

ZONING ORDINANCE
TOWN OF ALSTEAD, N.H.

ADOPTED MARCH 14, 1989

AMENDED
MARCH 13, 1990
MARCH 31, 1991
APRIL 8, 1997
MARCH 15, 2006
MARCH 10, 2009
MARCH 9, 2010
MARCH 13, 2012
MARCH 12, 2013
MARCH 2021

AVAILABLE SEPARATELY:

Alstead Sign Ordinance

ADOPTED MARCH 14, 1995

AMENDED
MARCH 11, 2003
MARCH 8, 2005
MARCH 12, 2013

Wireless Telecommunications Facilities Ordinance

ADOPTED MARCH 11, 2003

AMENDED
MARCH 12, 2013

Floodplain Management Ordinance

ADOPTED MARCH 11, 2003

AMENDED
MARCH 8, 2005
MARCH 15, 2006

Small Wind Energy Systems Ordinance

ADOPTED MARCH 13, 2012

Site Plan Review

ADOPTED MARCH 26, 2001

To the Citizens of Alstead:

The purpose of the following document is to protect the rights and privileges of the citizens of the Town of Alstead and also to protect them from the devaluation of their property and the ruination of their way of life. The Zoning Ordinance is intended to promote the health, safety, and general welfare of the citizens and enable them to continue their rural lifestyle while encouraging businesses appropriate to our environment.

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ZONING ORDINANCE TOWN OF ALSTEAD, NEW HAMPSHIRE

ARTICLE I PREAMBLE AND TITLE

A. PREAMBLE

For the purpose of promoting the health, safety, prosperity, convenience and general welfare of the inhabitants of the Town of Alstead, New Hampshire by securing safety from fire, panic, pollution and other dangers; avoiding undue concentrations of population; providing adequate areas between buildings and various rights-of-way; to assure the proper use of natural resources; the promotion of efficiency, economy and good civic design in development; protection of the value of homes and land; wise and efficient expenditure of public funds, and the adequate provision of utilities including water, sewerage, solid waste disposal, transportation, school and park facilities and other public requirements, now therefore the following ordinance is hereby adopted by the voters of the Town of Alstead, New Hampshire, in official Town Meeting convened on March 14, 1989, pursuant to the authority conferred in Chapters 672-677, New Hampshire Revised Statutes Annotated (RSA), as amended, and in conformity with the Comprehensive Plan.

B. TITLE

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

ARTICLE II DEFINITIONS

ABANDONMENT: the intentional discontinuance of a nonconforming use by the owner as indicated by conscious and willful acts signifying an intent to terminate the use including, but not limited to, the removal of fixtures and/or equipment necessary to the proper operation of the use, the failure to maintain any permits required for the legal operation of the use or the conversion of the property to another use.

ACCESSORY BUILDING, ACCESSORY STRUCTURE or USE: A Building, structure or use subordinate and customarily incidental to the main Building or use on the same lot. The term "Accessory Building" when used in connection with a farm, shall include all Buildings customarily used for farm purposes.

APARTMENT: A Dwelling Unit which is in the principal residential Building.

BED AND BREAKFAST: Short Term Lodging Facility which is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served is breakfast and only to in-house guests.

BUILDING: A constructed unit forming a shelter for persons, animals, or property and having a roof and being permanently located on the land. Where the context allows, the word "building" shall be construed as followed by the words "or part thereof."

BUILDING HEIGHT: The vertical distance measured from the mean finished grade of the ground adjoining the Building to the highest point of mansard or flat roofs, and to the average point between the eaves and ridge for other types of roofs. Decorative and/or functional structures such as spires, cupolas, TV/radio antennas, or other parts of structures that do not enclose potentially usable floor space shall not be included in calculating Building height.

CONDOMINIUM CONVERSION: The alteration of the ownership structure of a multi-family dwelling from one in which individual dwelling units are rented, to one in which dwelling units are individually owned in fee simple with common elements of the property owned and maintained by an association or other group comprised of individual unit owners.

DETACHED DWELLING UNIT: A Dwelling Unit in a Building that is free-standing and physically separated from the principal residential Building.

DWELLING, SINGLE FAMILY: A detached, free-standing residential Building designed for and occupied by one family only.

DWELLING, TWO FAMILY: A residential Building designed for or occupied by two families living independently of one another in individual attached Dwelling Units, including Apartments.

DWELLING, MULTI-FAMILY: A residential Building designed for or occupied by three or more families living independently of one another in individual attached Dwelling Units, including Apartments.

DWELLING UNIT: A room or group of rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other Dwelling Units which may be in the same building, and containing independent cooking, sanitary, and sleeping facilities.

