



Zoning Ordinance 2020

Hanover, New Hampshire

July 7, 2020



Zoning Ordinance of the Town of Hanover New Hampshire

**Adopted by
Town Meeting:
March 2, 1976**

Amended by Town Meeting:

March 8, 1977	March 12, 1991	May 9, 2006
March 14, 1978	March 10, 1992	May 8, 2007
March 13, 1979	March 9, 1993	May 13, 2008
March 11, 1980	May 10, 1994	May 12, 2009
November 4, 1980	May 9, 1995	May 11, 2010
March 10, 1981	May 14, 1996	May 10, 2011
March 9, 1982	May 13, 1997	May 8, 2012
November 2, 1982	May 12, 1998	May 14, 2013
March 8, 1983	May 11, 1999	May 13, 2014
March 13, 1984	May 9, 2000	May 12, 2015
March 12, 1985	May 8, 2001	May 10, 2016
March 11, 1986	May 14, 2002	May 9, 2017
March 10, 1987	October 29, 2002	May 8, 2018
March 8, 1988	May 13, 2003	May 14, 2019
March 14, 1989	May 11, 2004	July 7, 2020
March 13, 1990	May 10, 2005	

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ARTICLE I. AUTHORITY, PURPOSE, APPLICABILITY

101 Authority

In pursuance of authority conferred by New Hampshire Revised Statutes Annotated and in conformity with the adopted Town of Hanover Master Plan 2003, the following Ordinance is hereby enacted by the voters of the Town of Hanover, New Hampshire.

102 Purpose

This Ordinance is enacted for the purpose of promoting the health, safety, morals, prosperity, convenience or general welfare, as well as efficiency and economy in the process of development of the inhabitants of the incorporated Town of Hanover, New Hampshire, by securing safety from fire, panic, and other dangers, providing adequate areas between buildings and various rights of way, the promotion of good civic design and arrangements, protection of the value of homes and lands, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and by other means.

103 Title

This Ordinance is known and may be cited as the “Zoning Ordinance of the Town of Hanover, New Hampshire, 2016.”

104 Effective date

This Ordinance will take effect immediately upon its adoption by the voters of the Town of Hanover.

105 Amendments

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

106 Existing use

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

107 Validity

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

108 Severability

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

109 Repeal

Upon the valid adoption of this Zoning Ordinance pursuant to RSA Chapter 31, the existing Zoning Ordinance and all amendments thereto are hereby repealed.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

201 Zoning Administrator

201.1 The administrative and enforcement officer for this Ordinance is known as the Zoning Administrator and shall be hired or appointed by the Town Manager.

201.2 The Zoning Administrator shall administer the Zoning Ordinance and shall approve only those uses and structures that conform to this Ordinance or have been duly approved as special exception or granted as a variance or equitable waiver by the Zoning Board of Adjustment.

201.3 The Zoning Administrator shall enforce this Ordinance. If any structure or use is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Zoning Administrator shall institute, in the name of the Town, any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate such construction or use or to prevent in or about the premises any act, conduct, business, or use constituting a violation.

202 Responsibility of owner

The owner of record of a property is solely responsible for ensuring at all times that such property is in full compliance with all provisions of this Ordinance. Any person who violates this Ordinance is subject to fines and penalties as provided by statute, including RSA 676:17.

203 Fees

The Board of Selectmen shall establish such appropriate fees as will compensate the Town for the cost of processing and reviewing all applications and appeals submitted under this Ordinance. The applicant shall pay the established fee upon submission of the application or appeal.

204 Consent to inspect

Every applicant for a permit or approval under this Ordinance is deemed to have consented to such inspection of the relevant property or properties as is directly related to that application and is reasonably necessary for the Town's officials, board members, employees, or other agents to acquire information appropriate to make an informed decision relative to the application and to the determination of compliance with the permit and its terms of issuance, approved plans, conditions of approval, and requirements of this Ordinance. An applicant's refusal to consent to such inspection constitutes grounds for disapproval of the application or for refusal by the Town to issue any certificate of completion, compliance, or occupancy relative to the permit or application.

