RSA's 674:33 and 676:5. Pursuant to RSA 674:33, IV, the Board of Adjustment may grant a special exception where authorized under a specific provision of this Code if the applicant meets all of the following criteria:

- (1) The proposed detached ADU will be harmonious with the general purpose and intent of this Code.
- (2) The character of the area will not be adversely affected.
- (3) No hazard or nuisance will be created.
- (4) The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- (5) Granting the special exception will not result in undue municipal expense.
- (6) The general welfare of the Town will be protected.

Article X - Enforcement and Penalties:

The occurrence of any of the following events may subject the applicant to the enforcement remedies contained in NH RSA Chapter 676:

- a. Failure to comply with the conditions of this Development Code for any land or building used, altered, enlarged, or constructed subsequent to the adoption of this Development Code or for any change or use of any land or building subsequent to the adoption of this Development Code. This shall include obtaining permit approval as required by the Planning Board and as outlined in this Development Code.
- b. Failure to comply with any terms, conditions, or limitations contained on the site plan, landscape plan, building elevations or other approved documents pertaining to the development as approved in the final plan;
- c. Failure to comply with any conditions or record imposed by the Planning Board upon its review of the preliminary final plan or design review or final plans for the development.

Article XI - Enforcement Authority:

It shall be the duty of the Board of Selectmen to enforce and administer the provisions of this Development Code. If any violation of this Code occurs, the Selectmen may institute any appropriate action, including but not limited to fines and penalties as authorized by RSA 676:17.

Article XII – Non Conforming Uses “Grandfathering”:

Section 5 – Non Conforming Uses, Buildings, Lots and Structures:

5.1 Definition:

Nonconforming – A use, lot, or structure that was lawful prior to the adoption, revision, or amendment of the Development Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Development Code.

5.2 Purpose:

This chapter is intended to limit the number and extent of nonconforming uses and structures by prohibiting or limiting their enlargement, their reestablishment after abandonment and their restoration after substantial destruction. While permitting nonconforming uses, structures, and improvements to continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by this Code and applicable regulations or laws.

5.3 Continuance:

Nonconforming uses, buildings, lots, and structures lawfully established prior to the effective date hereof may continue, subject to the limitations prescribed in this chapter. Uses, buildings, lots, and structures lawfully authorized by permits or regulations existing prior to the effective date hereof may continue, subject to such limitations as prescribed by such permits or regulations.

5.4 Lots:

Lots lawfully established pursuant to regulations in effect prior to the effective date hereof which do not conform to the minimum lot area and dimension requirements prescribed by this code may be continued and shall be deemed legally established building lots, subject to the lot development standards prescribed by this Code. No such lot shall be further reduced in area or dimensions.

5.5 Uses:

The use of a building, lot, or structure lawfully established prior to the effective date hereof which does not conform to the use regulations prescribed by this Code may be continued, provided that no such nonconforming use shall be enlarged or increased nor extended to occupy a greater site area or building floor area than it occupied on the effective date hereof. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of the adoption or amendment of this regulation. Any subsequent reduction in site area or floor area occupied by a nonconforming use shall be deemed a new limitation, and the use shall not thereafter be enlarged to occupy a greater site area or floor area than such new limitation.

5.6 Buildings, Lots and Structures:

Any building, lot, or structure lawfully established prior to the effective date hereof which does not conform to the development standards prescribed by this Code may be continued. Such buildings, lots, or structures may be enlarged only in accordance with the following limitations:

- a. **Buildings, Lots, And Structure Requirements:** Buildings, lots, or structures which do not conform to requirements for setbacks, distances between buildings, height, or other requirements may be enlarged if the enlargement does not further increase the discrepancy and fully conforms with setbacks, distances between buildings, and height standards applicable to the addition.
- b. **Open Space and Landscaping:** Buildings, lots, or structures which do not conform to requirements for usable open space or landscaping and site development may be enlarged; provided, that the usable open space requirements applicable to such addition shall be fully satisfied, and provided that the percentage of the total site which is landscaped shall not be reduced below the minimum requirement.
- c. **Off-Street Parking:** Buildings or structures which do not conform to the off-street parking of this Code may be enlarged; provided, that the parking requirements for such addition shall be fully satisfied and that the discrepancy between the existing off street parking and the standards prescribed by this code shall not be increased.

5.7 Maintenance and Repairs:

Nonconforming uses, buildings, lots, and structures may be maintained and repaired as necessary for convenient, safe, or efficient operation or use; provided, that no such maintenance or repair shall increase the discrepancy between the use, building, lot, or structure and the development standards prescribed by this Code. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs, and also declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with this Code and any applicable regulations or laws.

5.8 Discontinuance:

Any nonconforming use which is discontinued or abandoned for a period of twelve (12) months, regardless of any intent to resume operation of use, shall not be resumed thereafter, and any future use of the site or structures thereon shall conform to the provisions of this Code.

5.9 Change:

A nonconforming use shall not be changed to another nonconforming use unless permission has been granted by the Planning Board. Prior to granting such permission, the board shall determine that the proposed use does not substantially differ from the existing nonconforming use, and does not increase or aggravate the degree of nonconformity existing prior to any such change of use.

Any nonconforming use, lot, or structure which has come into conformity shall not again be changed to a nonconformity.

5.10 Restoration:

Whenever a nonconforming use or a nonconforming building, lot, or structure is destroyed by fire or other calamity, by act of God or by the public enemy, its use may be resumed or the building, lot, or structure may be restored, provided the restoration is commenced within one year and diligently pursued to completion. All new construction must conform to the applicable adopted building codes, fire codes and other relevant codes regarding safety and construction which are in effect at the time rebuilding is proposed. The restoration must be accomplished in kind (following the original footprint) and shall not create a greater nonconformity than existed prior to the calamity. Should any such restoration be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations of this Code.

Article XIII - ABSOLUTE CRITERIA FOR ALL DEVELOPMENT

Section 6 – Absolute Criteria Chart

COMPLIANCE WITH EXISTING PLANS AND POLICIES STANDARDS

6.1 Municipal Master Plan:

Does the project meet the adopted goals and objectives as set out in the Whitefield Master Plan: is the area suitable for development, conform to the planned pattern of growth, and fit into both the natural and man-made environments?

6.2 Subdivision:

If the development proposal will require subdivision or re-platting of an existing parcel, has a preliminary plat in conformance with the Whitefield Subdivision Regulations been filed along with a subdivision application? Approval of the final plan and subdivision plat shall be required before filing of the subdivision plat or issuance of Development Permit.

6.3 Preliminary Final Plan:

If over 10 acres are in common ownership and/or if subdivision has occurred within 20 years thereby creating multiple lots and phased development, has a preliminary final plan for the property been approved and filed with the planning board?

6.4 Capital Budget:

Does the project fit into the current Capital Budget/Capital Improvements Program expenditure schedule concerning required road improvements, municipal services and open space acquisition?

COMMUNITY CHARACTER COMPATIBILITY STANDARDS

6.5 Conflicts:

Have the conflicts that are presumed to exist between the proposed development and the surrounding land uses been effectively mitigated in the proposal?

6.6 Scenic Roads:

Does the project maintain stone walls, trees, vegetation and other amenities consistent with scenic road designation if located on Hall, Kimball Hill, Gould or Spencer Roads or other roads with potential scenic road designation such as Mountain View Rd. and Parker Rd.?

PUBLIC FACILITIES AND SERVICES STANDARDS

6.7 Utilities:

Is the development served by utilities with adequate capacity or have arrangements been made for extension and augmentation for the following services, complying with all applicable design standards, specifications and requirements?

Water supply	Sanitary sewer
Electricity	Storm drainage
Fire protection	Walks/bikeways
Streets/pedestrians	Flood hazard areas

6.8 Emergency Access:

Does the project provide adequate access for emergency vehicles and for those persons attempting to render emergency services?

6.9 Lighting:

Are all vehicular use areas, pedestrian circulation paths and exterior portions of buildings provided with adequate lighting for safety and security?

6.10 On-Site Water:

If the project includes a water body, retention pond, or other water channel, man-made or natural, have necessary precautions been taken to minimize any hazard to life or property?

6.11 Airport:

If the project is in the Airport area, does it comply with the Airport Development Criteria (Appendix IV)?

RESOURCE PROTECTION STANDARDS

6.12 Geological:

If the project contains known areas of natural or geological hazard (e.g. slopes over 15%, HAZARD rockfalls, flood hazard areas) or soil conditions unfavorable to development (e.g. wetlands and/or poorly and very poorly drained soils) have these areas been set aside from development and/or protected through easement, deed restrictions or other protective covenants? If located in a Flood Hazard Area, does the project conform to the Floodplain Development Criteria (Appendix V)?

6.13 Topography:

Does the project preserve significant existing vegetation and landforms to the extent practical?

6.14 Flora & Fauna:

If the site contains an area which serves as a habitat for wildlife and/or plant species identified by NH Fish and Game/NH Natural Heritage Inventory as significant and in particular need of attention, have special precautions been implemented in the plan to prevent the creation of environmental influences adverse to the preservation of these areas?

6.15 Historic Preservation:

If the proposed project is located within a district noted in the Whitefield Master Plan as historic and/or includes a locally designated historic structure, does the project maintain the integrity of these resources to the extent possible?

6.16 Mineral:

If the project includes an area known to contain a commercial mineral deposit for which DEPOSITS extraction could be commercially feasible, has the project been designed not to preclude extraction?

6.17 Fragile Areas:

If the project contains lands that are ecologically sensitive and/or important (e.g. aquifers, lake shores, agricultural soils of prime and /or statewide importance, important forest soils), has development of these areas been avoided and/or has the land been set aside as permanent open space? Does the proposal allow for the practice of recreational, farming or forestry activities in those important areas so suited?

6.18 Open Space:

If the project contains land noted in the Master Plan as important open space, have provisions been made to permanently preserve that space?

ENVIRONMENTAL STANDARDS

6.19 Air Quality:

Will the project conform to applicable local, state and federal air quality standards, including, but not limited to: odor; dust; fumes or gases which are noxious, toxic or corrosive; suspended solid or liquid particles; or any air contaminant which may obscure an observer's vision? No offensive or harmful odors shall be produced perceptible beyond its lot lines measured either at ground level or habitable level. Generation of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or could soil or stain persons or property shall be prohibited beyond the project lot lines.

6.20 Water:

Will the project conform to applicable local, state and federal water quality standards, including, but not limited to: erosion and sedimentation; runoff control; solid wastes; and hazardous substances?

6.21 Noise:

Can the proposed land uses and activities be conducted so that noise generated shall not exceed the maximum noise dB level allowed and that excessive noise at unreasonable hours is avoided? If not, have detailed plans been approved for the elimination of objectionable noise levels? Sound pressure levels shall be measured on a sound level meter at all major lot lines of the site, at a height of at least 4 feet above the ground surface. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute "American Standard Specification for General Purpose Sound level Meters" and be set to the A-weighted response scale and slow response. Acceptable levels for primarily residential areas is 55 dB(A) from 7 a.m. - 10 p.m. and 45 dB(A) from 10 p.m. - 7 a.m. Areas that are primarily commercial with no residential uses should be 65 dB(A) from 7 a.m. - 10 p.m. and 55 dB(A) from 10 p.m. - 7 a.m. Industrial districts should be 75 dB(A) from 7 a.m. - 10 p.m. and 65 dB(A) from 10 p.m. - 7 a.m. in areas of mixed use, the limits governing the stricter zone shall apply to any noise entering the area.

6.22 Glare & Heat:

If the proposed activity produces intense glare or heat, whether direct or reflected, is the operation conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property and street line. If not, have detailed plans been approved for the elimination of intense glare or heat?

6.23 Vibration:

Will the project cause no inherent or recurring generated vibration perceptible without instruments at any point along the property line? Temporary construction is excluded from this criterion.

6.24 Lighting:

Is the exterior lighting, except for overhead street lighting and warning emergency or HAZARDS traffic signals, installed in such a manner that the light source will be sufficiently obscured to prevent excessive glare on public streets and walkways or into any residential area? The installation or erection of any lighting which may be confused with warning signals, emergency signals or traffic signals shall not be permitted.

6.25 Effluents:

Will all sewage and industrial wastes be treated and disposed of in such a manner as to comply with applicable federal, state, and local standards? Will sewage effluent leaching fields be located further than 150 feet of the high water mark of a year-round stream or pond and further than 75 feet from wetlands and aquifers? Detailed plans and permits must be submitted.

SITE DESIGN STANDARDS

6.26 Site Plan:

Utilizing lot sizes derived by soil type as a basic unit (Appendix III), is the design and arrangement of elements of the site plan (e.g. buildings, open space, landscaping, parking, etc.) appropriate in terms of the flexible placement and density requirements of the Open Space Conservation and Development Criteria (Appendix II) which reinforces the historic village-type settlement pattern of the region?

6.27 Natural Compatibility:

Is the design and arrangement of elements of the site plan (e.g. buildings, circulation, open space, parking, landscaping, etc.) in favorable relationship to the existing natural topography; natural water bodies and water courses; existing desirable trees; exposure to sunlight and wind; and views?

6.28 Screened Areas:

Are open storage and loading/service areas screened from adjacent properties or public ways by plantings, with refuse confined out of sight?

6.29 Setbacks:

Are the elements of the site plan (buildings, roads, parking, swimming pools, tennis courts, etc.) located and designed so as to be set back at least 25 feet from the front, sides, and rear of the lot as measured from the property line or right-of-way? Are driveways located and designed so as to be setback at least 10 feet from the side property lines? (This provision is not intended to prohibit the erection of boundary walls and fences.) If a structure is replacing a pre-existing structure that was torn down or destroyed, is it to be placed on the footprint of the previous structure? Setbacks within the Village District shall be in conformance with Appendix IX.

6.30 Traffic:

Does the street and parking system provide for the smooth, safe and convenient movement of vehicles both on and off the site?

6.31 Entrance/Exit :

Is the subdivision designed to share access points from the existing roadway in order to minimize curb-cuts and traffic congestion? A maximum of two accesses shall be allowed regardless of the number of lots or businesses served.

6.32 Buffer Yards:

Do buffer yards perform the functions of assuring adequate light and air to neighbors, serving as a fire barrier and providing a visual and sound buffer?

6.33 Building Height:

Does the project comply with the building height restrictions of 35 feet vertical distance measured from the highest part of the roof to the average finished grade of a building? Height limitations within 200 feet of Mirror Lake, Forest Lake and Burns Lake shall be 25 feet, measured in the same fashion. Height limits for buildings in the Airport area are noted in Appendix IV.

6.34 Parking:

Is parking situated either beside or behind the buildings when viewed from the street and does it meet the dimensional requirements of the proposed floor area ratio and density of the project?

6.35 Frontage:

Does the lot (or, if a subdivision, each proposed lot) have at least 75 feet of frontage on a street that meets the requirements of RSA 674:41?

ALL DEVELOPMENT: ABSOLUTE CRITERIA CHART

ALL CRITERIA				APPLICABLE CRITERIA ONLY		If no, please explain
CRITERION	Is the criterion applicable?			Will the criterion be satisfied?		
	Preliminary	Final	Not Applicable	Yes	No	
COMPLIANCE WITH EXISTING PLANS/POLICIES STANDARDS						
6.1. Municipal Master Plan						
6.2. Subdivision						
6.3. Preliminary Master Plan						
6.4. Capital Budget						
COMMUNITY CHARACTER COMPATIBILITY STANDARDS						
6.5. Conflicts						
6.6. Scenic Roads						
PUBLIC FACILITIES AND SERVICES STANDARDS						
6.7. Utilities						
6.8. Emergency Access						
6.9. Lighting						
6.10. On-Site Water						
6.11. Airport						
RESOURCE PROTECTION STANDARDS						
6.12. Geological Hazard						
6.13. Topography						
6.14. Flora & Fauna						
6.15. Historic Preservation						
6.16. Mineral Deposits						
6.17. Fragile Areas						
6.18. Open Space						
ENVIRONMENTAL STANDARDS						
6.19. Air Quality						
6.20. Water						
6.21. Noise						
6.22. Glare & Heat						
6.23. Vibration						
6.24. Lighting Hazards						
6.25. Effluents						
SITE DESIGN STANDARDS						
6.26. Site Plan						
6.27. Natural Compatibility						
6.28. Screened Areas						
6.29. Setbacks						
6.30. Traffic						
6.31. Entrance/Exit						
6.32. Bufferyards						
6.33. Building Height						
6.34. Parking						
6.35. Frontage						

Article XIV - ACTIVITY: COMMERCIAL

Section 7 – Commercial Activity Chart

7.1 Definition:

Retail trade and service activities, vehicle service stations and sales, greenhouses and nurseries, grocery and convenience stores, offices, business services, hotels/motels, bed and breakfasts, boarding and rooming houses, short-term rentals, campgrounds, health and recreation clubs, restaurants, bars, shopping centers, theaters, retail laundry centers, mortuaries, veterinary clinics, medical clinics, childcare centers as primary activities utilizing over 75% of project floor space, and other uses which are of the same general character that involve commercial activity.