FAMILY: Any number of persons living together as a single housekeeping unit.

FRONTAGE: The length of a common boundary with a street.

HOME OCCUPATION or BUSINESS: Accessory use of a professional or service character that is customarily carried on in a home by the residents thereof which is clearly secondary to the use of the premises for residential purposes; does not change the residential character of the dwelling; does not employ more than three persons not residents of the dwelling and projecting no external indication of the non-residential use other than a permitted sign. Home occupations shall provide off-street parking for all employees, patrons, and residents of the premises. (See Article IV Section E, OFF-STREET PARKING)

HOTEL, MOTEL, INN: A Short Term Lodging Facility which is not the owner's personal residence.

MANUFACTURED HOUSING: Any structure, transportable in one or more sections which in the traveling mode is 8 body feet or more in width and 40 body feet or more in length, or when erected on the 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 heating systems contained therein. Manufactured housing as defined herein shall not include pre-site built housing as defined in RSA 674:31-a.

MOTOR VEHICLE RACETRACK: An off-highway site or facility, or portion thereof, whose use includes, at any time, the engagement of motor vehicles of any description, as defined in RSA 259:60, in any type of competition as to speed or performance, with or without spectators, or which includes the operation of any type of motor vehicle in excess of any speed legally permitted on public highways in the State. Notwithstanding RSA Chapter 287-G, the term 'motor vehicle race track' includes any private driving and exhibition facility facility which meets the above description.

NON-CONFORMING BUILDING: A structure or part thereof not in compliance with the Zoning Ordinance covering building bulk, dimensions, height, area, yards, lot placement, or density where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of this Zoning Ordinance.

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

RECREATIONAL VEHICLE: A portable, temporary dwelling to be used for travel, recreation, and vacation, and constructed as part of a self-propelled vehicle or travel trailer. Recreational vehicles must be currently registered with a State Motor Vehicle Department in accordance with State regulations. Recreational vehicles are not permitted as permanent dwelling units in the Town of Alstead and may be occupied on a lot no more than 120 days per year.

SHORT TERM LODGING FACILITY: A room, suite of rooms, Building, Dwelling Unit, Detached Dwelling Unit, or Recreational Vehicle which is offered for rent and occupied not as a principal residence:

(a) By guests for periods of less than 30 consecutive days; or

(b) With which the services normally offered by hotels, including but not limited to daily or bi-daily maid and linen service, a front desk, and a telephone switchboard, are provided, regardless of the length of occupancy of a guest.

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

SPECIAL EXCEPTION: A use of a Building or lot which may be permitted under this Ordinance only upon application to the Board of Adjustment and subject to the approval of that Board, and only in cases where the words "Special Exception" in this Ordinance pertain.

STREET or PUBLIC STREET: A public right-of-way which the Town or State has the duty to maintain regularly or a right-of-way shown on a subdivision map plat approved by the Planning Board and recorded with the County Register of Deeds which provides the principal means of access to abutting property.

STRUCTURE: Any temporary or permanently constructed, erected or placed material or combination of materials in or upon the ground, including, but not limited to buildings, manufactured housing, radio towers, sheds and storage bins, storage tanks, portable carports, swimming pools and tennis courts. Signs, fences, driveways, roads, mailboxes, stonewalls, walks, subsurface waste disposal facilities and essential services are exempt under this definition.

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

ZONING OFFICER: The Alstead Board of Selectmen or their duly appointed agent. (See Article VII, Section C., ZONING OFFICER)

ARTICLE III ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

A. ESTABLISHMENT OF DISTRICTS

The Town of Alstead is hereby divided into the following districts as shown on the official Zoning Map of the Town on file in the office of the Town Clerk and dated March 14, 1989. Said Zoning Map along with all explanatory notes thereon is hereby declared to be a part of this Ordinance. (See pages 14 & 15).

1. RURAL-RESIDENTIAL DISTRICT the purpose of which is to provide for orderly residential, commercial, and industrial growth while recognizing the absence of municipal sewer and water and the need to preserve the rural character and the natural environment.

2. LAKE DISTRICT the purpose of which is to preserve the special quality and character of Lake Warren by ensuring the protection of the natural environment, water quality, and visual beauty.

3. VILLAGE DISTRICTS (A, B, and C) the purpose of which is to preserve the special quality and character of the Town's historic village centers by allowing for the continued provision of services to community residents, safeguard historic patterns and types of development, and allow for orderly growth which preserves the rural character and the natural resources of the area.