205 Zoning permit

205.1 Prior to the commencement of any of the following developments, application for a zoning permit must be submitted to the Zoning Administrator and a zoning permit must be authorized by the Zoning Administrator:

- A. The erection or use of a new structure, or exterior sign except as exempted by Section 715;
- B. The relocation of any structure, or exterior sign except as exempted by Section 715, or of any part thereof;
- C. The alteration of any building or other structure resulting in an expansion of the footprint in any direction or an expansion of the volume in any way;
- D. An increase in the area or the lighting of a sign regulated by this Ordinance;
- E. A change in the non-conforming use of structures or land;
- F. The occupancy of vacant land for any purpose except the raising of crops;
- G. Any use of premises that would constitute a departure from the terms of this Ordinance, including, without limiting the generality of the foregoing, a change in the nature of the use of any building or premises to a non-conforming use from any lawful prior use or the expansion of any existing lawful non-conforming use; or
- H. Any change in lot size or shape that would result in a violation of area or dimensional regulations.

205.2 Application for a zoning permit is to be upon the appropriate form prescribed by the Town and accompanied by such of the following as the Zoning Administrator may require:

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

205.3 Application for a zoning permit, duly submitted, is subject to the following procedures:

- A. Upon receipt of a completed application for a residential project, the Zoning Administrator shall notify abutters of the pending application. In the event the project comes before the Zoning Board of Adjustment, notice of the Zoning Board of Adjustment public hearing on that project constitutes such notice to abutters.

- B. The Zoning Administrator shall determine whether the development for which a completed application has been submitted complies with this Ordinance.
- C. If the Zoning Administrator determines that the development applied for complies with this Ordinance, the Zoning Administrator shall approve the application and, within 15 calendar days of the date on which the application was determined to be complete, issue a zoning permit.
- D. Within three days following the issuance of a zoning permit, the Zoning Administrator shall post a copy of the zoning permit in at least one public place until 15 calendar days have elapsed from the date of issuance. During this 15-day period, an appeal of the Zoning Administrator's determination may be filed with the Zoning Board of Adjustment in accordance with RSA 676:5. Each zoning permit must state the date by which such an appeal may be taken.
- E. A zoning permit does not take effect until 15 calendar days after the date of its issuance. In the event an appeal of the Zoning Administrator's determination is taken to the Zoning Board of Adjustment, the zoning permit does not take effect pending the final decision on the appeal.
- F. If the Zoning Administrator determines that the proposed development requires approval as a special exception or the grant of a variance or equitable waiver under this Ordinance, the Zoning Administrator shall so inform the applicant, within 15 calendar days of the date on which the application was determined to be complete, and the applicant may apply to the Zoning Board of Adjustment for such approval or grant.

205.4 The Building Inspector may issue a building permit at any time after the zoning permit has been issued.

205.5 Issuance of a zoning permit pursuant to this Ordinance constitutes approval by the Town of the proposed use only under the requirements of this Zoning Ordinance.

205.6 A zoning permit, variance, or special exception becomes void if construction is not begun thereunder within two years from the approval date of such zoning permit, variance, or special exception.

206 Zoning Board of Adjustment

206.1 As provided by the statutes of the State of New Hampshire, RSA 673:1 IV, there shall be a Zoning Board of Adjustment whose members are residents of the Town of Hanover appointed by the Board of Selectmen.

206.2 The Zoning Board of Adjustment has the following powers, as well as any other power conferred upon such boards by the statutes of the State of New Hampshire:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance;
- B. To hear and decide special exceptions within the terms of this Ordinance upon which the Zoning Board of Adjustment is required to pass as provided herein; and

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

206.3 In exercising the above-mentioned powers, the Zoning Board of Adjustment may, in conformity with the powers granted to it under RSA Chapter 674, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

206.4 The concurring votes of three members of the Zoning Board of Adjustment are necessary to reverse any action of the Zoning Administrator or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance or to effect any variance from this Ordinance.

206.5 The following rules govern proceedings before the Zoning Board of Adjustment:

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

recommendations shall be in the same format as that required of the Zoning Board of Adjustment in reporting its decision.