7.2 Criteria: Each of the following applicable criteria must be answered "yes" and implemented within the development plan.

- a. If the project is likely to generate more than 25 vehicle trips/business day/ 1 acre both to and from the premises, will the project site be directly served by an arterial or collector street?
- b. If the project is likely to generate more than 25 vehicle trips/acre both to and from the premises in the busiest hour of the operating day (annual average), is it directly served by an arterial street?
- c. Is all repair and service activity, including storage, planned to take place within an enclosed structure?
- d. Are the following minimum lot size standards fulfilled (see Appendix III for table of lot size/soil types)?
 1. areas designated as poorly drained soils may be utilized to fulfill 25% of the minimum lot size requirement, provided that the non-wetland area is sufficient in size and configuration to adequately accommodate all required utilities.
 2. areas designated as very poorly drained, fresh water marsh of alluvial soils may not be utilized to fulfill minimum lot size.
 3. not on municipal sewer/water:
 - (a) lot size determined by table in Appendix III using weighted average of soil types on lot,
 - (b) using that figure as base, final lot size will be determined by the formula:

Lot size = gal. of wastewater/day* x lot size + land required (sq. ft.)
1837 (gpd/40,000 sq. ft.) (step #1) for well radius

*utilize Table 5-1, "Unit Design Flow Figures" of NH water Supply & Pollution Control, Guide for the Design, Operation and Maintenance of Small Sewage Disposal Systems, Jan. 1978 as amended.

4. On municipal sewer and/or water:

- (a) lot size determined by table in Appendix III using weighted average of soil types on lot - reduce lot size by 33 1/3%,
- (b) utilize same formula as above #d – 3(b).

e. Do parking accommodations take into consideration the following guidelines (based upon a 300 square foot parking space for an automobile which includes room for turning):

- 1. commercial = 1,500 square feet/1,000 square feet of floor area;
- 2. office = 1,200 square feet/1,000 square feet of floor area;
- 3. church, restaurant, theater = 300 square feet/3 seats;
- 4. hotel, motel, inn, bed and breakfast, boarding and rooming house, short-term rental, hospital = 300 square feet/sleeping room (2 beds);
- 5. auto service/repair station = 300 square feet/1,000 square feet floor area;
- 6. campground = 500 square feet/campsite;

f. IF ALL OF THE ABOVE ARE ANSWERED "YES", DOES THE PROJECT EARN AT LEAST 50% OF THE MAXIMUM POINTS AS CALCULATED ON "POINT CHART A" FOR THE FOLLOWING CRITERIA:

- 1. is the project located within Whitefield village center (see "Village District Map", Whitefield Master Plan)?
- 2. Is the project adjacent to and functionally a part of an existing community shopping center?
- 3. Does the project contain a workable mix of uses, thereby promoting the historic clustered village character of the region?
- 4. Does the activity reduce non-renewable energy usage, through the application of alternative energy systems, reuse of existing buildings, and through committed energy conservation and/or recycling measures?
- 5. If the project site contains a building or place in which a historic event occurred, which has special public value because of notable architecture or is of cultural significance (as noted in the "Cultural Resources" chapter of the Whitefield Master Plan), does the project fulfill the following:
 - (a) Prevent creation of influences adverse to its preservation?
 - (b) Assure that new structures and uses will be in keeping with the character, scale, massing and/or style of the building or place?

- (c) Propose adaptive use of the building or place that will lead to its continuance, conservation, and improvement in a manner that respects the integrity of the neighborhood?
- 5. Does parking area design take into consideration sharing existing or proposed parking accommodations, utilize creative designs in order to minimize asphalt areas, promote parking behind or beside buildings, and provide one access from the principal road serving the development?
- 6. Is the proposed development compatible with the character of the area in which it lies? Development which conflicts with the character of the area in which it lies is discouraged.

g. **Short-term Rental:**

- 1. Must be in compliance with all applicable National Fire Protection Association (NFPA) codes and Health Home Requirements adopted by the State of New Hampshire at all times;
- 2. Sleeping Area: Only the rooms designated as sleeping areas in the application, shown on the floor plan, shall be used for sleeping and will be inspected by the Fire Chief or designee;
- 3. Occupant Load: Occupant Load to be determined by the Fire Chief or designee and Health Officer or designee for approved NHDES private septic designs;
- 4. The maximum number of vehicles allowed on the property or other permitted areas is the required number for the occupant load as calculated under this Section 7. All vehicles should be parked in designated parking areas.
- 5. The owner of a Short-term Rental unit must provide proof of a current NH Rooms and Meals Tax license number.

h. Fire Chief must confirm that the development complies with all relevant provisions of the NFPA1.

COMMERICAL ACTIVITIES

POINT CHART A

For All Criteria				Applicable Criteria Only					
Criterion	N/A	Is The Criterion Applicable		I Circle The Correct Score			II Multiplier	III Points Earned	IV Maximum Applicable Points
		Yes	No	Yes	VW*	No			
Village District				1	2	0	4		
Shopping Center				1	2	0	3		
Mixed Use				1	2	0	4		
Energy Conservation				1	2	0	2		
Historic Preservation				1	2	0	5		
Parking				1	2	0	4		
Character				1	2	0	5		
SHORT -TERM RENTAL				1	2	0	5		
				1	2	0			
				1	2	0			
				1	2	0			
				1	2	0			
* VW - Very Well Done								Totals	
								V	VI
Percentage Earned of Maximum Applicable Points								V/VI = VII	<div style="border: 1px solid black; padding: 2px; display: inline-block;"> % VII </div>

Article XV - ACTIVITY: INDUSTRIAL

Section 8: Industrial Activity Chart

8.1 Definition:

All industrial and manufacturing uses and other uses which are of the same general character.

8.2 Criteria: Each or the following applicable criteria must be answered "yes" and implemented within the development plan.

- a. If the project is likely to generate more than 25 vehicle trips/business day/1 acre both to and from the premises, will the project site be directly served by an arterial or collector street?
- b. If the project is likely to generate more than 25 vehicle trips/acre both to and from the premises in the busiest hour of the operating day (annual average), is it located in the Whitefield Industrial Park?
- c. Have all necessary precautions been taken to prevent all lubricants, fuel oil, or other substances used in the manufacturing process, which are stored on the site, from leaking or draining into the groundwater system, streams, or other water bodies or from otherwise dispersing?
- d. Are all repair, service and manufacturing activity, including storage, planned to take place within an enclosed structure?
- e. Are the following minimum lot size standards fulfilled (see Appendix III for table of lot size/soil types)?
 1. areas designated as poorly drained soils may be utilized to fulfill 5% of the minimum lot size requirement, provided that the non-wetland area is sufficient in size and configuration to adequately accommodate all required utilities.
 2. areas designated as very poorly drained, fresh water marsh of alluvial soils may not be utilized to fulfill minimum lot size.
 3. not on municipal sewer/water:
 - (a) lot size determined by table in Appendix III using weighted average of soil types on lot,
 - (b) using that figure as base, final lot size will be determined by the formula:

$$\text{Lot size} = \frac{\text{gal. of wastewater/day} \times \text{lot size} + \text{land required (sq. ft.)}}{1837 \text{ (gpd/40,000 sq. ft.) (step \#1) for well radius}}$$

* utilize Table 5-1, "Unit Design Flow Figures" of NH Water Supply & Pollution Control, Guide for the Design, Operation and Maintenance of Small Sewage Disposal Systems, Jan. 1978 as amended.

4. on municipal sewer and/or water:
 - (a) lot size determined by table in Appendix III using weighted average of soil types on lot - reduce lot size by 33 1/3%,
 - (b) utilize same formula as above #e – 3(b).
- f. Do parking accommodations allow for 300 square feet/employee (based upon a 300 square foot parking space for an automobile which includes room for turning)?
- g. IF ALL OF THE ABOVE ARE ANSWERED "YES", DOES THE PROJECT EARN AT LEAST 50% OF THE MAXIMUM POINTS AS CALCULATED ON "POINT CHART B" FOR THE FOLLOWING CRITERIA:
 1. Is the project located within the Whitefield Industrial Park?
 2. Does the project contain a workable mix of uses, thereby promoting the historic clustered village character?
 3. Does the activity reduce non-renewable energy usage, through the application of alternative energy systems, reuse of existing buildings, and through committed energy conservation and/or recycling measures?
 4. If the project site contains a building or place in which a historic event occurred, which has special public value because of notable architecture or is of cultural significance (as noted in the "Cultural Resources" chapter of the Whitefield Master Plan), does the project fulfill the following:
 - (a) Prevent creation of influences adverse to its preservation?
 - (b) Assure that new structures and uses will be in keeping with the character, scale, massing and/or style of the building or place?
 - (c) Propose adaptive use of the building or place that will lead to its continuance, conservation, and improvement in a manner that respects the integrity of the neighborhood?
 5. Does parking area design take into consideration sharing existing or proposed parking accommodations, utilize creative designs in order to minimize asphalt areas, promote parking behind or beside buildings, and provide one access from the principal road serving the development?
 6. Is the proposed development compatible with the character of the area in which it lies? Development which conflicts with the character of the area in which it lies is discouraged

INDUSTRIAL ACTIVITIES						POINT CHART B			
For All Criteria						Applicable Criteria Only			
Criterion	N/A	Is The Criterion Applicable		I Circle The Correct Score			Multiplier	Points Earned	Maximum Applicable Points
		Yes	No	Yes	II				
					VW*	No			
Industrial Park				1	2	0	5		
Mixed Use				1	2	0	4		
Energy Conservation				1	2	0	3		
Historic Preservation				1	2	0	5		
Parking				1	2	0	4		
Character				1	2	0	5		
				1	2	0			
				1	2	0			
				1	2	0			
				1	2	0			
				1	2	0			
I.				1	2	0			
* VW - Very Well Done								Totals	
								V	VI
Percentage Earned of Maximum Applicable Points								V/VI = VII	<div style="border: 1px solid black; padding: 2px; display: inline-block;"> % VII </div>

**Article XVI - ACTIVITY: EXTRACTION OF RESOURCES, SALVAGE AND
JUNKYARDS**

Section 9: Extraction of Resources, Salvage and Junkyards Chart

9.1 Definition:

Mineral, sand and gravel, salvage yards and junkyards, and all extraction uses. These are uses which create major disruptions to the area's environment, even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated.

9.2 Criteria: Each of the following applicable criteria must be answered "yes" and implemented within the development plan.

- a. Have appropriate permits been applied for and received from local boards and state agencies?
- b. Is the outdoor storage of vehicles properly screened and at least 40 feet from any street right of way?
- c. Have all necessary precautions been taken to prevent all lubricants, fuel oil, or other hazardous substances used in the processes, which are stored on the site, from leaking or draining into the groundwater system, streams, or other water bodies or from otherwise dispersing?
- d. In the case of local excavations, have the regulations in Appendix VI been fulfilled?

[illegible]

Article XVII - ACTIVITY: RESIDENTIAL

Section 10: Residential Activity Chart

10.1 Definition:

Includes all residential uses such as multiple family dwelling, apartment building, townhouse, duplex, manufactured home, manufactured housing park, pre-site built home, group home, nursing home, public and private school, residential uses that also provide meeting places and places for public assembly with incidental office space and/or public and quasi-public recreational use, child care (as accessory use), home occupation.

10.2 Criteria: Each of the following applicable criteria must be answered "yes" and implemented within the development plan.

- a. The project is likely to generate more than 25 vehicle trips/business day/1 acre both to and from the premises, will the project site be directly served by an arterial or collector street?
- b. If the project is likely to generate more than 25 vehicle trips/acre both to and from the premises in the busiest hour of the operating day (annual average), is it directly served by an arterial street?
- c. Are the following minimum lot size standards fulfilled (see Appendix III for table of lot size/soil types)?
 1. areas designated as poorly drained soils may be utilized to fulfill 25% of the minimum lot size requirement, provided that the non-wetland area is sufficient in size and configuration to adequately accommodate all required utilities.
 2. areas designated as very poorly drained, fresh water marsh of alluvial soils may not be utilized to fulfill minimum lot size.
 3. not on municipal sewer/water:
 - (a) residential unit not exceeding four (4) bedrooms:
 - (1) lot size determined by table in Appendix III using weighted average of soil types on lot.
 - (b) residential unit exceeding four (4) bedrooms:
 - (1) lot size shall be proportionately larger than the lot size indicated in table in Appendix II as determined by the formula:

$$\text{Lot size} = \text{no. of bedrooms}/4 \times \text{lot size (sq. ft.) from table}$$
 - (c) for duplex residential units, the lot size shall be increased by 50% of the minimum lot size indicated in table in Appendix III.
 4. on municipal water and/or sewer:

- (a) utilize appropriate lot size for residential unit type - reduce lot size by 33 1/3%.
- d. Are adequate parking areas provided based on two (2) spaces/residential unit (or a total of 600 square feet/unit, based on 300 square feet/automobile including room for turning)?
- e. New, expanded, or reconfigured manufactured housing parks shall be considered a "subdivision" and shall be required to obtain approval as a cluster development or planned unit development. For a manufactured housing park, are the following criteria met?
 - 1. Will the homes be located in a way that avoids scattered or premature development of the site?
 - 2. Does the development propose adequate green/open space that will be retained for common use by all park residents and/or dedicate an area of open space to the Town?
 - 3. Does the development maintain and preserve such natural features as trees, streams, topography and other natural assets?
- f. IF ALL OF THE ABOVE ARE ANSWERED "YES", DOES THE PROJECT EARN AT LEAST 50% OF THE MAXIMUM POINTS AS CALCULATED ON "POINT CHART D" FOR THE FOLLOWING CRITERIA?
 - 1. Does the project contain a workable mix of uses, thereby promoting the historic clustered village character?
 - 2. Does the activity reduce non-renewable energy usage, through the application of alternative energy systems, reuse of existing buildings, and through committed energy conservation and/or recycling measures?
 - 3. If the project site contains a building or place in which a historic event occurred, which has special public value because of notable architecture or is of cultural significance (as noted in the "Cultural Resources" chapter of the Whitefield Master Plan), does the project fulfill the following:
 - (a) Prevent creation of influences adverse to its preservation?
 - (b) Assure that new structures and uses will be in keeping with the character, scale, massing and/or style of the building or place?
 - (c) Propose adaptive use of the building or place that will lead to its continuance, conservation, and improvement in a manner that respects the integrity of the neighborhood?
 - 4. Excluding single family dwellings on one lot, does parking area design take into consideration sharing existing or proposed parking accommodations, utilize creative designs in order to minimize asphalt areas,

promote parking behind or beside buildings, and provide one access from the principal road serving the development?

5. Does the project promote the principles of the Open Space Conservation and Development Criteria, despite the acreage involved?
6. Is there any low or moderate income housing in the project?
7. Are there any recreational facilities/opportunities available to the public which are created by the project (including, but not limited to: playfields, trails systems, boating access areas, tennis courts, swimming pools)?
8. Is the proposed development compatible with the character of the area in which it lies? Development which conflicts with the character of the area in which it lies is discouraged.

g. For detached one or two-family dwelling units, if the driveway will be more than 150 feet in length, is it at least 12 feet wide? (Required by RSA 153:5, VI.) For detached one or two-family dwelling units, has the Fire Chief provided written recommendations for the Planning Board to consider regarding Fire Department access, including width, vertical clearance, grade, suitability of road surface, bridges, dead-ends, and the ability to pass and turn around once in the driveway?

SECTION 10

RESIDENTIAL ACTIVITIES					POINT CHART D				
For All Criteria					Applicable Criteria Only				
Criterion	N/A	Is The Criterion Applicable		I Circle The Correct Score			II Multiplier	III Points Earned	IV Maximum Applicable Points
		Yes	No	Yes	VW*	No			
Mixed Use				1	2	0	3		
Energy Conservation				1	2	0	2		
Historic Preservation				1	2	0	5		
Parking				1	2	0	2		
Open Space				1	2	0	4		
Low/Mod. Housing				1	2	0	1		
Recreational Facilities				1	2	0	5		
Character				1	2	0	5		
Manufactured Housing Park				1	2	0	2		
				1	2	0			
				1	2	0			
				1	2	0			
* VW - Very Well Done								Totals	
								V	VI
Percentage Earned of Maximum Applicable Points								V/VI = VII	<div style="border: 1px solid black; padding: 2px; display: inline-block;"> % VII </div>

Article XVIII - ACTIVITY: SINGLE FAMILY HOME

Section 11: Single Family Home Activity Chart

11.1 Definition:

Includes only a structure intended for single family use, in no case may two or more single family structures be located on an individual, subdivided parcel of land.