4. FLOODPLAIN DISTRICT (Overlay district--see Article V Special Provisions)

B. DISTRICT BOUNDARIES

Where uncertainty exists concerning the boundaries of any of the aforesaid Districts as shown on the Zoning Map the following rules shall apply:

1. **PROPERTY LINES**-If the district boundary is a property line the boundary shall follow the said property line as described in the official Tax Records of the Town as of the effective date of this Ordinance.
2. **MEASURED LINES**-Unless otherwise noted on the Zoning Map, if a District boundary is stated as a measured distance from a street, such distance shall be measured at right angles from the centerline of such street. In the case of the Lakeside District, such distance shall be measured from the mean highwater mark of the subject waterbody.
3. **STREETS, RIVERS, AND BROOKS**-If opposite sides of a street, river, or brook are in different Districts, the centerline of the street, river, or brook shall be the District boundary.
4. Where interpretation is necessary the Alstead Planning Board shall determine the location of the District boundary.

C. TABLE OF ALLOWABLE USES

A - Allowable Use (all Allowable Uses may require a Permit from the Zoning Officer, see Article VII-A)

E - Permitted by Special Exception

* - See special Provisions in Article VII-G:2

N - Not Permitted

USE	DISTRICT		
	LAKE	VILLAGE (A, B & C)	RURAL
Accessory Use or Building	A	A	A
Agriculture; Raising of Products for home or sale. Field, bush crops, livestock	A	A	A
Airports, Air-loading Facilities, Heliport	N	N	E
Amusements Centers, Theaters	E	E	E
Auto-related business; Service and/or Filling Station	N	E	E
Bed and Breakfast(*)	E	E	E
Children's or Family Camps (Filed for nonprofit status)	E	E	E
Churches, Schools	A	A	A
Commercial Recreation Facilities	N	N	E
Commercial Stables & Riding Academies	N	E	A
Condominium Conversion of existing apartments and/or Multi-Family Dwellings	E	A	A

Craft, Gift, Antique Shops, Art Studios	A	A	A
Daycare Center	A	A	A
Forestry	A	A	A
Funeral Homes	N	E	E
Home Occupation (See Definition)	A	A	A
Industry (*)	N	E	E
Junk Yard	N	N	E
Local Government Functions	A	A	A
Motel, Hotel, Inn-NEW(*)	N	N	E
Motel, Hotel Inn-CONVERSION (*)	E	E	E
Commercial Kennels, Veterinary Hospitals(*)	N	N	E
Meeting Hall & Lodges, for nonprofit social, fraternal, and club functions	E	E	E
Manufactured Housing on Permanent foundations (See Definition)	N	N	A
Personal Service Businesses (other than Home Occupations): barbershops, beauty parlors, banks, professional offices, and agencies with 3 OR FEWER EMPLOYEES	N	A	A
Personal Service Businesses: barbershops, beauty parlors, banks, professional offices, and agencies with 4 OR MORE EMPLOYEES	N	E	E
Pet Crematoriums	N	N	E
Plant Nurseries, Florist Shops, Commercial Greenhouses	E	E	E
Private Residences or parts thereof used as a Short Term Lodging Facility for 10 or more guests (*)	E	E	E
Private Residences or parts thereof used as a Short Term Lodging Facility for 9 or fewer guests (*)	A	A	A
Recreational Vehicles	A	A	A
Restaurant, Cafeteria, Bakery and	N	E	E

other Confectionary Shops			
Rest, Convalescent Home	N	E	E
Retail Business	N	E	E
Roadside Produce Stand for sale of products grown on-premises	A	A	A
Commercial Sand and Gravel Excavations (*)	N	N	E
Sawmills	N	N	E
Single Family Dwellings	A	A	A
Small Wind Energy System (See Small Wind Energy Systems Ordinance)	E	E	E
Trucking Terminals	N	N	E
Two-family, Multi-Family Dwellings (*) (Replacing Apartment, Multi-Family)	N	E	E
Warehousing & Distribution	N	E	E
Used Car, New Car Vehicle Sales	N	E	E

D. PROHIBITED USES

No building or improvement shall be erected, used, or maintained and no lot shall be used or maintained for any use, trade, or business or process which is obnoxious or offensive because of gas, odor, dust, smoke, noise, vibration, liquid discharge, or illumination, or which constitutes a public hazard, or public nuisance, whether by fire, explosion, pollution or otherwise. Such prohibited uses specifically include, but are not limited to:

- sites for the short or long term storage or disposal of hazardous wastes, including nuclear wastes;
- oil refineries;
- motor vehicle race tracks;
- petroleum fuel farms;
- commercial waste incinerators.

E. MINIMUM DIMENSIONAL REQUIREMENTS

1. MINIMUM LOT AREA

- a. The minimum lot area in the Rural, Lake, Village B, and Village C zoning districts shall be not less than five (5) acres, but may be reduced to not less than two (2) acres upon request of the applicant, when in appropriate circumstances, such as but not limited to, the presence of highly suited soils/slope conditions and adequate road access, the Planning Board, in its sole discretion, determines that such reduction is warranted.
- b. The minimum lot area in the Village A district shall not be less than one (1) acre.

2. FRONTAGE - Lots in all zoning districts shall have a minimum of two hundred (200) feet of continuous Frontage on a road(s) or street(s) which:

- a. has been accepted or opened as, or otherwise has received the legal status of a Class V or better highway, or
- b. corresponds in its lines and location with a Street on a subdivision plat approved by the Planning Board.
- c. The required Frontage may be reduced for larger lots in accordance with the following schedule:

Lot Area (in acres)	Required Frontage(in feet)
5	200
7	180
10	160
12	140
15	120
20	100
25	75

In those instances where a reduction in the minimum frontage is permitted, the lot shall be capable of accommodating completely within its boundaries a square with a minimum dimension of not less than two hundred (200) feet on each side and all setback requirements specified in this Ordinance shall be met.

3. SETBACKS (See Article VI, Section F, NON-CONFORMING BUILDINGS for special provisions)

- a. In the Rural, Lake, Village B, and Village C Zoning Districts there shall be a minimum distance of seventy five (75) feet between any new Building or structure and the center of the travelledway.
- b. In the Village A Zoning District there shall be a minimum distance of fifty (50) feet between any new Building or structure and the center of the travelled way.
- c. In all Zoning Districts there shall be a minimum distance of thirty (30) feet between any Building or structure and any other property line; except that small Accessory Structures with an area of less than two hundred (200) square feet may, by Special Exception from the Zoning Board of Adjustment, be permitted not less than fifteen (15) feet from such property line.
- d. In all Zoning Districts, the maximum Building Height shall be not more than thirty-five (35) feet.
- e. In the Lake District there shall be a minimum distance of seventy-five (75) feet between any Dwelling or septic system or part thereof and the mean high water mark of the applicable water body.
- f. In all Zoning Districts there shall be a minimum of ten (10) feet between the extreme improved dimensions of any new driveways and a side property line, without a Special Exception from the Zoning Board of Adjustment, to minimize any negative impact to vegetation and soil on abutting properties, also to allow room for snow removal and repairs without encroaching on said properties; provided, however, that the ten-foot minimum may be reduced if the driveway is installed in a location specifically shown on a subdivision plat approved by the Planning Board..

ARTICLE IV GENERAL PROVISIONS APPLICABLE IN ALL DISTRICTS

A. LOTS IN TWO ZONING DISTRICTS

Where a District boundary line divides a lot of record at the time such District boundary line is established, the regulations for either District on such lot shall extend not more than thirty (30) feet into the other District, provided the lot has the required minimum frontage on a Street within the District for which the use is being granted.

B. PRINCIPAL RESIDENTIAL BUILDING

1. There shall be only one principal residential Building on a lot unless otherwise approved under the Planned Residential Development provisions of this Ordinance, except that two Single Family Dwellings may be erected on a single lot provided that the lot has sufficient area, frontage, and setbacks so that it could be subdivided into two conforming lots (each containing one Dwelling Unit) under the provisions of this Ordinance.
2. One detached Dwelling Unit, not exceeding seven hundred (700) square feet of living space may be permitted by Special Exception, on a lot of record of at least two (2) acres, which contains not more than one existing Dwelling Unit. Such Dwelling Units will be regulated as a Two Family Dwelling. If the primary dwelling is manufactured housing then the detached Dwelling Unit may not be manufactured housing.

C. TEMPORARY USES AND STRUCTURES

Temporary permits may be issued by the Zoning Officer for a period not exceeding one (1) year for Non-- Conforming Uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for additional periods of one (1) year as long as construction is active.

D. OFF-STREET LOADING

Off-Street loading facilities shall be provided for all institutional, commercial, and industrial uses. These facilities shall be located so that delivery vehicles are parked outside the Street right-of-way.

E. OFF-STREET PARKING

Off-Street parking spaces shall be provided in all Districts in accordance with the following specifications whenever any new use is established or any existing use is enlarged.