11.2 Criteria

THE FOLLOWING CONDITIONS MUST BE MET BEFORE A DEVELOPMENT PERMIT WILL BE ISSUED:

- a. If the development proposal will require subdivision or re-platting of an existing parcel, has a preliminary plat in conformance with the Whitefield Subdivision Regulations been filed along with a subdivision application? Approval of the final plan and subdivision plat shall be required before filing of the subdivision plat or issuance of any Development Permits.
- b. If abutting a scenic road, does the project maintain stone walls, trees, vegetation, and other amenities consistent with the scenic road designation? This includes locations on Hall, Kimball Hill, Gould, or Spencer Roads, and/or other roads with potential scenic road designation such as Mountain View Road and Parker Road.
- c. Does the project provide adequate access for emergency vehicles and for those persons attempting to render emergency services? If the driveway will be more than 150 feet in length, is it at least 12 feet wide? (Required by RSA 153:5, VI.) Has the Fire Chief provided written recommendations for the Planning Board to consider regarding Fire Department access, including width, vertical clearance, grade, suitability of road surface, bridges, dead-ends, and the ability to pass and turn around once in the driveway?
- d. If the project is in the Airport area, does it comply with the Airport Development Criteria (Appendix III)?
- e. Does the project comply with the building height restrictions of 35 feet vertical distance measured from the highest part of the roof to the average finished grade of the building? Height limitations within 200 feet of Mirror Lake, Forest Lake and Burns Lake shall be 25 feet, measured in the same fashion. Height limits for buildings in the Airport area are noted in Appendix IV.

**Please note that these criteria are taken from the "Absolute Criteria For All Development" Article XIII, Section 6 numbers 6.2, 6.6, 6.8, 6.11 and 6.33. No other absolute criteria apply to the construction of a single family home as described in Article XVII.*

Section 12 - Accessory Dwelling Unit:

12.1 Definition:

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

12.2 Purpose:

This chapter provides additional information and prescribes additional requirements with respect to NH RSA 674:21 and 674:71-73.

12.3 Applicability:

Accessory Dwelling Units are allowed without exception under the provisions of the Single-Family Home Activity contained within this Code.

12.4 Permits:

Requests to construct an ADU are subject to the same permitting process and fees required for new construction or renovation of an existing structure.

12.5 Limitations:

- a. Only one ADU is allowed per single-family dwelling.
- b. Owner occupancy is required of the principal or accessory dwelling unit.
- c. An ADU shall not exceed the livable square footage of the principal dwelling unit and in no case, may exceed 1500 square feet.
- d. An ADU shall not contain more than two bedrooms.
- e. Detached ADUs are only allowed by special exception, provided, however, that no recreational vehicle shall be approved as a detached ADU. Applicants seeking to construct a detached ADU must seek approval from the Zoning Board of Adjustment.
- f. ADUs shall not be constructed on lots that fail to meet the minimum lot size for a single-family dwelling.
- g. ADUs shall not be allowed to violate required setbacks and may not be added to a single-family dwelling that currently violates setback requirements.
- h. An interior door must be provided between the principal dwelling unit and the ADU.

12.6 Utilities:

ADUs must meet state and municipal requirements regarding adequate and proper water and sewer connections.

- a. ADUs served by municipal water and sewer shall be properly connected to those services either via the principal dwelling unit or by separate connections. In either case, the property owner(s) must coordinate with the municipal water and sewer departments, and all ordinances, permitting and fee requirements shall be complied with.

b. ADUs not served by municipal water and sewer shall comply with state law for septic design and requirements. Any modifications to septic systems require approval of the Whitefield Planning Board.

12.7 Change of Use:

An ADU shall not be allowed for creation of an office, retail, or commercial space either in the ADU or the principal dwelling unit. An ADU and principal dwelling unit shall not be converted to a duplex at any time.

SECTION 11

SINGLE FAMILY HOME

For All Criteria		Is the Criterion Applicable	
Criterion	N/A	Yes	No
Subdivision - 6.2			
Scenic Road - 6.6			
Emergency Access - 6.8			
Airport Area - 6.11			
Building Height - 6.33			
Development Permit			
Driveway Permit			
Soil Type			
Water/Sewer			
NHDES - Shoreline			
Accessory Dwelling Unit			
Please note that these criteria are taken from the "Absolute Criteria, Article XIII, Section 6, Number 6.2, 6.6, 6.8, 6.11 and 6.33.			

APPENDIX I - DEFINITIONS

ABSOLUTE CRITERIA – A criteria which, unless irrelevant to the development, must be implemented for a permit to be issued.

ABUTTER - Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of presenting testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the Collective Association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

ACCEPT - In reference to an application: to certify that the contents thereof are complete, according to the provisions of this Code, and to acknowledge receipt therefore it does not connote approval.

ACCESSORY DWELLING UNIT – A residential living unit that is within or attached to a single family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it occupies.

AIR CONTAMINANT - Any fume, smoke, particulate matter, vapor, gas or any combination but not including water vapor or steam condensation.

AIR CONTAMINATION SOURCE - Any source whatsoever at, from or by reason for which there is emitted or discharged into the atmosphere any air contaminant.

ALTERATION - Any change, addition, or modification in construction or occupancy.

APARTMENT BUILDING - A multi-unit residential structure in which individual units are offered for rent and not for sale.

APPEAL - A request by an applicant or citizen that the Planning Board overturn a decision concerning an application.

APPLICANT - The owner(s) of record of the property, which is the subject of an application, or the duly authorized agent of the owner(s) or the successors in interest. The applicant is responsible for meeting all conditions on the issuance of the permit, and otherwise ensuring that all policies are implemented in the development. In absence of the

owner(s) of record, or a duly authorized agent, the actual occupants of the development will be assumed to be acting jointly and severally as the applicant for the purposes of this Guide.

APPLICATION - A form with various required criteria to be completed in application for a permit (subdivision, development, excavation, etc.) which is not considered completed until all of the relevant checklist items have been accepted as completed by the regulator.

APPROVAL- In reference to an application: a decision indicating that the development implements all relevant absolute policies and has earned points pursuant to the relative policies based upon Town review of the application, and thus that a development permit (or other permit) may be issued. Approval may have conditions attached, and if so, the conditions are a part of the development permit.

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain within the town of Whitefield subject to a one-percent or greater possibility of flooding in any given year. The area is designated as Zone A on the FHSM and is designated on the FIRM as Zone A.

ARTERIAL STREET - Streets or highways which are used primarily for fast or heavy through traffic; access to adjacent may be regulated.

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

BASEMENT - Any area of a building having its floor subgrade on all sides.

BED AND BREAKFAST - A facility of residential character, which provides sleeping accommodations for hire, for thirty days or less, on a day-to-day basis, with one or more meals per day included, and a manager, who is either an owner or lessee of the property, residing on the premises. Such use shall not include residential dwelling units with more than five such rental rooms, or with any number of rental rooms with an aggregate square footage of the rental rooms greater than seven hundred and fifty square feet, or facilities which include retail or commercial activities of any kind.

BOARDING AND ROOMING HOUSE - A building or portion which is used to provide sleeping accommodations for thirty days or less, on a day-to-day basis, for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word compensation shall include compensation in money, services or other things of value.

BUFFER - An area of land used to separate visibly one use from another or which acts as a separation between two land uses of different intensity.

BUILDING – Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or material of any kind.

BUILDING HEIGHT - The vertical distance from the average of the finished ground level at the center of all walls of a building to the highest point of the roof surface, exclusive of chimneys, ventilators, pipes, solar energy systems and similar apparatus.

CAMPGROUND – A parcel of land or premises with more than two sites, with or without water, electricity and sewage hookups, that is used or occupied for compensation by campers traveling by passenger vehicles and utilizing tents, campers, travel trailers, or any other recreational vehicles.

CAPITAL IMPROVEMENTS PROGRAM - A document adopted by the Town which outlines the major capital improvement activities planned by the town for the next five years.

CHANGE OF USE - to modify the utilization of a parcel or structure from its historic or current use to a new and/or different type of activity and/or use.

CHARACTER - The physical and functional attributes of a structure, lot, or use. Character includes attributes such as location, orientation, operation, scale, visual appearance, architectural style, and noise among others.

CHILDCARE CENTER - A facility by whatever name known, which is maintained for the whole or part of a day for the care of seven or more children under the age of sixteen years and not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes when the floor space devoted to such activity is over 75% of the usable building floor area.

COLLECTOR STREET - Streets or roads that collect traffic from local streets and link to the system of major arterial streets or highways; bypass traffic around residential neighborhoods.

COMMERCIAL USE - Retail trade and service activities, offices, restaurants and bars, short-term rentals and other lodging, and as further described in Article XIV.

COMMUNITY WATER SYSTEM - A non-municipal water supply system that serves an average of at least twenty-five individuals daily on a year-round basis, or that has at least fifteen service connections.

COMMUNITY FACILITY - A publicly owned building or property which provides for the recreational, educational, cultural, health or entertainment needs of the community as a whole.

COMPATIBILITY - The characteristics of proposed development or uses that permit them to be located near each other in harmony and without conflict. To determine compatibility, the characteristics of a structure, lot, or use shall be reviewed relative to other affected structures, lots, or uses.

CONDOMINIUM - A multi-unit structure in which units may be individually owned but which does not provide the features of a condominium/hotel or hotel structure. In a condominium there is outright ownership of a unit or airspace with a divided interest in the common element.

CONVENIENCE STORES - A general retail store containing less than 4,000 square feet of gross floor area (excluding any gasoline canopies), sells goods and services including ready-to-eat food products, groceries and sundries. Any establishment which derives more

than seventy-five percent of its revenues from gasoline and automotive related sales and services is not a convenience store.

CRITERIA - The result, or results required of a proposed development to implement a policy.

CULTURAL SURVEY - An historic evaluation of a structure and/or site which outlines; the historic value, architectural significance, and physical condition of a building and/or site to the Town as well as state or nation, prepared by a qualified individual or group.

DENSITY - The intensity of nonresidential uses is expressed by the ratio of gross floor area of the improvements to the size of the subject property. The intensity of residential uses is expressed by the number of units to the size of the subject property. Mixed uses are considered nonresidential uses for the purpose of intensity. All measurements are in square feet.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials. Also included in this definition is subdivision of the land and demolition of structures.

DEVELOPABLE LAND - The developable land area is that portion of the tract remaining after deducting the undevelopable land area (water bodies, wetlands and steep slopes) from the total tract area.

DORMITORY - A structure in which individual sleeping spaces are rented to individual tenants on a short-term basis with necessary support facilities (bathroom, kitchen, etc.) being provided in common.

DUPLEX - A residential structure containing two attached dwelling units, which may be located on one parcel of land or two.

DWELLING - A building used exclusively for residential occupancy, including single family dwellings, tiny houses, two-family dwellings and multi-family dwellings, but not including hotels, motels, recreational vehicles, tents or other structures designed or used primarily for temporary occupancy; however, the use of a dwelling as a short-term constitutes a commercial, and not a residential, use.

DWELLING, MULTI-FAMILY - A building occupied by three or more families living independently of each other, not including hotels, motels, and similar group accommodations.

DWELLING, SINGLE-FAMILY - A building occupied by not more than one family and which has not more than one kitchen and not less than one bathroom facility.

DWELLING, TWO-FAMILY - A building occupied by two families living independently of each other.

DWELLING UNIT - one or more rooms with a sanitary facility and a single kitchen designed for or occupied as a unit by one family, for living, sleeping, sanitation and cooking purposes

for any period of time; however, the use of a dwelling unit as a short-term rental constitutes a commercial, and not a residential, use.

EARTH - Sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.

EXCAVATION - A land area which is used, or has been used, for commercial taking of earth, including all slopes.

EXCAVATION SITE - Any area of contiguous land in common ownership upon which excavation takes place.

EMPLOYEES - The total number of persons to be employed in a building during normal periods of use.

EXISTING DEVELOPMENT - Any subdivision in the town which has been approved and recorded.

EXPANSION OF USE - An expansion is considered to be an increase in the building size, storage facilities, parking, etc.

FAMILY - An individual living alone or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- 1) Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
- 2) Any unrelated group of persons consisting of:
 - a) not more than five persons
 - b) not more than two unrelated adults and their related children, if any.

FEMA - The Federal Emergency Management Agency.

FLOOR AREA - The area included within the surrounding exterior walls (including the exterior wall itself) of a building or portion thereof, exclusive of vent shafts and courts.

FLOOD, FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) the overflow of inland or tidal waters,
- b) the unusual and rapid accumulation or runoff of surface waters from any source.

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 Whitefield.

FLOODPLAIN, FLOOD PRONE AREA - Any land area susceptible to being inundated by water from any source, (see FLOODING).

FLOOD PROOFING - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

FLOOR AREA - The gross floor area of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas, basements, and one-half of all storage and display areas for hard goods.

FRONTAGE - That portion of a lot bordering on a highway, street or right-of-way.

GROUP HOME - Residence operated as a single dwelling, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

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

HISTORIC AND/OR ARCHITECTURAL SIGNIFICANCE - The evaluation of the importance of a building and/or site in relation to the history of various contexts of the Town and in relation to other examples of similar styles in the area.

HISTORIC STRUCTURE - Any structure that is:

- a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places; or
- d) Individually listed on a local inventory of historic places in a town with a certified historic preservation program.
 - 1) an approved state program as determined by the Secretary of the Interior, or
 - 2) directly by the Secretary of the Interior in states without approval programs
- e) A cultural survey shall be provided if there is any indication that the development will have an effect on any historic structure, or any town designated landmark, federally designated landmark or landmark site.

HOME OCCUPATION - The use of up to 25% of the combined primary floor area of a dwelling and its accessory buildings by a resident thereof in a subordinate use involving a business, profession or trade, provided there is no exterior indication of the non-residential activity other than a permitted sign, and provided that not more than one person not a resident of the premises is employed in the home occupation.

HOMEOWNERS ASSOCIATION - A private, nonprofit association which is organized by the developer of an open space development in which individual owners share common interests in open space and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforcing certain covenants and restrictions.

HOTEL OR MOTEL - A multi-unit structure in which there are six or more guest rooms or suites, in which units may or may not be individually owned, for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, which provides a centralized management structure and telephone system, may or may not include meeting rooms, food services, and recreational or leisure amenities, and in which no provision is made for cooking in any individual room or suite. This term also includes inns.

A unit which includes cooking facilities shall be considered a dwelling unit; provided, however, that a time-shared unit structure with individual cooking facilities shall also be considered a hotel or motel.

INDUSTRIAL USE - Storage, processing and shipping of agricultural or timber products; mineral extraction and production, storage, processing or shipping; fabrication, assembly, servicing manufacturing.

LANDOWNER - Any owner of a legal or equitable interest in real property, and includes heirs, successors, and assigns of such ownership interests.

LOCAL STREETS - Streets which are used primarily for access to the abutting properties.

LOT - A parcel of land at least sufficient in size and configuration to meet the minimum requirements for use, coverage, frontage and area and to provide required yards and other open spaces.

LOWEST FLOOR - 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 the Floodplain Development Criteria.

MANUFACTURED HOME - Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and forty body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein. This includes manufactured homes located in a manufactured home park or subdivision. 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. Manufactured housing as defined in this Code shall not include pre-site built housing as herein defined.

MANUFACTURED HOME PARK OR SUBDIVISION- means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MASS - The total square footage of the aboveground portion of any project including the gross dwelling area and all other floor areas.

MEAN SEA LEVEL - The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are reference.

MIXED USE - The development of a lot, tract or parcel of land, building or structure with two or more different uses such as, but not limited to, residential, office, retail, public, personal service or entertainment, designed, planned and constructed as a unit. **MUNICIPAL WASTEWATER SYSTEM** - A wastewater collection, treatment, and disposal system that serves an average of at least twenty-five individuals daily on a year-round basis or that has at least fifteen service connections and that is owned and operated by a municipal or regional government.

NEW CONSTRUCTION- Means, for the purposes of determining insurance rates, structures for which the start construction "commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NONCONFORMING – A use, lot, or structure that was lawful prior to the adoption, revision, or amendment of the Development Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Development Code.

ONE HUNDRED (100) YEAR FLOOD - See Base Flood.

OPEN SPACE DEVELOPMENT - A form of subdivision that permits units to be clustered together into one or more groups on sites or lots and separated from each other and adjacent properties by permanently protected open space. Dimensions of lots are reduced from conventional sizes, provided the density of the tract as a whole shall not be greater than the density allowed for the tract under existing regulations.

PERMANENT BUILDING - Any building resting upon a foundation or otherwise legally defined as "real estate".

PRE-SITE BUILT HOME - Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the U.S. Dept. of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and

installation, on the building site. For the purposes of this Code, pre-site built housing shall not include manufactured housing as herein defined.

RECREATIONAL VEHICLE (RV) - Any of the following vehicles:

- (a) Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (b) Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- (c) Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
- (d) Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation and vacation purposes.

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 increasing the water surface elevation.

RELATIVE CRITERIA - A criteria which need not be implemented by a development, but for which the development is rated and allocated points.

RESIDENTIAL USE - A residential use refers to the occupancy of a dwelling unit as living quarters as a primary dwelling, domicile or residence; it does not include short-term rentals or other transitory or temporary occupancy.

RIGHT-OF-WAY - Includes all present and proposed town, state and federal highways and the land on either side of the same as covered by statutes to determine the widths of rights-of-way.

SETBACK - The distance between the nearest portion of a building, road, driveway, parking, swimming pool, tennis court, etc. to a lot or right-of-way boundary line.

SHORT-TERM RENTAL - Any individually or collectively owned single-family house, dwelling unit, unit in a condominium, time-shared unit or owner-occupied single-family house, that is offered for a fee or other compensation for occupancy for less than 30 consecutive days.

SITE BUILT - Constructed entirely at the building site, must conform to all state, local or regional codes where the house is located.

SLOPE - The average steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey soil classification.

SOIL SCIENTIST - A person qualified in soil classification and mapping who works for the U.S.D.A. or is certified by the State of NH in accordance with the provisions of RSA 310-A.

SOIL TYPE - As defined by Soils Maps for Coos County, on file with the Coos County Conservation District.

SPECIAL FLOOD HAZARD AREA - An area having flood, mudslide, and/or flood, related erosion hazards, and shown on FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E. (See "Area of Special Flood Hazard").

STANDARD - Specifications of materials, techniques, processes, methods, size, shape, etc., which when employed in a proposed development or in its use, create a presumption that the proposed development would implement the relevant Policy.

START OF CONSTRUCTION - Includes substantial improvements, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of 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.

STORAGE - That portion of a building utilized for the storage and safekeeping of goods. Storage areas shall not include areas that are utilized as or constitute work areas of any type.

STRUCTURE - A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, above ground fuel tank greater than 1,000 gallons, tunnel, tent, stadium, reviewing stand, platform, bin, fences greater than 6', flagpole or the like. For floodplain management purposes means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal: (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".

TEMPORARY STRUCTURE - A structure other than a vendor cart or construction trailer, intended to be utilized for a specified period of time of not less than four days nor more than one year that is not intended as a permanent structure, and does not provide a permanent foundation or footings. A temporary structure which remains in place longer than one year will be deemed to be a permanent structure requiring a Development Permit.

TIME-SHARED UNIT - A residential unit which is owned by more than one person with the ownership interest being divided by specific periods of time. Time-shared units are not a "residential use".

TOWNHOUSE - A multi-unit residential structure in which individual units are owned by separate persons, including and undivided fee simple ownership in the land upon which the unit sits.

TRACT - An area, parcel, site, piece of land, or property, which is the subject of a development proposal and application.

USE, SUBSTANTIALLY DIFFERENT – A use which by reason of its normal operation would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics from the existing use.

VIOLATION- means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence or compliance required in Appendix V, Item VI and IX are presumed to be in violation.

WATER SURFACE ELEVATION - 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.

WETLANDS - lands containing soils that are poorly or very poorly drained, including freshwater and saltwater marshes as defined by the National Cooperative Soil Survey.

YARD - An open space on a lot, unoccupied by any structure, and located on the same lot with the building or use, which it serves.

YARD, FRONT - A yard extending between the side lot lines across the full width of the lot and lying between the front lot line and any portion of any structure on the lot. In those instances, where a lot abuts two streets, such as a corner lot or a double frontage lot, a certain yard shall be designated as the front, based on existing development patterns within the area.

YARD, REAR - A yard extending between the side lot lines across the full width of the lot, and lying between the rear lot line and any portion of any structure of the lot.

YARD, SIDE - A yard extending between the front and rear lot lines along the full length of lot and lying between any side lot line and any portion of any structure on the lot.

APPENDIX II - OPEN SPACE CONSERVATION AND DEVELOPMENT CRITERIA

- I. Purpose:** The following criteria propose to encourage greater flexibility and creativity in the design of subdivisions; encourage less development sprawl consuming less open land in order to maintain existing community character while allowing for development and a reasonable return on holdings; provide a more efficient use of land in harmony with its natural characteristics; and to permanently preserve more useable open space, agricultural lands and other natural resources, recreation areas and/or scenic vistas.
- II. Authority:** In pursuance of the authority conferred by NH RSA 674:16 and 674:21 and for the purpose of promoting the health, safety and general welfare of the inhabitants of Whitefield, New Hampshire, by outlining innovative land use controls which assist in attaining these goals. Also, in pursuance of the authority conferred by NH RSA 674:21-a, whereby open space designation or other proposals approved under innovative land use controls and which are filed in the records of the Planning Board in accordance with its established procedure constitute a conservation restriction as defined in NH RSA 477:45, I, which shall run with the land, and shall be enforceable by the municipality regardless of whether any deed or other instrument conveying such restriction has been executed or recorded.
- III. Permits:** All proposed development of parcels of ten (10) or more acres shall require a Development Permit and shall conform to the procedures outlined in this Code.
- IV. Minimum Tract Area:** The minimum tract area for an open space development shall be at least ten (10) contiguous acres, with parcels held in single ownership or control at the time of application. No portion of any pond, lake, perennial stream, surface water, or very poorly drained soil area may be used to fulfill the minimum tract size for any proposed Open Space Development. Areas designated as poorly drained soils may be utilized to fulfill 25% of the minimum lot size.
- V. Maximum Density:** The maximum number of units permitted in an open space development shall be determined by dividing the total area of developable land of the tract by the minimum lot size required by soil type and potential activity proposed. Developable land area is that portion of the tract remaining after deducting the undevelopable land area (water bodies, flood plains, wetlands, wetland soils and steep slopes of over 15%). One additional lot shall be permitted for each four (4) acres of poorly drained soil. The minimum lot size per unit shall be no less than twenty-five percent (25%) of the lot area required by lot size by soil type for the tract area as above defined.
- VI. Open Space Standard:** Structures on the parcel shall be grouped together in a flexible manner, separated from each other and adjacent properties by permanently protected open space that shall constitute no less than fifty percent (50%) of the entire parcel. Dimensions of lots within the original parcel are reduced from conventionally required sizes, provided the density of the tract (number of units) as a whole shall not be greater than the density allowed by lot size by soil type. Open space shall not be further subdivided, remain protected from development in perpetuity, and shall not consist of land difficult to utilize, including all water bodies, wetlands, very poorly drained soils, or steep slopes of greater

than 15% slope. A portion of poorly drained soils on the site (25%) may be used to fulfill the open space percentage standard. Use of the common open space for other than recreation, conservation, or agriculture, except for easements for underground utilities and septic systems, shall be prohibited. Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected, but shall not exceed 5% coverage of such common open land.

- VII. Lot Configuration:** lots shall be laid out, to the greatest extent feasible to achieve the following objectives (listed below in order of priority, as it is recognized that some may conflict with others on any given site):
- a. On the most suitable soils for sub-surface septic disposal (in unsewered areas only);
 - b. On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use;
 - c. Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
 - d. In such a manner that the common boundary between the new house lots and the preserved farmland is minimized in length (to reduce potential conflict situations);
 - e. In locations least likely to block or interrupt scenic vistas, as seen from the public roadway(s);
 - f. Other criteria listed in ABSOLUTE CRITERIA FOR ALL DEVELOPMENT.
- VIII. Frontage:** Minimum frontage on a state or town maintained road shall be one hundred and fifty feet (150'). Road frontage for individual building lots within developments shall be as determined by the Planning Board and negotiated with the developer in the interest of encouraging flexibility in site design, but shall be not less than fifty feet (50') where such frontage is on a way created by the subdivision involved.
- IX. Roads:** All roads shall be designed and constructed in accordance with town road standards, except that the Planning Board may approve reductions in the required right-of-way width. Pavement width of service roads which provide access within the development and to grouped units may be modified by the planning board in consultation with the town engineer or road agent where deemed practical and in the interest of promoting more flexible conformance with prevailing community character in the area.
- X. Maintenance of Open Space:** The person or entity identified as having the right to ownership or control over open space shall be responsible for its continuing upkeep and proper maintenance according to the character of the open space. Agreements or covenants with an association or other entity other than the town shall provide that in the event that the association fails to maintain the common open land in reasonable order and condition in accordance with the agreement, the town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the

properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the town shall be assessed against the properties within the development, if this is appropriate.

- XI. Current Use Limitation:** The common land areas, open space areas and natural areas in an approved development are considered part of the residential or other use of such development and shall not be considered to be eligible for "current use" under RSA 79-A.

APPENDIX III
COOS COUNTY
MINIMUM LOT SIZE BY SOIL TYPE
USDA - Natural Resources Conservation Service

SYMBOL	SOIL NAME	LOT SIZE	SLOPE
15A	SEARSPORT MUCKY PEAT	VP	0-5%
22A	COLTON LOAMY SAND	40,000	0-3%
22B	COLTON LOAMY SAND	40,000	3-8%
22C	COLTON LOAMY SAND	45,000	8-15%
22E	COLTON LOAMY SAND	N/A	15-60%
23A	MASARDIS GRAVELLY FINE SANDY LOAM	40,000	0-3%
23B	MASARDIS GRAVELLY FINE SANDY LOAM	40,000	3-8%
23C	MASARDIS GRAVELLY FINE SANDY LOAM	45,000	8-15%
23E	MASARDIS GRAVELLY FINE SANDY LOAM	N/A	15-60%
27A	GROVETON FINE SANDY LOAM	40,000	0-3%
27B	GROVETON FINE SANDY LOAM	40,000	3-8%
27C	GROVETON FINE SANDY LOAM	45,000	8-15%
28A	MADAWASKA FINE SANDY LOAM	60,000	0-3%
28B	MADAWASKA FINE SANDY LOAM	60,000	3-8%
36A	ADAMS LOAMY SAND	40,000	0-3%
36B	ADAMS LOAMY SAND	40,000	3-8%
36C	ADAMS LOAMY SAND	45,000	8-15%
36E	ADAMS LOAMY SAND	N/A	15-60%
54B	HERMON SANDY LOAM	40,000	3-8%
54C	HERMON SANDY LOAM	45,000	8-15%
54D	HERMON SANDY LOAM	60,000	15-25%
55B	HERMON SANDY LOAM, VERY STONY	40,000	3-8%
55C	HERMON SANDY LOAM, VERY STONY	45,000	8-15%
55D	HERMON SANDY LOAM, VERY STONY	60,000	15-25%
55E	HERMON SANDY LOAM, VERY STONY	N/A	25-35%
56B	BECKET FINE SANDY LOAM	50,000	3-8%
56C	BECKET FINE SANDY LOAM	75,000	8-15%
56D	BECKET FINE SANDY LOAM	100,000	15-25%
57B	BECKET FINE SANDY LOAM, VERY STONY	50,000	3-8%
57C	BECKET FINE SANDY LOAM, VERY STONY	75,000	8-15%
57D	BECKET FINE SANDY LOAM, VERY STONY	100,000	15-25%
57E	BECKET FINE SANDY LOAM, VERY STONY	N/A	25-35%
58B	WAUMBEEK LOAMY SAND,	50,000	3-8%
58C	WAUMBEEK LOAMY SAND,	75,000	8-15%
59B	WAUMBEEK LOAMY SAND, VERY STONY	50,000	3-8%
59C	WAUMBEEK LOAMY SAND, VERY STONY	75,000	8-15%
59D	WAUMBEEK LOAMY SAND, VERY STONY	100,000	15-25%
61B	TUNBRIDGE-LYMAN ROCK OUTCROP COMPLEX	60,000	3-8%
61C	TUNBRIDGE-LYMAN ROCK OUTCROP COMPLEX	80,000	8-15%
61D	TUNBRIDGE-LYMAN ROCK OUTCROP COMPLEX	N/A	15-25%
61E	TUNBRIDGE-LYMAN ROCK OUTCROP COMPLEX	N/A	25-35%
72B	BERKSHIRE LOAM	40,000	3-8%
72C	BERKSHIRE LOAM	45,000	8-15%
72D	BERKSHIRE LOAM	60,000	15-25%
73B	BERKSHIRE LOAM, VERY STONY	40,000	3-8%
73C	BERKSHIRE LOAM, VERY STONY	45,000	8-15%
73D	BERKSHIRE LOAM, VERY STONY	60,000	15-25%
73E	BERKSHIRE LOAM, VERY STONY	N/A	25-35%
76B	MARLOW FINE SANDY LOAM	50,000	3-8%
76C	MARLOW FINE SANDY LOAM	75,000	8-15%
76D	MARLOW FINE SANDY LOAM	100,000	15-25%
77B	MARLOW FINE SANDY LOAM, VERY STONY	50,000	3-8%

SYMBOL	SOIL NAME	LOT SIZE	SLOPE
77C	MARLOW FINE SANDY LOAM, VERY STONY	75,000	8-15%
77D	MARLOW FINE SANDY LOAM, VERY STONY	100,000	15-25%
77E	MARLOW FINE SANDY LOAM, VERY STONY	N/A	25-35%
78B	PERU FINE SANDY LOAM	60,000	3-8%
78C	PERU FINE SANDY LOAM	90,000	8-15%
79B	PERU FINE SANDY LOAM, VERY STONY	60,000	3-8%
79C	PERU FINE SANDY LOAM, VERY STONY	90,000	8-15%
79D	PERU FINE SANDY LOAM, VERY STONY	120,000	15-25%
101A	ONDAWA FINE SANDY LOAM	N/A	0-5%
102A	SUNDAY LOAMY SAND	N/A	0-5%
104A	PODUNK FINE SANDY LOAM	N/A	0-5%
105A	RUMNEY FINE SANDY LOAM	PD	0-5%
142B	MONADNOCK FINE SANDY LOAM	40,000	3-8%
142C	MONADNOCK FINE SANDY LOAM	45,000	8-15%
142D	MONADNOCK FINE SANDY LOAM	60,000	15-25%
143B	MONADNOCK FINE SANDY LOAM, VERY STONY	40,000	3-8%
143C	MONADNOCK FINE SANDY LOAM, VERY STONY	45,000	8-15%
143D	MONADNOCK FINE SANDY LOAM, VERY STONY	60,000	15-25%
143E	MONADNOCK FINE SANDY LOAM, VERY STONY	N/A	25-35%
145C	MONADNOCK FINE SANDY LOAM, EXTREMELY BOULDERY	45,000	8-15%
154B	SUCCESS GRAVELLY LOAMY COARSE SAND	40,000	3-8%
154C	SUCCESS GRAVELLY LOAMY COARSE SAND	45,000	8-15%
154D	SUCCESS GRAVELLY LOAMY COARSE SAND	60,000	15-25%
155B	SUCCESS GRAVELLY LOAMY COARSE SAND, VERY STONY	40,000	3-8%
155C	SUCCESS GRAVELLY LOAMY COARSE SAND, VERY STONY	45,000	8-15%
155D	SUCCESS GRAVELLY LOAMY COARSE SAND, VERY STONY	60,000	15-25%
155E	SUCCESS GRAVELLY LOAMY COARSE SAND, VERY STONY	N/A	25-35%
156C	SUCCESS GRAVELLY LOAMY COARSE SAND, EXTREMELY BOULDERY	45,000	8-15%
168B	SUNAPEE FINE SANDY LOAM	50,000	3-8%
168C	SUNAPEE FINE SANDY LOAM	75,000	8-15%
169B	SUNAPEE FINE SANDY LOAM, VERY STONY	50,000	3-8%
169C	SUNAPEE FINE SANDY LOAM, VERY STONY	75,000	8-15%
169D	SUNAPEE FINE SANDY LOAM, VERY STONY	100,000	15-25%
195A	WASKISH PEAT	VP	0-5%
199	DUMPS--BARK, CHIPS AND ORGANIC MATERIAL	OS	
208A	FRYEBURG VERY FINE SANDY LOAM,	N/A	0-5%
209A	CHARLES SILT LOAM	N/A	0-5%
214A	NAUMBURG FINE SANDY LOAM	PD	0-3%
214B	NAUMBURG FINE SANDY LOAM	PD	3-8%
246A	LYME FINE SANDY LOAM	PD	0-3%
246B	LYME FINE SANDY LOAM	PD	3-8%
247A	LYME FINE SANDY LOAM, VERY STONY	PD	0-3%
247B	LYME FINE SANDY LOAM, VERY STONY	PD	3-8%
247C	LYME FINE SANDY LOAM, VERY STONY	PD	8-15%
260B	LOMBARD-TUNBRIDGE COMPLEX	50,000	3-8%
260C	LOMBARD-TUNBRIDGE COMPLEX	75,000	8-15%
260D	LOMBARD-TUNBRIDGE COMPLEX	100,000	15-25%
260E	LOMBARD-TUNBRIDGE COMPLEX	N/A	25-60%
273E	BERKSHIRE, MONADNOCK AND HERMON SOILS, EXTREMELY BOULDERY	N/A	25-35%
295A	GREENWOOD MUCKY PEAT	VP	0-5%
298	PITS, GRAVEL	OS	
309A	LOVEWELL VERY FINE SANDY LOAM	N/A	0-5%
355C	HERMON SANDY LOAM, EXTREMELY BOULDERY	45,000	8-15%
373C	BERKSHIRE, FINE SANDY LOAM, EXTREMELY BOULDERY	45,000	8-15%
395A	CHOCORUA MUCKY PEAT	VP	0-5%
398	PITS, QUARRY	OS	
399	ROCK OUTCROP	OS	