USE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Short Term Lodging Facility	Adequate parking provided wholly on-site
Residential	2 per Dwelling Unit
Church and School	1 per 3 seats in principal assembly room(s)
Private club or lodge	1 per 4 members
Theater	1 per 3 seats
Hospital, nursing and convalescent home	1 per 3 beds and 1 for each employee on the largest shift
Professional office, business service, and medical clinic	1 for every 250 sq. ft. of gross area
Retail business and Personal service establishment	1 for every 200 sq. ft. of gross area
Eating and drinking establishment	1 for every 4 seats
Industrial	1 for every 1.2 employees, based on the highest expected employee occupancy per shift
Funeral Home	1 per 75 sq. ft. of floor space in slumber rooms, parlors, and individual service rooms

F. SITE PLAN REVIEW

Pursuant to the provisions of chapter 674:43-44 N.H. Revised Statutes Annotated (RSA) as amended, the Planning Board is hereby granted the authority to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or multi-family dwelling units whether or not such development includes a subdivision or resubdivision. It shall be the duty of the Town Clerk to file with the Cheshire County Registry of Deeds a certificate of notice showing that the Planning Board has been so authorized, giving the date of such authorization. The Planning Board adopted Site Plan Review regulations on March 26, 2001, in accordance with the procedures required by RSA 675:6. A complete copy of the regulations is available at the Town Offices.

G. ALSTEAD SIGN ORDINANCE

The Alstead Sign Ordinance was adopted on March 14, 1995, and amended on March 11, 2003, March 8, 2005 and March 12, 2013. The purpose of this Sign Ordinance is to regulate existing and proposed signs in the Town of Alstead. It shall be unlawful for any person to erect, replace, alter, or relocate, within the town of Alstead, any sign, as defined in this Ordinance, without first obtaining a sign permit from the Zoning Officer and complying with the provisions of this Ordinance and other applicable Statutes, Ordinances, and Laws. A complete copy of the Alstead Sign Ordinance is available at the Town Offices.

H. WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

The Wireless Telecommunications Facilities Ordinance was adopted on March 11, 2003. The purpose of this Ordinance is to establish general guidelines for the siting of towers and antennas in accordance with Federal and State law and to enhance and fulfill the goals as presented in the complete copy of the Wireless Telecommunications Facilities Ordinance available at the Town Offices.

I. SMALL WIND ENERGY SYSTEMS ORDINANCE

This Small Wind Energy Systems Ordinance was adopted on March 13, 2012, and is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:I-III-a. The purpose of this ordinance is to accommodate small wind energy systems in appropriate locations while protecting the public's health, safety, and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein. A complete copy of the Small Wind Energy Systems Ordinance is available at the Town Offices.

ARTICLE V SPECIAL PROVISIONS

A. FLOODPLAIN DISTRICT

The Floodplain Management Ordinance adopted by the Town on March 11, 2003 (supersede regulations adopted on March 8, 1988; and amended on March 8, 2005 & March 15, 2006) is hereby declared to be a part of this Ordinance. Notwithstanding any other provision of this Ordinance, no land shall be used nor shall any permit be issued which is inconsistent with the provisions of said Floodplain Management Ordinance.

B. PLANNED RESIDENTIAL DEVELOPMENT

The Planning Board is hereby authorized to review and approve or disapprove proposals for Planned Residential Developments in which the minimum lot size, frontage, and/or setback requirements (except the seventy-five (75) foot lakeside setback concerning septic systems specified in this Ordinance) may be modified or waived. In exercising this authority the Planning Board shall not approve any proposal in which the total number of dwelling units is greater than would be permitted on the parcel or tract of land under the conventional terms of this Ordinance. Prior to exercising this authority, however, the Planning Board shall first incorporate the rules, procedures, and specifications governing such Planned Residential Developments into its Subdivision Regulations. APPENDIX OF THE SUBDIVISION REGULATIONS Attachment 11. Planned Residential Development was adopted on December 14, 2009.

ARTICLE VI NON-CONFORMING USES AND NON-CONFORMING LOTS

A. NON-CONFORMING USES

Any use or structure not conforming with the provisions of this Ordinance may be continued, repaired, or

reconstructed if the use or structure was lawfully in existence at the time of passage of this Ordinance.

B. ABANDONMENT OF NON-CONFORMING USES

When any legally existing Non-Conforming use of land or Buildings is Abandoned or discontinued for two (2) years or more, the land or Buildings shall thereafter be used only in conformity with the provisions of this Ordinance.

C. DESTRUCTION OF NON-CONFORMING USES

If a legally existing, Non-Conforming use of land or Buildings is destroyed by fire, natural disaster, or another catastrophe, the use may be rebuilt/re-established to the extent to which it existed prior to the event. Any such rebuilding or reestablishment shall, however, be accomplished within two (2) years of the event which destroyed the use or it shall be deemed to have been Abandoned and the land or buildings shall thereafter be used only in conformity with the provisions of this Ordinance.