SYMBOL	SOIL NAME	LOT SIZE	SLOPE
400	UDORTHENTS, SANDY	OS	
406A	MEDOMAK SILT LOAM	VP	0-5%
413A	DUANE FINE SANDY LOAM	60,000	0-3%
413B	DUANE FINE SANDY LOAM	60,000	3-8%
414A	MOOSILAUKE FINE SANDY LOAM	PD	0-3%
414B	MOOSILAUKE FINE SANDY LOAM	PD	3-8%
415A	MOOSILAUKE FINE SANDY LOAM, VERY STONY	PD	0-3%
415B	MOOSILAUKE FINE SANDY LOAM, VERY STONY	PD	3-8%
415C	MOOSILAUKE FINE SANDY LOAM, VERY STONY	PD	8-15%
433A	GRANGE SILT LOAM	PD	0-5%
470B	TUNBRIDGE-PERU COMPLEX	60,000	3-8%
471B	TUNBRIDGE-LYMAN RICKER COMPLEX	60,000	3-8%
471C	TUNBRIDGE-LYMAN RICKER COMPLEX	80,000	8-15%
471D	TUNBRIDGE-LYMAN RICKER COMPLEX	N/A	15-25%
471E	TUNBRIDGE-LYMAN RICKER COMPLEX	N/A	25-35%
495A	OSIPPEE MUCKY PEAT	VP	0-5%
500	UDORTHENTS, LOAMY	OS	
501A	ABENAKI VERY FINE SANDY LOAM	N/A	0-5%
504A	METALLAK VERY FINE SANDY LOAM	N/A	0-5%
505A	COHAS VERY FINE SANDY LOAM	PD	0-5%
520B	MACHAIS GRAVELLY FINE SANDY LOAM	60,000	1-8%
523A	STETSON FINE SANDY LOAM	40,000	0-3%
523B	STETSON FINE SANDY LOAM	40,000	3-8%
523C	STETSON FINE SANDY LOAM	45,000	8-15%
523E	STETSON FINE SANDY LOAM	N/A	15-60%
549A	PEACHAM MUCK	VP	0-5%
558B	SKERRY FINE SANDY LOAM	60,000	3-8%
558C	SKERRY FINE SANDY LOAM,	90,000	8-15%
558D	SKERRY FINE SANDY LOAM,	120,000	15-25%
559B	SKERRY FINE SANDY LOAM, VERY STONY	60,000	3-8%
559C	SKERRY FINE SANDY LOAM, VERY STONY	90,000	8-15%
559D	SKERRY FINE SANDY LOAM, VERY STONY	120,000	15-25%
560B	TUNBRIDGE-PLAISTED-THORNDIKE COMPLEX	80,000	3-8%
560C	TUNBRIDGE-PLAISTED-THORNDIKE COMPLEX	100,000	8-15%
560D	TUNBRIDGE-PLAISTED-THORNDIKE COMPLEX	140,000	15-25%
560E	TUNBRIDGE-PLAISTED-THORNDIKE COMPLEX	N/A	25-35%
561B	TUNBRIDGE-PLAISTED-THORNDIKE COMPLEX, VERY STONY	80,000	3-8%
561C	TUNBRIDGE-PLAISTED-THORNDIKE COMPLEX, VERY STONY	100,000	8-15%
562D	TUNBRIDGE-THORNDIKE ROCK OUTCROP COMPLEX	160,000	15-25%
562E	TUNBRIDGE-THORNDIKE ROCK OUTCROP COMPLEX	N/A	25-35%
563B	PLAISTED SILT LOAM	50,000	3-8%
563C	PLAISTED SILT LOAM	75,000	8-15%
563D	PLAISTED SILT LOAM	100,000	15-25%
564B	PLAISTED SILT LOAM, VERY STONY	50,000	3-8%
564C	PLAISTED SILT LOAM, VERY STONY	75,000	8-15%
564D	PLAISTED SILT LOAM, VERY STONY	100,000	15-25%
564E	PLAISTED SILT LOAM, VERY STONY	N/A	25-35%
566B	HOWLAND SILT LOAM	60,000	3-8%
566C	HOWLAND SILT LOAM	90,000	8-15%
566D	HOWLAND SILT LOAM	120,000	15-25%
567B	HOWLAND SILT LOAM, VERY STONY	60,000	3-8%
567C	HOWLAND SILT LOAM, VERY STONY	90,000	8-15%
567D	HOWLAND SILT LOAM, VERY STONY	120,000	15-25%
569A	MONARDA SILT LOAM	PD	0-3%
569B	MONARDA SILT LOAM	PD	3-8%
569C	MONARDA SILT LOAM	PD	8-15%
570A	MONARDA SILT LOAM, VERY STONY	PD	0-3%
570B	MONARDA SILT LOAM, VERY STONY	PD	3-8%
570C	MONARDA SILT LOAM, VERY STONY	PD	8-15%

SYMBOL	SOIL NAME	LOT SIZE	SLOPE
572B	BANGOR SILT LOAM		
572C	BANGOR SILT LOAM	40,000	3-8%
572D	BANGOR SILT LOAM	45,000	8-15%
573B	BANGOR SILT LOAM, VERY STONY	60,000	15-25%
573C	BANGOR SILT LOAM, VERY STONY	40,000	3-8%
573D	BANGOR SILT LOAM, VERY STONY	45,000	8-15%
573E	BANGOR SILT LOAM, VERY STONY	60,000	15-25%
578B	DIXMONT VERY FINE SANDY LOAM	N/A	25-35%
578C	DIXMONT VERY FINE SANDY LOAM	50,000	3-8%
578D	DIXMONT VERY FINE SANDY LOAM	75,000	8-15%
579B	DIXMONT VERY FINE SANDY LOAM, VERY STONY	100,000	8-15%
579C	DIXMONT VERY FINE SANDY LOAM, VERY STONY	50,000	3-8%
579D	DIXMONT VERY FINE SANDY LOAM, VERY STONY	75,000	8-15%
600	HAPLAQUENTS, LOAMY	100,000	15-25%
613B	CROGHAN LOAMY FINE SAND	OS	
630A	SALMON VERY FINE SANDY LOAM	60,000	1-8%
630B	SALMON VERY FINE SANDY LOAM	40,000	0-3%
630C	SALMON VERY FINE SANDY LOAM	40,000	3-8%
630D	SALMON VERY FINE SANDY LOAM	45,000	8-15%
632A	NICHOLVILLE VERY FINE SANDY LOAM	60,000	15-35%
632B	NICHOLVILLE VERY FINE SANDY LOAM	75,000	0-3%
632C	NICHOLVILLE VERY FINE SANDY LOAM	75,000	3-8%
633A	PEMI SILT LOAM	100,000	8-15%
646A	PILLSBURY FINE SANDY LOAM	PD	0-5%
646B	PILLSBURY FINE SANDY LOAM	PD	0-3%
646C	PILLSBURY FINE SANDY LOAM	PD	3-8%
647A	PILLSBURY FINE SANDY LOAM, VERY STONY	PD	8-15%
647B	PILLSBURY FINE SANDY LOAM, VERY STONY	PD	0-3%
647C	PILLSBURY FINE SANDY LOAM, VERY STONY	PD	3-8%
670C	TUNBRIDGE-BERKSHIRE-LYMAN COMPLEX	PD	8-15%
670D	TUNBRIDGE-BERKSHIRE-LYMAN COMPLEX	80,000	8-15%
697A	PEACHAM, GREENWOOD AND RUMNEY SOILS, PONDED	120,000	15-25%
701B	BECKET-SKERRY ASSOCIATION, GENTLY SLOPING, VERY STONY	VP	0-5%
701D	BECKET-SKERRY ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
711B	MONADNOCK-HERMON ASSOCIATION, UNDULATING, VERY STONY	**	15-35%
711D	MONADNOCK-HERMON ASSOCIATION, HILLY, VERY STONY	**	8-15%
711E	MONADNOCK-HERMON ASSOCIATION, STEEP, VERY STONY	**	15-35%
719E	MARLOW-TUNBRIDGE ASSOCIATION, STEEP, VERY STONY	**	35-60%
721D	PERU-MARLOW ASSOCIATION, MODERATELY STEEP, VERY STONY	**	35-60%
726C	ROCK OUTCROP-LYMAN COMPLEX, STRONGLY SLOPING	**	8-15%
726F	ROCK OUTCROP-LYMAN COMPLEX, VERY STEEP	**	0-35%
727	RUBBLE LAND	**	35-80%
734D	SURPLUS-SISK ASSOCIATION, MODERATELY STEEP, VERY STONY	**	15-35%
736E	SISK-GLEBE ASSOCIATION, STEEP, VERY STONY	**	15-35%
737B	SURPLUS-SISK-BEMIS ASSOCIATION, GENTLY SLOPING, VERY STONY	**	35-60%
738B	GLEBE-SADDLEBACK-SISK ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
738D	GLEBE-SADDLEBACK-SISK ASSOCIATION, MODERATELY STEEP, VERY STONY	**	8-15%
738E	GLEBE-SADDLEBACK-SISK ASSOCIATION, STEEP, VERY STONY	**	15-35%
750B	SADDLEBACK-GLEBE-RICKER ASSOCIATION, GENTLY SLOPING, VERY STONY	**	35-60%
750D	SADDLEBACK-GLEBE-RICKER ASSOCIATION, MODERATELY STEEP, VERY STONY	**	8-15%
		**	15-35%

SYMBOL	SOIL NAME	LOT SIZE	SLOPE
750E	SADDLEBACK-GLEBE-RICKER ASSOCIATION, STEEP, VERY STONY	**	35-60%
760B	TUNBRIDGE-PLAISTED ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
760D	TUNBRIDGE-PLAISTED ASSOCIATION, MODERATELY STEEP, VERY STONY	**	15-35%
762B	PLAISTED-HOWLAND ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
762D	PLAISTED-HOWLAND ASSOCIATION, MODERATELY STEEP, VERY STONY	**	15-35%
764B	HOWLAND-PLAISTED-MONARDA ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
765B	MONARDA-HOWLAND ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
767A	PEACHAM-OSSIPEE-MONARDA ASSOCIATION, NEARLY LEVEL, VERY STONY	**	0-8%
773B	BANGOR-DIXMONT ASSOCIATION, UNDULATING, VERY STONY	**	8-15%
773D	BANGOR-DIXMONT ASSOCIATION, HILLY, VERY STONY	**	15-35%
779B	DIXMONT-BANGOR ASSOCIATION, UNDULATING, VERY STONY	**	8-15%
779D	DIXMONT-BANGOR ASSOCIATION, HILLY, VERY STONY	**	15-35%
801E	BECKET-MARLOW ASSOCIATION, STEEP, VERY STONY	**	35-60%
803B	BERKSHIRE-MONADNOCK ASSOCIATION, UNDULATING, VERY STONY	**	8-15%
803D	BERKSHIRE-MONADNOCK ASSOCIATION, HILLY, VERY STONY	**	15-35%
803E	BERKSHIRE-MONADNOCK ASSOCIATION, STEEP, VERY STONY	**	35-60%
804B	BERKSHIRE-MONADNOCK ASSOCIATION, UNDULATING, EXTREMELY BOULDERY	**	8-15%
804D	BERKSHIRE-MONADNOCK ASSOCIATION, HILLY, EXTREMELY BOULDERY	**	15-35%
804E	BERKSHIRE-MONADNOCK ASSOCIATION, STEEP, EXTREMELY BOULDERY	**	35-60%
812B	MONADNOCK-HERMON ASSOCIATION, UNDULATING, EXTREMELY BOULDERY	**	8-15%
812D	MONADNOCK-HERMON ASSOCIATION, HILLY, EXTREMELY BOULDERY	**	15-35%
812E	MONADNOCK-HERMON ASSOCIATION, STEEP, EXTREMELY BOULDERY	**	35-60%
817A	MOOSILAUKE-WAUMBEEK ASSOCIATION, NEARLY LEVEL, VERY STONY	**	0-8%
820B	LYMAN-TUNBRIDGE-ROCK OUTCROP COMPLEX, GENTLY SLOPING	**	8-15%
820D	LYMAN-TUNBRIDGE-ROCK OUTCROP COMPLEX, MODERATELY STEEP	**	15-35%
820E	LYMAN-TUNBRIDGE-ROCK OUTCROP COMPLEX, STEEP	**	35-60%
821B	MARLOW-PERU ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
821D	MARLOW-PERU ASSOCIATION, MODERATELY STEEP, VERY STONY	**	15-35%
823B	PERU-MARLOW-PILLSBURY ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
825B	PILLSBURY-PEACHAM-PERU ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
828B	SKERRY-PERU ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
828D	SKERRY-PERU ASSOCIATION, MODERATELY STEEP, VERY STONY	**	15-35%
829B	WAUMBEEK-HERMON ASSOCIATION, UNDULATING, VERY STONY	**	8-15%
829D	WAUMBEEK-HERMON ASSOCIATION, HILLY, VERY STONY	**	15-35%
831A	PEACHAM-OSSIPEE-PILLSBURY ASSOCIATION, NEARLY LEVEL, VERY STONY	**	0-8%

SYMBOL	SOIL NAME	LOT SIZE	SLOPE
834B	SISK-SURPLUS ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
834D	SISK-SURPLUS ASSOCIATION, MODERATELY STEEP, VERY STONY	**	15-35%
835C	RICKER-ROCK OUTCROP COMPLEX, STRONGLY SLOPING	**	0-35%
835F	RICKER-ROCK OUTCROP COMPLEX, VERY STEEP	**	35-80%
860E	TUNBRIDGE-THORNDIKE-ROCK OUTCROP COMPLEX, STEEP	**	35-60%
862E	PLAISTED-TUNBRIDGE ASSOCIATION, STEEP, VERY STONY	**	35-60%
864D	HOWLAND-PLAISTED ASSOCIATION, MODERATELY STEEP, VERY STONY	**	15-35%
865B	BEMIS-SURPLUS ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
869B	SUNAPEE-MOOSILAUKE-MONADNOCK ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
873E	BANGOR-TUNBRIDGE ASSOCIATION, STEEP, VERY STONY	**	35-60%
900	UDORTHERTS, LOAMY	OS	
911B	SUCCESS-HERMON ASSOCIATION, UNDULATING, VERY STONY	**	8-15%
911D	SUCCESS-HERMON ASSOCIATION, HILLY, VERY STONY	**	15-35%
911E	SUCCESS-HERMON ASSOCIATION, STEEP, VERY STONY	**	35-60%
912B	SUCCESS-HERMON ASSOCIATION, UNDULATING, EXTREMELY BOULDERY	**	8-15%
912D	SUCCESS-HERMON ASSOCIATION, HILLY, EXTREMELY BOULDERY	**	15-35%
912E	SUCCESS-HERMON ASSOCIATION, STEEP, EXTREMELY BOULDERY	**	35-60%
919B	TUNBRIDGE-LYMAN-MARLOW ASSOCIATION, GENTLY SLOPING, VERY STONY	**	8-15%
919D	TUNBRIDGE-LYMAN-MARLOW ASSOCIATION, MODERATELY STEEP, VERY STONY	**	15-35%
919E	TUNBRIDGE-LYMAN-MARLOW, STEEP, VERY STONY	**	35-60%
922E	MARLOW-TUNBRIDGE ASSOCIATION, STEEP, EXTREMELY BOULDERY	**	35-60%
923B	MARLOW-PERU ASSOCIATION, GENTLY SLOPING, EXTREMELY BOULDERY	**	8-15%
923D	MARLOW-PERU ASSOCIATION, MODERATELY STEEP, EXTREMELY BOULDERY	**	15-35%
969D	SUNAPEE-MONADNOCK ASSOCIATION, MODERATELY STEEP, VERY STONY	**	15-35%

N/A - Not Allowed

PD - Poorly Drained

VP - Very Poorly Drained

OS - On Site Necessary

** - Order III Mapping, More Detailed Soil Survey Necessary

Prepared by J.W.H. 11/22/94

TSS/Coos/lotsize2

APPENDIX IV - AIRPORT DEVELOPMENT CRITERIA

- I. Purpose:** The following criteria propose to regulate and restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of the Whitefield Regional Airport by creating airport approach zones and other restricted areas and establishing the boundaries thereof: administrative, appeals and penalties provisions will follow those established by the Whitefield Development Code.
- II. Authority:** In pursuance of the authority conferred by NH RSA Chapter 424 and for the purpose of promoting the health, safety and general welfare of the inhabitants of Whitefield, New Hampshire, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of users of the Whitefield Regional Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the Airport and the public investment therein.
- III. Permits:** The process of applying for a Development Permit shall conform to the same procedure outlined in the Whitefield Development Code, of which this section of Airport Development Criteria is a part.
- IV. Zones:** In order to carry out the purposes of this ordinance, all of the land within the boundaries of the approach zones and all of the land within a distance of 8000 feet of the airport reference point described on the Airport Approach Plan dated December 22, 1966, which is attached hereto and made a part hereof, is hereby declared subject to the restrictions of this ordinance, which supersedes all other regulations where restrictions of this section are more stringent.
- V. Height Limits:** No structure or tree shall be erected, altered or allowed to grow within the areas described in section III hereof, above a slope ratio of 40 feet to one foot measured from the end of the landing strip served by an approach zone or above a slope ratio of seven feet to one foot measured from the side of the landing strips and the approaches, or within a distance of 5000 feet from the airport reference point above a height of 150 feet above the airport elevation.
- VI. Use Restrictions:** Notwithstanding other provisions of the Airport Development Criteria, no use may be made of the land described in section IV hereof in such manner as to create electrical interference with radio aids or communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport by the creation and discharge of smoke, steam, dust or other obstructions to visibility or otherwise endanger the landing, taking off or maneuvering of aircraft.
- VII. Non-conformance with Standards:** The standards described in section V and VI of this ordinance shall not be construed to require the removal, lowering, or other change or alteration not conforming to the standards as of the effective date hereof (March 14, 1967). Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure the construction or alteration of which was begun prior to March 14, 1967 and was diligently prosecuted and completed within two years thereof.
- VIII. Hazard Marking and Lighting:** Any permit granted under section V may, if such action is deemed advisable to effectuate the purpose of this ordinance and reasonable in the

circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the town at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

WHITEFIELD, N.H. REGIONAL AIRPORT APPROVAL PLAN

Adopted by New Hampshire Aeronautics Commission

1. This Airport Approach Plan, prepared under the authority of Chapter 424:3 of the New Hampshire Revised Statutes Annotated, is based upon the ultimate development of a General Aviation Type Airport with runway and landing strip as follows:
 - (a) Runway 4200' by 100'; landing strip 4600' by 500'.
2. Civil Aeronautics Administration TSO-N18 dated April 26, 1950, "Criteria for Determining Obstructions to Air Navigation" establishes the standards used to determine the limit of height of obstructions in the vicinity of the airport.
3. The limit of height of obstructions shall be:
 - (a) In the approach areas to the landing strip which are 250' wide at a point 200' from the end of the pavement and 2250' wide at a point 10,200' from the end of the pavement, an inclined plane of 40:1 slope.
 - (b) On the sides of the landing strip and approach areas, an inclined plane of 7:1 slope.
 - (c) 1232.5' above sea level within 5000' of the Airport Reference Point* (150' above the airport),
 - (d) Between 5000' and 8000' from the airport a line with a slope of 20:1 measured in a vertical plane passing through the center of the airports.
4. No provision of section 3 shall limit the height of a structure or tree to less than 30' above the ground upon which it is located.
5. The Airport Reference Point is located on the south edge of runway 2100' from the west end of the runway and its elevation is 1082.5 above sea level.

NOTE: The following is for information only and is not a part of the Airport Approach Plan:

1. The building line is 500' from the center line of the landing strip.
2. Acquisition of property rights will be necessary:
 - (a) To remove existing obstructions;
 - (b) To control the height of objects in those areas where the controlling inclined plane is less than 30' above the ground.

APPENDIX V - FLOODPLAIN DEVELOPMENT CRITERIA

- I. Purpose:** The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the County of Coos, NH” dated February 20, 2013, together with the associated Flood Insurance Rate Maps dated February 20, 2013, which are declared to be a part of this ordinance and are hereby incorporated by reference.
- II. Authority:** In pursuance of the authority conferred by NH RSA 674:16, 674:17 and 674:56 and for the purpose of promoting the health, safety and general welfare of the inhabitants of Whitefield, New Hampshire, by preventing the creation of hazards in special flood hazard areas, thereby protecting the lives and property of occupants of the town. The Floodplain Development Criteria shall overlay and supplement the regulations in the Whitefield Development Code and supersedes all other regulations where restrictions of this section are more stringent.
- III. Permits:** All proposed development in any special flood hazard areas shall require a Development Permit and shall conform to the same procedure outlined in the Whitefield Development Code, of which this section of Floodplain Development Criteria is a part.
- IV. Construction Standards:** The Planning Board shall review all Development Permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

 - a. Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
 - b. Be constructed with materials resistant to flood damage,
 - c. Be constructed by methods and practices that minimize flood damages,
 - d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- V. Water & Sewer:** Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Planning Board with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.
- VI. Additional Information:** For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the Planning Board:

- a. The as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- b. If the structure has been flood-proofed, the as-built elevation (in relation to NCVD) to which the structure was flood-proofed.
- c. Any certification of flood-proofing.

The Planning Board shall maintain for public inspection, and shall furnish such information upon request.

VII. Other Permits: The Planning Board shall not grant a Development Permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

VIII. Wetlands:

- a. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Board of the NH Environmental Services Dept. and submit copies of such notification to the Planning Board, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board, including notice of all scheduled hearings before the Wetlands Board.
- b. The applicant shall submit to the Planning Board, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
- c. The Planning Board 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 the flood zone meet the following floodway criteria: "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."

IX. 100 Year Flood:

- a. In special flood hazard areas, the Planning Board shall obtain, review, and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions).
- b. The Planning Board's 100 year flood elevation determination will be used as criteria for requiring in special flood hazard areas that:
 - 1. all new construction or substantial improvement of residential structures and detached accessory dwelling structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;

2. that all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
 - (a) be flood-proofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
3. all manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the 100 year flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard is in addition to applicable state and local anchoring requirements for resisting wind forces;
4. 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:
 - (a) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
 - (b) the area is not a basement;
 - (c) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
5. All recreational vehicles placed on sites within Zone A shall either:
 - (i) be on the site for fewer than 180 consecutive days;
 - (ii) be fully licensed and ready for highway use; or,

- (iii) meet all standards of Item III of Appendix V and the elevation and anchoring requirements for “manufactured homes” in item IX (b) (3) of Appendix V.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

X. Flexibility of Standards:

1. If a variance or appeal from these standards is requested, reference is made to procedures outlined in the Whitefield Development Code. The applicant must show in addition to other requirements that:
 - a. the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 - b. if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 - c. that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. The issuance of the variance will not conflict with other State, Federal or Local laws or ordinances.
2. If a variance is issued, the applicant shall be notified in writing that (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property, such notification to be maintained with a record of all variance actions.
3. The community shall (i) maintain a record of all variance actions, including their justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

APPENDIX VI – EXCAVATION CRITERIA

- I. Purpose:** The following criteria propose to regulate all mining and excavation operations in the town to: minimize safety hazards created by open excavations; to safeguard the public health and welfare; to preserve our natural assets of soil, water, forests and wildlife; to maintain aesthetic features of our environment; to prevent land and water pollution; and to promote soil stabilization.
- II. Authority:** In pursuance of the authority conferred by NH RSA: 155E, Whitefield is establishing a permit system to require all mining and excavation operations in the municipality obtain prior approval and permit before operation is expanded or commenced. The Excavation Criteria supplement the regulations in the Whitefield Development Code and supersedes all other regulations where restrictions of this section are more stringent.
- III. Permits:** No owner shall allow any excavation of earth on his premises without first obtaining an Development Permit from the Planning Board. Excavations in operation at the time of adoption of this regulation shall have one year from the date of adoption of this regulation to file a completed application for a permit to excavate. Excavations which have not operated commercially within one year of the adoption of this regulation shall not continue to operate until a permit to excavate is issued by the Planning Board. All excavations require a Development Permit except:
- a. An excavation which lawfully existed and was in use on or before August 24, 1979 may continue to excavate without a permit subject to:
1. Such an excavation site shall be exempt from local zoning, provided that at the time the excavation was first begun, it was in compliance with any local ordinances that may have been in effect.
 2. Such an excavation site may not be expanded beyond the limits of Whitefield and the area which, on August 24, 1979, and at all times subsequent thereto has been contiguous to and in common ownership with the excavation site of that date, and appraised and inventoried form property tax purposes as part of the same tract as the excavation site.
 3. Such an excavation shall be performed in compliance with the operational and reclamation standards in these regulations.
 4. The owners or operators of any existing excavation site for which no permit has been obtained shall file an excavation report with the Planning Board within one year of written notification by the municipality. Any existing excavation that fails to file a report within the one year time period shall obtain a permit from the Planning Board before continuing excavation of the site.
- The report shall contain the following information:
- (a) the location of the excavation – tax map & lot number;
 - (b) the date the excavation first began;
 - (c) a description of the permissible limits of expansion as described in this appendix;

- (d) an estimate of the area which has been excavated to date; and
 - (e) an estimate of the amount of commercially-viable earth materials still available on the parcel.
- b. Excavations from an area contiguous to, or land in common ownership with, stationary manufacturing and processing plants in operation as of August 24, 1979, which use earth from said area. Such excavations shall be performed in compliance with the operational and reclamation standards contained in this appendix.
- c. Excavations from an area contiguous to, or contiguous land in common ownership with, stationary manufacturing and processing plants which have been granted state or local permits since August 24, 1979, and which use earth obtained from said area. The operation and reclamation of such areas shall be governed by the conditions of the state or local permit and any extensions or renewals thereof.
- d. An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a class I, II, III, IV, or V highway by a unit of government which has jurisdiction for the highway or an agent of the unit of government which has a contract for the construction, reconstruction, or maintenance of the highway, provided that:
 - 1. A copy of the pit agreement executed by the owner, the agent and the governmental unit shall be filed with and accepted by the Planning Board prior to the start of excavation; and such excavation shall not be exempt from the provisions of other sections of this appendix, nor from any other land use regulations of Whitefield. Failure to file a copy of the pit agreement with the municipality or to comply with the terms of the agreement constitutes a violation enforceable under the provisions of this appendix.
 - 2. The NH Dept. of Transportation or its agent may apply to the appeals board created under NH RSA 21-L to be exempted from the provisions of local land use regulations. The appeals process includes a format public hearing in the affected municipality as set forth in NH RSA 155-E:2, IV(c).
- e. Excavation that is exclusively incidental to the lawful construction or alteration of a building or structure or the lawful construction or alteration of a parking lot or way including a driveway on a portion of the premises where removal occurs. This excavation cannot be started, however, until all required state and local permits necessary for the construction or alteration of the building, structure, parking lot, or way have been issued.
- f. Excavation that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment.
- g. Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under NH RSA 12-E.
- h. A person owning land abutting a site which was taken by eminent domain or by any other governmental taking upon which construction is taking place may

stockpile earth taken from the construction site and may remove the earth at a later date after written notification to the Planning Board.

IV. Abandoned Excavations: The permit and land use ordinance exemptions under section III shall not apply to any abandoned excavations as defined in this section.

- a. Any excavation for which the affected area has not been brought into complete compliance with the reclamation standards of this regulation shall be deemed abandoned if excavation occurred on the site subsequent to Aug. 24, 1979, and:
 1. no earth material has been removed from the excavation site during any three year period; the owner or operator may, however, extend the period by submitting a time table for reclamation to the Planning Board and posting a bond or other surety in a form and amount prescribed by the regulator sufficient to cover the costs of reclamation; or
 2. the excavation is still in use, but the owner or operator has not brought the affected area into compliance with the incremental reclamation requirements of this regulation within three years of Aug. 4, 1979 or posted a bond or other surety sufficient to cover the costs of reclamation; or
 3. the owner or operator of the excavation has neither secured a permit pursuant to this regulation nor filed a report of an existing excavation within the prescribed time period.
- b. The Planning Board may order the owner of any land containing an abandoned excavation to either file a reclamation time table and bond or other surety, or to complete the reclamation in accordance with this regulation within a stated reasonable time. Failure to complete said reclamation within the prescribed time period may result in the regulator requesting the governing body to cause reclamation to be completed at the expense of the municipality. The municipality's costs shall constitute an assessment against the owner, and shall create a lien against the real estate on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

V. Application for Permit: Any owner or owner's designee subject to this chapter shall, prior to excavation of or continuance or expansion of excavation of any land, apply to the Planning Board for a permit for excavation and submit a reclamation plan. The permit application shall be signed and dated by the applicant and shall contain at least the following information in addition to other criteria that may be required by the Whitefield Development Code. The Planning Board may waive one or more of the items listed under this section.

- a. The name and address of the owner of the land to be excavated, the person who will actually do the excavating and all abutters to the premises on which the excavation is proposed;
- b. An Excavation Plan at a scale of no less than one inch equals one hundred feet and showing the area to be excavated and the land failing within 200 feet of the perimeter of the area to be excavated. All plans submitted to the Planning Board

shall minimize soil erosion and sedimentation. All plans submitted shall be of a quality that they are easily understood and of an accuracy that compliance can easily be checked. At least six copies of final plans shall be filed with the Planning Board prior to issuance of a permit.

The Excavation Plan shall include:

1. seal or signature of an engineer registered in NH;
2. existing topography at contour intervals of five or fewer feet, based on mean sea level;
3. the breadth, depth and slope of the proposed excavation, and existing excavation where applicable, and the estimated duration of the excavation.
4. wooded and heavily vegetated areas;
5. all surface drainage patterns including wetlands and standing water;
6. location of all easements, on or below the ground;
7. location and width of all public roads and rights-of-way;
8. a log of borings or test pits that extend to either the seasonal high water table, ledge, or a minimum of six feet below the maximum proposed excavation depth, including location and soils data;
9. location and extent of stone walls, ledge outcroppings, wells, existing buildings, septic systems, utilities and the like,
10. a locus map, at a scale of one inch equals one thousand feet showing the proposed operation in relation to existing roads;
11. any existing and all proposed excavation areas;
12. any existing and all accessory facilities/activities;
13. existing and proposed access roads, including width and surface materials;
14. existing and proposed parking areas;
15. existing and proposed fencing, buffers or visual barriers, including height and materials;
16. storage areas for topsoil to be used in reclamation;
17. all measures to control erosion, sedimentation, water pollution, air pollution, and hazards to human safety;

18. the location of existing buildings, structures, septic systems and wells within one hundred and fifty feet of the property boundary;
 19. the location of all driveways and road intersections within two hundred feet of the property boundary; and
 20. copies of any permits required by state or federal regulations.
- c. A Reclamation Plan at the same scale as the Excavation Plan, and covering the same area. All plans submitted to the Planning Board shall minimize soil erosion and sedimentation to the extent possible. All plans submitted shall be of a quality that they are easily understood and of an accuracy that compliance can easily be checked. At least six copies of final plans shall be filed with the Planning Board prior to issuance of a permit.

The Reclamation Plan shall include:

1. seal and signature of an engineer registered in the State of NH;
2. all boundaries of the area proposed for reclamation;
3. final topography of the area proposed for reclamation;
4. final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities;
5. schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types, and rates;
6. photographs of the site before excavation (from at least two different vantage points); and
7. subsequent use of the site, if known or anticipated.