D. EXPANSION AND/OR ENLARGEMENT

No Non-Conforming use may be expanded or enlarged except by Special Exception from the Board of Adjustment. No such Special Exception shall be granted unless the Board of Adjustment makes findings of fact that the expansion or enlargement will not increase the nuisance or hazard of the Non-Conformity to surrounding property or public rights-of-way.

E. NON-CONFORMING LOTS

In any district, notwithstanding the limitations imposed by other provisions of this Ordinance, nothing shall prevent the construction of a permitted Building or the establishment of a Permitted Use on a lot with less than the prescribed area and/or prescribed Frontage if such lot legally existed on the effective date of this Ordinance, provided that:

1. Setback and other dimensional requirements not involving the area of the lot shall conform to the provisions of this Ordinance for the District in which the lot is located, and
2. It shall be demonstrated to the satisfaction of the Zoning Officer that the lot can be used without hazard to the public health, safety, or welfare and that adequate provisions have been made for water supply and wastewater disposal. The submittal of an approved septic system design and an Approval For Construction issued by the N.H. Water Supply and Pollution Control Commission shall be deemed satisfactory evidence that this condition has been met.

F. NON-CONFORMING BUILDINGS

Alteration or expansion of a structure which is Non-Conforming solely because of dimensional requirements specified in this ordinance is permitted provided that:

1. The present use or intended use is permitted in the Zoning District; and
2. The alteration or expansion will not further violate dimensional requirements by more than 50 percent in any dimension meaning that any new encroachment shall not come more than 50 percent closer to the property line than the encroachment into the required setback made by the existing structure; and
3. The area of any new encroachment shall not exceed the total square footage of the portion of the existing structure which originally encroached on the required minimum setback.
4. Such encroachment into the required setbacks shall not be permitted on more than one (1) occasion.

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

A. PERMIT REQUIRED

1. Upon passage of this Ordinance it shall be unlawful to commence any of the following activities without first having obtained a permit from the Zoning Officer:
 - a. The erection of any new Building or structure, except that small Accessory Structures not exceeding one hundred twenty (120) square feet in area shall not require a permit;

b. alteration in size, height, or bulk; moving or demolition of any Building or structure, except that the demolition of small Accessory Structures not exceeding one hundred twenty (120) square feet in area shall not require a permit;

c. any use of premises which is not provided for in this Ordinance, including but not limited to a change in the nature of the use of any Building or premises to a Non-Conforming use from any lawful prior use, the expansion of any existing lawful Non-Conforming use, or any change in lot size or shape which would result in a violation of area or dimensional requirements;

d. starting any business including home occupations;

e. occupancy of a Recreational Vehicle for more than fourteen (14) consecutive days or more than thirty (30) days per year shall require an Occupancy Permit to assure adequate health and safety standards. Such a permit may be issued for a period up to sixty (60) days and be renewed once. To obtain an Occupancy Permit for a Recreational Vehicle, the applicant must demonstrate to the satisfaction of the Zoning Officer that there is sanitary and adequate means of wastewater disposal and safe and adequate supplies for drinking water. Under no circumstances may a Recreational Vehicle be occupied on a lot for more than 120 days per year.

f. The conversion of existing space to become a separate dwelling unit/apartment.

2. Application for a Zoning permit shall be made upon an appropriate form prescribed by the Town and shall be accompanied by:

a. Plans (which need not be professionally drawn), showing the actual shape, dimensions, and location of the lot to be used, of existing Buildings upon it, of alterations proposed to existing Buildings, and of proposed new Buildings.

b. Information as to the existing and intended use of each Building, lot or part thereof, and as to the number of families, guests, or other occupants any Building upon the premises is designed to accommodate.

c. Evidence of compliance with state septic system regulations, when required, before issuing a building permit.

3. The Zoning Officer shall determine whether an application for a permit complies with this Ordinance. If the Zoning Officer determines that the application conforms to the provisions of this Ordinance, and/or to State and Federal laws, the permit shall be issued. If the Zoning Officer determines that the application does not conform to the provisions of this Ordinance, and/or to State and Federal laws, the permit shall be denied. Any denial of a permit shall be in writing and shall state the specific provision, clause, or section of this Ordinance which would be violated if the permit were granted (see Section E:2 for appeals procedures). The Zoning Officer shall approve or deny any application within thirty (30) days of receipt of the application.

4. A permit issued under the provisions of this Ordinance shall become void if construction or use is not commenced within twelve (12) months of the date of issuance of the permit. Permits may be extended once for no more than twelve (12) additional months by the Zoning Officer upon receipt of a written request for extension at least fourteen (14) days prior to the expiration date of the original permit. Thereafter, an application for a new permit must be made.