VI. Additional Permit Requirements:

a. Size and Reclamation Time Limit on New Excavations:

No excavation of a new area shall exceed five acres in size at any one time. In addition, the size of the area for any permitted excavation shall not exceed that area which can be excavated and reclaimed according to the approved application within a one year period.

If reclamation of the site is not completed within one year permit period the Town may declare part or all of the bond forfeit, and use these monies to reclaim the site, in addition to the requirements of the section on Issuance of Permit. At no time shall more than one permit be allowed on a lot of record.

b. Size and Reclamation Time Limit on Expansions of Existing Excavations:

No expansion and reclamation of an existing excavation shall exceed the area of the existing excavation plus five acres. However, the entire excavation area shall not exceed that area which can be excavated and reclaimed according to the approved application within a one year period. If an existing operating excavation at the time of adoption of this regulation cannot be reclaimed within one year, no additional new excavation into an undisturbed area shall be permitted until the existing excavated area is reclaimed based on an approved permit as required by this regulation. In the case of an excavation in operation at the time of adoption of this ordinance that is not being expanded, the permit period allowed for reclamation shall also be one year.

If reclamation of the site is not completed within the one year permit period, the Town may declare part of all of the bond forfeit, and use these monies to reclaim the site, in addition to the requirements of the section on issuance of Permit. At no time shall more than one permit be allowed on a lot of record.

c. Excavation Sites Considered Non-Conforming:

Expansion of any site used for sand and gravel excavation is limited to such activities which are considered a permitted or allowed use according to criteria in the Whitefield Development Code. For those excavation sites determined to be nonconforming uses or activities, no further expansion of the site will be permitted to occur.

d. Hours of Operation:

The hours of operation shall be determined by the Planning Board during the permit process. The level of operation and the type of neighborhood affected shall be considered by the Planning Board in establishing these hours.

e. Hauling Information:

Hauling information, including routes to be utilized, the type and weight of motor vehicles involved, and the frequency and schedule operations of such vehicles shall be provided to the Planning Board prior to the issuance of an Excavation Permit. The Planning Board may require modifications to such plans and/or may place conditions upon such operations, depending on surrounding land uses and road conditions. The Planning Board reserves the right to conduct a traffic study at the applicant's expense to ensure that public safety, neighborhood compatibility and road capacity and condition have been properly considered and optimized in the hauling plan.

VII. Operational Standards:

- a. No excavation covered under RSA 155-E shall be permitted closer than 50 feet of the boundary of a disapproving abutter or within 10 feet of an approving abutter unless approval of a lesser distance is requested by the abutter.
- b. No excavation shall be permitted closer than 150 feet of an existing dwelling or to a dwelling for which a Development Permit has been issued at the time the excavation is begun.

- c. No excavation shall be permitted below road level within 50 feet of the right-of-way of any public highway as defined in RSA 229:1 unless such excavation is for the purpose of said highway.
- d. Vegetation shall be maintained or provided with the peripheral areas required by section VII a,b,c above.
- e. Natural vegetation adjacent to neighboring properties on which excavation is not intended shall be maintained for the purposes of erosion control, screening, noise reduction and property valuation.
- f. No actual excavation is to, exceed five acres at one time unless specifically authorized by the Planning Board.
- g. Appropriate erosion, sedimentation, air and water quality measures, and other standards appropriately applied from the Whitefield Development Code, shall be integrated into the excavation process.
- h. No excavation shall be permitted so close to the seasonal high water table or to bedrock (as indicated by the required borings or test pits) as would preclude the subsequent re-use of the site in accordance with existing public health standards, local land use regulations and local master plan.
- i. Where the depth of excavation will exceed 15 feet and temporary slopes will exceed 1:1 in grade, a fence or other suitable barricade shall be erected to warn of danger and/or limit access to the site.
- j. No area shall be excavated which will cause the accumulation of free standing water for prolonged periods. Appropriate drainage shall be provided.
- k. Excavation projects requiring a permit from Water Supply and Pollution Control Division of DES under RSA 149:8-a shall file a copy of the permit with the Planning Board prior to receiving a permit.
- l. Topsoil shall be stripped from the excavation area and stockpiled for use in subsequent reclamation of the site.
- m. All temporary structures required during excavation operations shall be removed from the site within 30 days after such operations cease.
- n. All vehicles transporting excavated material shall utilize adequate covering and/or sideboards to prevent dust and spillage when loaded.
- o. No fuels, lubricants or other toxic or polluting chemicals shall be stored on-site unless in compliance with State laws or rules pertaining to such materials in this Code.

- p. Prior to the removal of topsoil or other material from a new excavation area, the excavator shall file a reclamation bond or other surety, as prescribed by the Planning Board, sufficient to cover the cost of site reclamation.

VIII. Site Reclamation Standards :

The Planning Board or its designee shall periodically inspect the operations and shall perform a final reclamation inspection in order to ensure that the approved plans have been followed.

- a. No slope in soil material shall be left steeper than 3:1 (three horizontal feet for each one foot of vertical drop) unless it can be demonstrated by the applicant that a steeper grade can be adequately vegetated and stabilized. Under no condition shall a soil material slope be left steeper than 2:1.
- b. All debris, stumps, boulders, etc. shall be lawfully disposed of in a manner acceptable to the Planning Board or its designee.
- c. Ground levels and grades shall be established as shown on the approved reclamation plan as soon as practical after site excavation has been completed, but no later than one year.
- d. Stockpiled topsoil shall be spread over the disturbed area to a depth to allow and maintain vegetation. Areas posing the most critical problems for re-vegetation shall be given first priority should available topsoil be limited. The disturbed area(s) shall be fertilized, if necessary, and seeded with a grass or grass-legume mixture.
- e. If deemed necessary by the Planning Board, suitable trees or shrubs may be planted in order to provide screening and natural beauty and to aid in erosion control. Such planted areas shall be protected from erosion during an appropriate establishment period by mulch and structural erosion control devices.
- f. Upon completion of the reclamation operation, the topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow.
- g. The responsible party shall not be released from its performance commitment (reclamation bond) until the Planning Board certifies compliance with all terms of the Excavation Plan and the Reclamation Plan.
- h. Any excavated area of 5 contiguous acres or more, which either is depleted of commercial earth materials, excluding bedrock, or from which no earth materials have been removed for a one year period, shall be reclaimed in accordance with sections VI and VIII within one year.

IX. Prohibited Projects:

The Planning Board shall not grant a permit:

- a. Where the excavation would violate the operational standards of section VII;

- b. For an excavation within 50 feet of the boundary of a disapproving abutter or within 10 feet of an approving abutter unless approval of a lesser distance is requested by the abutter;
- c. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare;
- d. Where existing visual barriers would be removed, except to provide access to the excavation;
- e. Where the excavation would substantially damage a known aquifer;
- f. For excavation within 150 feet of an existing dwelling or to a dwelling for which a building permit has been issued at the time the excavation is begun;
- g. When the excavation is planned beneath or adjacent to inland surface waters or wetlands in such a manner that a permit is required from the NH Dept. of Environmental Services or federal agencies with jurisdiction over the premises if permits have not been attained;
- h. Where the project cannot comply with the reclamation provisions of sections VI and VIII;
- i. Where the excavation is not permitted by the standards of the Whitefield Development Code or other applicable local ordinances.

X. Waivers:

The Planning Board, upon application and following a hearing, may grant a waiver in writing, to the standards contained in sections VI, VII, VII, and IX for good cause shown. The written decision shall state specifically what standards, if any are being relaxed and include reasonable alternative conditions.

XI. Application for Amendment:

When the scope of a project for which an excavation permit has been issued is proposed to be altered so as to affect either the size or location of the excavation, the rate of removal or the plan for reclamation, the owner shall submit an application for amendment of the excavation permit. The amended application shall be subject to approval in the same manner as provided for an excavation permit. An application for amendment to increase the size of a permitted excavation may be allowed if at least one-half of the area covered by the prior permit is reclaimed in accordance with the approved site Reclamation Plan.

XII. Hearing:

Prior to the regulator approving an application for an excavation permit or an application for an amended excavation permit, a public hearing shall be held within 30 days on such application. Notice shall follow procedures specified in NH RSA 675:7. The Planning Board shall tender a

decision approving or disapproving the application, giving written reasons for disapproval within 20 days of the hearing.

XIII. Issuance of Permit:

In the case where the application is approved according to all criteria after public hearing, the permit shall be granted upon receipt of applicable fees, and the posting of bond or other surety with the municipal treasurer in the amount determined to guarantee compliance with the permit which shall be for a period of one year. The permit shall specify the date of expiration, and be prominently posted at the excavation site and the principal access thereto. The permit shall not be assigned or transferable without the prior written consent of the Planning Board. The permit may include such reasonable conditions as are consistent with the purpose of this regulation and the Whitefield Development Code, including the provision of visual barriers to the excavation. A permit fee to cover application plan review, annual compliance review, and periodic field review by the Planning Board or its designated agents, including an engineer shall be assessed by the Planning Board prior to the issuance of a permit.

XIV. Withdrawal of Permit:

A permit to excavate is automatically withdrawn if no substantial work is done on the site for a period of one year. Reclamation of areas already worked is mandatory.

XV. Appeal:

Any interested person affected by a permit decision of the Planning Board may appeal to said Board for a rehearing on such decision or any matter determined thereby within ten days of the decision. The motion for rehearing shall fully specify every ground upon which it is alleged that the decision complained of is unlawful or unreasonable. A rehearing shall be granted or denied within ten days, and if the request is granted, a hearing shall be scheduled within thirty days. Any person affected by the Planning Board's decision on a motion for rehearing may appeal in accordance with the procedures specified in RSA 677.

XVI. Enforcement:

- a. The Planning Board or its duty authorized agent may suspend or revoke the permit of any person who has violated any provision of his permit or this regulation or made a material misstatement in the application upon which his permit was granted. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with Section XV. Failure to file for a permit as required by this regulation shall be considered a violation subject to the enforcement provisions of this regulation.
- b. Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and RSA 676:17.
- c. To ascertain if there is compliance with this regulation, a permit or an order issued hereunder, the Planning Board or its duty authorized agent(s) may enter upon any land on which there is reason to believe an excavation is being conducted or has been conducted since the effective date of this regulation.

- d. A violation of any provision of this regulation, a permit or order issued hereunder shall be considered a misdemeanor.
- e. Operators who fail to file for a permit will be issued a cease and desist order.

APPENDIX VII - SEWAGE SLUDGE AND RESIDENTIAL SEPTAGE APPLICATION ORDINANCE

I. Purpose and Intent:

The purpose of this Ordinance is to promote and insure the public health and safety of the citizens of the Town of Whitefield by imposing additional requirements for the land application and surface disposal of sewage sludge and domestic septage as well as requirements which are more stringent than the requirements set forth in 40 CFR 503.1 et seq. See 40 CFR 503.5(b).

Furthermore, it is the intent of this ordinance to promote the continued use and viability of agricultural farm land and protect aquifer areas and their recharge areas while simultaneously promoting the economic and responsible use and disposal of bio-solids and domestic septage via land applications. If at any time the Federal Government and/or State of New Hampshire adopts more stringent requirements than the corresponding requirements of this Ordinance, the more stringent requirements shall control.

II. Definition:

The words and terms of this Ordinance shall be defined as set forth in the 1994 edition of 40 CFR 503.1 et seq. The following additional terms shall be incorporated into this ordinance.

Stockpiling: the storage, treatment or reservation of quantities of bio-solids.

Class B: for the purposes of this ordinance, this classification refers to a specific level of pathogen reduction in sewage sludge, as defined by the U.S. EPA. Pathogens are significantly reduced but not eliminated and site restrictions need to be imposed.

III. Uses:

a. Prohibited

The use and disposal of sewage sludge and domestic septage, including, but not limited to, the stockpiling, treatment, and land application of sewage sludge, bio-solids and/or septage is hereby prohibited within the Town of Whitefield except as otherwise noted in this ordinance.

b. Exemptions

The following operations or activities shall be exempt from this Ordinance:

1. the hauling and/or transportation of sewage sludge and domestic septage over municipal roads;
2. the operation of a waste and or sludge management facility as permitted under RSA 485-A and/or RSA 149-M;
3. the use of composted materials for residential lawn and garden applications;
4. Municipal septage lagoons, as permitted under RSA 485-A.

c. Allowed Uses

Within the Town of Whitefield Class B sewage sludge and domestic septage may be stored, stockpiled, treated, applied and/or transported to a specific site. This permitted use is subject to site plan review and meeting all of the requirements which are set forth in this Ordinance, as well as any and all State and Federal standards or requirements, including the applicable requirements of 40 CFR 503.1 et seq.

In order to safeguard against adverse water quality and public health effects, all sludge and domestic septage transported into, stockpiled within, or land applied in the Town of Whitefield must meet the Class B pathogen requirements of 40 CFR 503.32(a) before it is transported into the Town of Whitefield.

IV. Application of Reporting Requirements:

In addition to complying with all record keeping and reporting requirements imposed by the State and Federal Government, any person planning to transport to, stockpile on, treat or land apply sewage sludge or domestic septage in the Town of Whitefield shall submit all of the following information to the Planning Board review. The applicant shall receive Planning Board approval, with any conditions as the Planning Board deems necessary, and shall, at a minimum, wait until the appeal period has lapsed prior to the receipt of the sewage sludge and/or domestic septage. The following information shall be supplemental to information required elsewhere in the Whitefield Development Code:

a. Written Reports for Site Plan Review Application

The following information shall be required as part of the application:

1. The name, address, telephone number, and NPDES permit number of the wastewater treatment facility;
2. The name, address, telephone number, and NPDES permit number of any and all Sewage Sludge Treatment Facilities, if different from the generating facility;
3. The name, address, telephone number and permit number of the Septage Hauler;
4. The name, address, telephone number and contact person for the sludge hauler.
5. The name, address, and telephone number of the landowner.
6. The name, address, and telephone number of the person stockpiling and applying the sewage sludge and/or domestic septage to the land;
7. The name, address, and telephone number of the applicant;
8. Laboratory Reports of all test results in accordance with the Best Management Practices, by the University of New Hampshire Cooperative Extension, as amended.

9. The planned delivery date, or delivery dates;
10. The planned stockpiling time period(s), the location of said stockpiles and the management measures proposed to minimize stormwater run-off and odor.
11. A narrative description of the treatment method used to meet Class B pathogen reduction criteria and vector reduction criteria for Sewage Sludge and/or pathogen reduction and vector reduction criteria for Domestic septage.
12. The total surface area of the planned application(s);
13. The total sludge volume to be applied;
14. Previous, land application data, including the cumulative site loading to date, and the site loading from the previous 2 years;
15. The number of land applications that can be performed without exceeding the cumulative pollutant loading rate set forth in Table Two (2) of 40 CFR 503.13;
16. A certification prepared by the applicant, that the soil limits shall not exceed standards as stated in the Best Management Practices, by the University of New Hampshire Cooperative Extension as amended.
17. Written permission and/or executed contracts that any owner of land consents to the stockpiling and/or application of sewage sludge and/or domestic septage to their land by the applicant.

b. Site Plan Requirements:

A site plan which illustrates the following with respect to any area in which sludge/septage is to be stockpiled, treated or applied to land shall be submitted:

1. A plan, prepared at a scale not to exceed the scale of 1"=100', with 2' topographic contours and all relative property boundaries;
2. A plan, prepared at a scale not to exceed the scale of 1"=100' which includes Order One Soil Survey information for the land application area and for the areas within 100' of the land application area;
3. The location and size of the stockpiling, area(s);
4. The location, limits, existing land use and acreage of the land application area;
5. The quantities of sewage sludge to be land applied and/or stockpiled and a stormwater management plan for the stockpile area. Stockpiles are not to be located less than 500' from a property boundary/line;
6. All areas of hydric soils, streams and open bodies of water within 100 feet of the stockpiling, treatment and land application area(s);

7. All on-site wells, surface water drinking supplies and dwellings within 300 feet; and off-site wells, surface water drinking supplies and dwellings within 500 feet of the stockpiling, treatment and land application area(s);
8. All roads within the Town of Whitefield to be used for the transport of septage/sewage sludge, the frequency of use of these roads and the maximum quantities to be hauled on a daily/weekly/monthly basis;
9. An on-the-ground delineation of the application area;
10. All costs incurred by the Town or its agent in reviewing, assessing or monitoring impacts of the proposal shall be borne by the applicant.

c. Site Plan Review Approval Conditions

The following conditions shall be met by the applicant:

1. No applicant shall take delivery of any sewage sludge and/or domestic septage until such time as the Planning Board, or their duly authorized representative has provided the applicant with approval in writing. Such approval shall not be automatically given by the Board, but rather shall only be given once the Board has been fully satisfied that the applicant has met and will continue to meet the reporting requirements of this section, and has demonstrated to the Board that the proposed application will not present a nuisance, threat to the health of public safety, or pose a risk or nuisance to the applicant, the property owner, the abutters of the land receiving sewage sludge and/or domestic septage and any parcels which will be subject to or adjacent to land application. No noxious odors shall be permitted beyond the applicant's property boundaries.
2. The stockpiling of all Class B sewage sludge shall be done in conformance with all State and Federal requirements, including the requirements of 40 CFR 503.1 et seq and Best Management Practices for Biosolids, except as noted below. In addition, Class B sewage sludge may only be stockpiled on site if it is properly secured to limit airborne dispersal of sludge from the pile, storm water transportation of the sludge and infiltration of leachate from the sewage sludge into the ground water. Sewage sludge shall not be stockpiled for more than sixty (60) days from the first date of receipt. Storage of the sewage sludge and/or domestic septage shall comply with the Best Management Practices. No stockpiling shall occur within 500 feet from any property line and 300 feet from on-site well, private water supplies or dwellings. No noxious odors shall be permitted beyond the applicant's property boundaries.
3. Any and all sewage sludge must arrive on site in a Class B condition. No treatment will be permitted on the site, except for that treatment which has been pre-approved by the Planning Board or their duly authorized representative.
4. The land application of all sewage sludge and/or domestic septage shall be done in accordance with the general requirements and management practices set forth in 40 CFR 503.12 and 503.14 respectively and the Best Management Practices for Biosolids. In addition to meeting State and Federal Vector Attraction Reduction Requirements (VARRS), including those set forth in 40 CFR 503.33, (including at least one of the VARRS in Section 5033(b)(1) through 503.33(b)(8) which must have been conducted at

the generation site). All sludge shall be incorporated into the soil within 24 hours of spreading unless it is used for top dressing, unless a specific exemption has been granted by the Planning Board. No land spreading is allowed between October 15th and April 15th. Additionally, no spreading is allowed on frozen or snow covered ground or when the ground is wet due to precipitation or flooding.