B. FEES

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

C. ZONING OFFICER

The administrative and enforcement officer for this ordinance shall be known as the Zoning Officer and shall be appointed by the Board of Selectmen. The Zoning Officer shall administer this Ordinance literally and shall not have the power to permit any use of land or Buildings which does not conform to the provisions of this Ordinance. Until a Zoning Officer is appointed or if a vacancy exists in the position of Zoning Officer, the Board of Selectmen shall perform these duties.

D. ENFORCEMENT AND PENALTIES

1. This Ordinance shall be enforced by the Zoning Officer, if any Building or use of land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance. The Zoning Officer shall institute, in the name of the Town, any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate such construction or use or to prevent in or about the premises any act, conduct, business, or use

constituting a violation.

2. Fines, penalties, and other enforcement measures for violations of the Ordinance shall be those which are provided for by state law, including but not limited to RSA 676:15, RSA 676:17, RSA 676:17-a, and RSA 676:17-b.

E. ZONING BOARD OF ADJUSTMENT

There is hereby created a Zoning Board of Adjustment pursuant to the statutes of the State of New Hampshire (Chapters 672-677, Revised Statutes Annotated, as amended). Said Zoning Board of Adjustment shall consist of five (5) regular members and not more than five (5) alternate members who shall be appointed by the Board of Selectmen.

1. The Zoning Board of Adjustment shall have the following powers and duties as well as any other power conferred by the statutes of the State of New Hampshire.

a. To hear and decide appeals if it is alleged that there is error in any order, requirement, decision, or determination made by any administrative official in the enforcement of this Ordinance.

b. To hear and decide Special Exceptions to the terms of this Ordinance upon which the Board of Adjustment is required to pass as provided herein.

c. To authorize upon appeal in specific cases such Variance from the terms of this Ordinance as will not be contrary to the public interest, if, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit and intent of the Ordinance will be observed and substantial justice done. In so doing the Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and the community.

d. In exercising the above-mentioned powers, the Board of Adjustment may reverse or affirm wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order or decision as ought to be made and, to that end shall have all of the powers of the administrative official from whom the appeal is taken.

e. The concurring vote of at least three (3) members of the Board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

2. Rules Governing Proceedings

a. All appeals and applications to the Board of Adjustment shall be in writing, on the forms prescribed by that Board. Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth the interpretation, the Special Exception, or the Variance, for which application is made. The cost of advertising and mailing shall be payable by the appellant prior to the required public hearing.

b. In exercising its authority, the Board of Adjustment shall adhere to the procedures and standards including public hearing requirements as set forth in RSA 676:5-7 and other applicable State statutes and provisions of this Ordinance.

c. The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record.

F. VARIANCE

1. The Board of Adjustment may on appeal, grant a Variance from the provisions of this Ordinance if the Board makes findings of fact that each of the following conditions are present:

a. The Variance will not be contrary to the public interest;

b. The spirit of the Ordinance is observed;

- c. Substantial justice is done;
- d. The values of surrounding properties are not diminished;
- e. Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship.

i. For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

aa. No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and

bb. The proposed use is a reasonable one.

ii. If the criteria in subparagraph (i.) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a Variance is, therefore, necessary to enable a reasonable use of it.

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

G. SPECIAL EXCEPTIONS

1. Pursuant to RSA 674:33 the Zoning Board of Adjustment shall have the power to hear and decide Special Exceptions for those uses which are specifically authorized in this Ordinance as being permitted by Special Exception. In doing so the Zoning Board of Adjustment may grant approval in appropriate cases and subject to appropriate conditions and safeguards to protect the public health, safety, and welfare. Before granting all such Special Exceptions, the Board of Adjustment shall find that the following conditions are present:

- a. The proposed use is in an appropriate location by virtue of the adequacy of public roadways and the nature of surrounding development and land uses;
- b. The granting of the Special Exception would not reduce the value of any other property in the area, nor otherwise be obnoxious, injurious, or offensive to the neighborhood;
- c. No nuisance or hazard to vehicles or pedestrians will result from the granting of the Special Exception; d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use;
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use:
- e. Additional reports or studies may be required by the Board including but not limited to traffic; High-Intensity Soil Survey; parking; stormwater, erosion and sediment control; and fiscal and environmental impact analyses.

2. In addition to meeting the preceding conditions, the following requirements shall also apply to specific uses requiring Special Exceptions:

- a.
 - i. Two-Family – new construction permitted by Special Exception.
 - ii. Multi-Family Dwellings- new construction permitted by Special Exception and Site Plan Review.
 - iii. Conversion of Existing Buildings to Two-Family use by Special Exception, provided that the external appearance of the converted structure remains essentially unchanged and that adequate off-street parking, water, and sewage disposal facilities are provided.
 - iv. Conversion of existing Buildings to Multi-Family use by Special Exception and Site Plan Review.
- b. Short Term Lodging Facility: Bed and Breakfast, Hotels, Motels, Inns, Private Residences or parts thereof, and other similar Facilities providing short term lodging for ten (10) or more guests may be established and

maintained by Special Exception provided that adequate Off -Street parking is provided, that all state and local health standards are met including but not limited to wastewater disposal facilities. This regulation shall not apply to private residences temporarily hosting friends or family without monetary compensation.

c. Commercial Kennels and Veterinary Hospitals may be permitted by Special Exception provided that such facilities are set back not less than 200 feet from the street and not less than 150 feet from any other Property line.

d. Industry involving the manufacture, assembly, packaging, finishing, or treating of products and not requiring noisy or other otherwise objectionable machinery, processes or transportation equipment may be permitted by Special Exception. Such uses must not be obnoxious, offensive, or injurious to the public health and safety of the community or neighborhood or cause disturbance or annoyance due to vibration, noise, smoke, fumes, odor, dust, gas, chemicals, radiation, or other condition nor result in the danger of fire, explosion nor result in the diminution of surrounding property values.

e. Commercial Sand and Gravel Excavations shall require a permit from the Planning Board pursuant to the provisions of RSA 155-E in addition to complying with the general requirements for the granting of a Special Exception.

3. Any addition, expansion, or alteration of a use for which a Special Exception is required must receive a new Special Exception according to the criteria outlined in Section G.1:a-e above.

ARTICLE VIII MISCELLANEOUS PROVISIONS

A. SEVERABILITY

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

B. AMENDMENTS

This Ordinance may be amended from time to time in accordance with provisions of Chapter 675:3-9 N.H. Revised Statutes Annotated as amended.

C. VALIDITY

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

D. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption.

TOWN OF ALSTEAD DISTRICTS

(see map)

RURAL RESIDENTIAL DISTRICT

The Rural Residential District is all land that is not specifically mentioned in the Village and Lake Districts.

LAKE DISTRICT

Beginning at Mill Hollow, the boundary follows Route 123 to the junction of Gilsum Mine Road. The boundary continues South on Gilsum Mine Road to a point 500' South of the junction of Pine Cliff Road where it turns westerly and parallels Pine Cliff Road at a distance of 500' south and west of the road to the junction of Route 123 in Mill Hollow. The Lake District is all land within these boundaries.

VILLAGE DISTRICTS

A) ALSTEAD VILLAGE

The Alstead Village District has a depth of 500' from the center of the right of way on both sides of the following roads:

Beginning at the intersection of Routes 123 and 123A the line parallels Route 123 in a westerly direction to the Alstead/Langdon Town Line.

Beginning in Alstead Village at Route 123 the line parallels Hill Road to the Southern border of Map 12 Lot 18.

Beginning in Alstead Village at Route 123 the line parallels Route 12A (north) to Pine Grove Cemetery Road.

Beginning in Alstead Village at Route 123 the line parallels Pleasant Street to the junction with Vilas Road. All lines intersect the roads at a 90-degree angle.

B) EAST ALSTEAD

Beginning at the junction of Old Settlers Road and Rt 123, the boundary follows Old Settlers Rd to Thieman Rd, then turns North on Thieman Rd to Riordan Rd. and then East to North Road. It follows North Road North to the junction with Corbin Road and East along Corbin Road to a point of intersection with the eastern boundary which is a line parallel to North Road and 1000' to the East. The eastern boundary extends southerly to a point 1000' North of Rt 123, where it turns East for a distance of 1000', then South for 2000', crossing Rt 123, then turning West for 1000', then South for 1000', then West again for 1000', which brings it back to Gilsum Mine Road. The boundary then turns North along Gilsum Mine Road to Rt. 123, and West along Rt. 123 to the junction with Old Settlers Road. East Alstead Village District is all land within these boundaries.

C) ALSTEAD CENTER

Beginning at Cooper Hill Road on the East and Cook Hill Road (Porter Road) on the West and extending South to Camp Brook, including all land within 1000' on the East side and 1000' on the West side of Route 12-A from North to South boundaries. At Camp Brook, the boundary to the West begins where Camp Brook crosses the road and extends at a 90-degree angle back 1000', the boundary to the East follows Camp Brook to the point where it intersects the 1000' setback.

The Alstead Center District is all land within these boundaries.