5. All testing shall be conducted in accordance with the Best Management Practices, State requirements and 40 CFR 503.1 et seq. (Including the total recoverable analysis of the metals listed in Table 3, Section 503.13). These test results shall be completed by a certified laboratory and submitted to the Planning Board and the Coos Extension Service with a certification from the applicant that the applications have not exceeded the above noted standards. Test results shall be submitted on an annual basis or before the applicant takes delivery of any sewage sludge in the Town of Whitefield and before its application to the land. These tests shall be conducted for each and every generation site and any and all testing costs shall be borne by the applicant.
6. No sewage sludge or domestic septage shall be placed within 100 feet of streams, tributaries, ponds, lakes, seeps or hydric soils. Hydric soils shall be determined and mapped by a soil scientist certified by the State of NH Board of Natural Scientists. Additionally, no sewage sludge or domestic septage shall be placed within 500 feet from any off-site well, drinking water supply or dwelling; or 300 feet from any on-site well, drinking water supply or dwelling; or on a slope greater than 8%.

Appendix VII

SEWAGE SLUDGE, RESIDENTIAL SEPTAGE STORAGE AND LAND APPLICATION

For All Criteria

Is the Criterion Applicable

Yes

No

Criterion

N/A

Local, State and Federal Applications

Noxious Odors & Nuisances

Best Management Practices: Bio-solids

Appendix VII fulfilled

APPENDIX VIII – SOLAR ENERGY COLLECTION SYSTEMS

Authority and Purpose

- These solar collection system rules are enacted in accordance with RSA 674:17(I)(j) and the purposes outlined in RSA 672:1-III-a as amended. The purpose of these rules is to accommodate solar energy collection systems and distributed generation resources in appropriate locations, while protecting the public's health, safety and welfare. The Town intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated policies of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability.

Definitions:

- **Rated Nameplate Capacity** – Maximum rated alternating current (“AC”) output of solar collection system based on the design output of the solar system.
- **Solar Land Coverage** – is defined exclusively for the purposes of calculating the footprint of the land area occupied by the components of a solar array. The Solar Land Coverage is the land area that encompasses all components of the solar collection system including but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing and is not to be interpreted as a measurement of impervious surface as it may be defined in this code.
- **Solar Collection System** - Includes all equipment required to harvest solar energy to generate electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.
- **Roof Mount** – A solar collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. For purposes of calculating array sizes or solar land coverage under the solar definitions in this section, roof mounted portions shall not be included if the system is made up of both roof and ground mounted systems, the roof mounted portions shall also be excluded.
- **Ground Mount** – A solar collection system and associated mounting hardware that is affixed to or placed upon (such as ballasted systems) the ground including but not limited to fixed, passive or active tracking racking systems.
- **Carport Mount** – Any solar collection system of any size that is installed on the roof structure of a carport over a parking area.

Use definitions:

- **Residential Solar:** Any ground mounted or roof mounted solar collection system primarily for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility

power and with a rated nameplate capacity of 12 kW AC or less and that is less than 500 square feet solar land coverage.

- **Community Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems regardless of nameplate capacity that is up to 100 kW AC and that is less than 1 acre of solar land coverage.
- **Accessory Agriculture Solar:** Any ground mounted or roof mounted solar collection system designed to primarily reduce on-site consumption of utility power and without a limit to the rated nameplate capacity or solar land coverage provided the existing agricultural use is preserved at the time of installation.
- **Primary Agriculture Solar:** Any ground mounted solar collection system that is partially used to reduce on-site consumption of utility power and with a rated nameplate capacity up to 1 MW AC in size or has a solar land coverage in excess of 5 acres provided the existing agricultural use is preserved at the time of installation.
- **Commercial Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems with a rated nameplate capacity of up to 1 MW AC and that is less than 5 acres in solar land coverage.
- **Large Commercial Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems with a rated nameplate capacity of between 1 MW AC and 5 MW AC that is between 5 and 25 acres in solar land coverage.
- **Industrial Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems regardless of nameplate capacity that is between 25 acres and 50 acres in solar land coverage.
- **Utility Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems that is over 50 acres in solar land coverage and less than 30 MW AC in rated nameplate capacity.
- **Solar Power Generation Station:** Any solar collection system that is over 30 MW AC in nameplate capacity. In no case shall a Solar Power Generation Station exceed 150 acres.
- **Permitted Locations:** Solar systems are evaluated on a case by case basis for their compatibility with surrounding uses. As such, the Planning Board may prohibit installation of a solar system that conflicts with the character of a particular neighborhood or area.

Specific Solar System Requirements and Exemptions:

- All solar systems, regardless of size or purpose, require an approved development permit prior to installation.
- A ground-mounted Residential Solar system over 15 feet in height at any point shall be located in a rear yard between the primary structure and rear lot line. All other ground mounted systems located in the front yard shall be reasonably screened from abutting residential properties.

- **Municipal Systems:** All solar collection systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.

Additional Provisions Regarding Solar Collection Systems:

- **Building Height:** Roof mounted solar collection systems must comply with building height limitations.
- **Lot Coverage:** Ground-mounted solar collection systems shall not be considered as part of the maximum required lot coverage limitations and shall not be considered impervious surface. Impervious surface limitations as related to stormwater management for solar collection systems shall be addressed in accordance with this ordinance.

Additional Permitted Sites:

Although governmental land uses are usually exempt, the siting of privately owned or operated solar collection systems under a lease arrangement with the Town of Whitefield may be permitted on Town-owned land with prior approval of the Planning Board and at the discretion of the Board of Selectmen.

Conditional Use Permit:

Requirements for Approving a Solar Installation Development Permit:

- The development in its proposed location will comply with all applicable requirements of the Code not otherwise covered in this section, including but not limited to the Absolute Criteria in Article VIII, as well as specific conditions established by the Planning Board. In granting a permit pursuant to this section, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of the Code. The Applicant shall provide the Planning Board with sufficient information regarding all requirements in this section for the Board to evaluate compliance with such requirements.
- The use will not materially endanger the public health or safety.
- Required screening shall be maintained during the operative lifetime of the Solar Collection System.
- **System Layout Requirements**
 - A detailed sketch or plan showing the installation area of the site.
 - A detailed sketch of any land clearing or grading required for the installation and operation of the system.
 - The location of all equipment to be installed on site including utility connection point(s) and equipment. To the maximum extent practical all wiring associated with the utility connection shall be underground.
 - All equipment locations, except for utility connections, shall comply with required setbacks.
 - All proposed utility pole installations including type and height.
- **Emergency Response Requirements**
 - Access to the site for emergency response shall be provided and detailed on the plan.

- A narrative or manual for municipal Fire Department detailing response guidance and disconnection locations necessary for fire response.
- Additional industry guidance documents that provide information about safety procedures for specific equipment on site shall be provided as needed to insure adequate public safety.
- Except residential systems, contact information for the solar collection system owner/operator shall be posted on site at the access way and provided and updated to the municipality.
- Natural Resource Impacts and Buffers Requirements
 - Solar collection systems shall be visually screened through the preservation of existing vegetation or through a landscaped buffer in accordance with the following.
 - Plan: The buffering plan shall indicate the location, height and spacing of existing vegetation to be preserved and areas where new planting will be required.
 - All solar systems shall have a reasonable visual buffer as required in the site plan review regulations from public ways and neighboring commercial/residential uses based on the viewsheds, contours of the land and abutting land uses.
 - Areas that are within the viewshed of significant value as identified in the Master Plan shall include additional reasonable mechanisms to mitigate from a continuous and uninterrupted view of the system.
 - Fencing shall be installed, if required, by the electric code or the utility. Additional security or fencing may be required if the location of the system presents a safety concern for abutting land uses.
 - Primary Agriculture Solar should minimize impacts to farmland activities and Prime Farmland Soils (as defined and delineated by soil survey and definition of NH NRCS). Dual use arrangements (solar and farming activities) are encouraged where practical.
 - Land Clearing Requirements
 - Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land.
 - Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover).
 - Erosion control measures during construction shall be detailed as required by the Planning Board.
 - Additional Requirements for Large Commercial, Industrial and Utility (LC/I/U) Solar:
 - A detailed pre-construction and post-construction plan identifying existing vegetation and areas to be cleared with specific identification of locations of buffer areas adjacent to neighboring uses and public ways.
 - LC/I/U systems that disturb more than 10 acres of previously undisturbed land shall provide a natural resource inventory that details site conditions and habitat and mitigation efforts to reduce impacts to important species and habitat.
 - Efforts and practices that can provide for a dual use of the site should be explored if feasible and encouraged where appropriate.

- The applicant shall demonstrate effective stormwater infiltration along with erosion control measures and soil stabilization.
- Electrical Requirements. Grid-tied systems shall file a copy of a final approved interconnection shall be filed with the municipality prior to operation of the system.
- Glare Requirements
 - A statement detailing potential significant glare onto abutting structures and roadways estimating the interaction of sun to panel angle, time of year and visibility locations.
 - Based on the above information, the Planning Board may require reasonable mitigation. Mitigation may include angle of panels, details on the anti-reflective nature of the panel coating or any additional specific screening to minimize resulting impacts.
 - Mitigation through anti-reflective coatings shall have an index of refraction equal to or less than 1.30.
- Noise Requirements
 - Estimates of any equipment noise on the site based on equipment specification materials (such as inverters).
 - Noise levels at the property line shall be in accordance with the municipal noise ordinance or at reasonable levels given the location of the facility with due consideration to the surrounding land uses.
- Setback Requirements
 - Solar collection systems shall be considered structures and shall comply with building setback requirements from lot lines for the entire system – including the panels. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.
- Stormwater Requirements
 - Ground mounted systems that are required to secure a New Hampshire Department of Environmental Services Alteration of Terrain (AoT) Permit in accordance with NH RSA 485:17 shall secure such permit accordingly.
 - The final Permit issued by NH DES shall be incorporated by reference into the final Town approval and shall be enforceable by the Town in accordance with this Code.
 - No further local review of stormwater and erosion control shall be required where a project is required to secure the NH DES AoT Permit
 - Ground mounted systems not requiring NH DES AoT Permit. Where a ground mounted system does not require an AoT permit the following shall apply:
 - Ground mounted systems that require land clearing and grubbing of mature forested cover to accommodate more than 30% of the solar land coverage area, provided such area of clearing and grubbing is also larger than 1 acre, the proposed system shall include a management plan for stormwater that is directly related to the impact of the solar collection system.
 - Ground mounted systems where the solar land coverage area is larger than 1 acre and located on slopes of greater than 5% shall include a management plan for stormwater.
 - The stormwater management plan shall include the following.

- The stormwater study shall take into account the nature of the solar panel installation and how the spacing, slope and row separation can enhance infiltration of stormwater. Percolation tests or site specific soil information may be provided to demonstrate recharge can be achieved without engineered solutions.
 - Additional information, if required by the Planning Board, shall calculate potential for concentrated flows of runoff due to the panels, slope, soil type and the impacts of other true impervious areas (such as equipment pads and roadways).
- Required for all systems:
 - All ground mounted systems shall be constructed in accordance with Best Management Practices for erosion and sedimentation control during the pre-construction, construction and post-construction restoration period.
 - Post construction: For purposes of enhancing natural stormwater management, site conditions and plantings post-construction shall insure that areas of soil compaction have been restored to more natural conditions. Plantings shall be native species and are recommended to be beneficial habitat to song birds, pollinators and/or foraging species in order to maintain a healthy surface and subsurface habitat that can attenuate stormwater on the site.
- Lighting Requirements
 - On site lighting shall be minimal and limited to access and safety requirements only. All lighting shall be downcast and shielded from abutting properties.
- Buffer Plan Requirements
 - All applications shall include a detailed buffering plan demonstrating how the proposed ground mounted solar installation will be incorporated into the local landscape so that effective screening is provided along public ways and from abutting views. The use of evergreens is recommended. The use of existing or created topography is encouraged to reduce visual impacts.
- Abandonment and Decommissioning Requirements
 - Solar Collection Systems shall be deemed to be abandoned if operations have discontinued for more than 6 months without written consent of the municipality (such as for reasons beyond the control of the owner/operator). The owner shall inform the Town in writing of any discontinuance of use within one month of such discontinuance. The owner of an abandoned system shall remove the system and restore the site within 6 months of the site being declared abandoned by the Town.

APPENDIX IX – VILLAGE DISTRICT CRITERIA

- I. **Purpose:** The following criteria apply to development within the Village District to permit for development in keeping with the downtown village character of the area. Development within the Village District is subject to all other applicable provisions of this Code, including but not limited to substantive criteria, administrative, appeals and penalties. However, to the extent any provision of this Appendix IX conflicts with another applicable provision of this Code, the provision in is Appendix IX will control.
- II. **Authority:** This Appendix is adopted pursuant to the authority conferred by NH RSA Chapter 674, with reasonable consideration being given to the character of the area involved and its particular suitability for particular uses.
- III. **Permits:** The process of applying for a Development Permit shall conform to the same procedures outlined in this Code.
- IV. **District:** The boundaries of the Village District are shown on the Town's Zoning Map, which is hereby incorporated into and is a part of this Code.
- V. **Specific District Development Criteria:** All elements of site development (buildings, internal roads, driveways, parking, swimming pools, tennis courts, etc.) shall be located and designed to be set back at least 10 feet from the front, sides, and rear of the lot as measured from the property line or right-of-way. This provision is not intended to prohibit the erection of boundary walls and fences.
- VI. **Non-conformity:** The standards described in this Appendix IX shall not be construed to require the removal, relocation or other change or alteration of development that is not in conformance with this Appendix IX but was either lawfully in existence as of the effective date of this Appendix IX or is covered by the provisions of RSA 674:39. The provisions of Article XII of this Code apply to non-conformities within the Village District.

APPENDIX X – NEW LIGHTING REGULATIONS

In the interest of maintaining its historic character, and preventing further reduction of visibility of the night sky, insuring efficient use of lighting, and reducing unsafe or annoying lighting conditions, the Town of Whitefield has adopted the following lighting ordinance:

Any new outside lighting whether for area illumination, sign illumination, building illumination, or other purpose, will project no more than 3 percent of its light rays above the horizon from the lamp, its lens structure or any associated reflector.

Exceptions:

- A. All temporary lighting required for construction projects, related to road construction and repair, installation of sewer and water facilities, and other public infrastructure, shall be exempt from the requirements of this article.
- B. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.
- C. All hazard warning luminaries required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaries used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.
- D. Seasonal/decorative lighting displays using multiple low wattage bulbs are exempted from this ordinance.