- (5) The Zoning Board of Adjustment shall state its reason in reasonable detail as to the granting or denial of a special exception or variance with particular reference to the standards or conditions applicable thereto.
- C. The Zoning Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance.
- (1) Meetings of the Board will be held at the call of the chairman and at such other times as the Board may determine. All meetings of the Board must be open to the public.
 - (2) 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 must be immediately filed in the office of the Town Manager and is a public record.
- D. Any appeal taken from any decision of the Zoning Administrator must be taken within 15 days of the date of the decision except for decisions that a violation exists. With regard to decisions by the Zoning Administrator that there has been a violation of the Zoning Ordinance, the alleged offender has seven days from the date of receipt of the notice of violation to appeal the decision of the Zoning Administrator.
- E. The provisions contained herein are intended to comply with applicable provisions of RSA Chapter 674 as amended. Any such amendment constitutes a similar amendment herein without further action.

207 Special exception

207.1 A use of land and structures so designated in Article IV may be allowed as a special exception only on approval of the Zoning Board of Adjustment and only when:

- A. The use conforms to the general and specific standards established by this Ordinance and
- B. The Zoning Board of Adjustment has first determined that the proposed use will not adversely affect:
 - (1) The character of the area in which the proposed use will be located;
 - (2) The highways and sidewalks and use thereof located in the area; or
 - (3) Town services and facilities.

207.2 To assist an applicant in minimizing impacts on water resources or water resource buffers so as to achieve the purposes of Article XI of this Ordinance, a special exception from setback requirements of the Ordinance may be granted by the Zoning Board of Adjustment in its discretion if the Board finds there is no adverse effect on neighboring properties and the criteria of 207.1 are satisfied.

207.3 The Zoning Board of Adjustment may approve a use by special exception on property in the NP district only after determining that trees will be selectively cut so as to assure adequate stocking of residual growth and that any general plan prepared by the owner for the selective cutting of trees has been approved in writing by the County Forester or other qualified forester.

207.4 In addition to the general and specific standards established by this Ordinance, the Zoning Board of Adjustment shall impose upon the approval of a special exception such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of the Ordinance, including, but not being limited to, the following:

- A. Setbacks larger than the minimums required by the Ordinance;
- B. Screening of part or all of the premises of the proposed use by walls, fencing, or planting;
- C. Modification of the design of any building involved in the proposed use;
- D. Parking spaces greater in number than those otherwise required under this Ordinance;
- E. Limitation of the number of occupants or employees upon the premises and restrictions of the method of operation, the time of operation and use, and the size or extent of facilities; and
- F. Limitations upon the size, location, and lighting of signs more restrictive than those otherwise imposed by this Ordinance, including the prohibition of signs where, in the opinion of the Board, their display would be contrary to the purposes of the Ordinance.

208 Variance

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

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

- (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist, if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it. The definition of “unnecessary hardship” set forth in subparagraph E applies whether the provision of the Ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the Ordinance.

208.2 In authorizing a variance, the Zoning 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.

209 Variance from the provisions of Article XI, Protection of Flood Plains, Waterbodies, and Wetlands

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

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

- G. The Zoning Administrator shall maintain a record of all variances and justification for their issuance and shall report such variances issued in an annual report to be submitted to the Administrator of the Federal Insurance Administration.

210 Variance to accommodate disabilities

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

- A. Determines that any variance granted under these provisions is in harmony with the general purpose and intent of this Ordinance and
- B. Requires that the owner of the premises pay to the Town of Hanover all costs of recording the notice of action regarding such variance in the Grafton County Registry of Deeds, such recording to be done by the Town of Hanover.

210.2 The Zoning Board of Adjustment may stipulate in the finding and the notice of action included in the variance that the variance granted pursuant to these provisions survives only as long as the particular person has a continuing need to use the premises.

210.3 A temporary permit may be issued by the Zoning Administrator, under Section 515, to allow the use of a temporary access structure, such as a handicap ramp, to enable a disabled individual to more easily and safely enter and exit a residence.

211 Equitable waiver of dimensional requirement

211.1 When a lot or other division of land or structure thereupon is discovered to be in violation of a physical layout or dimensional requirement of this Ordinance, the Zoning Board of Adjustment may, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, provided that the Zoning Board of Adjustment makes all of the following findings:

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

- D. That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained that it would be inequitable to require the violation to be corrected.

211.2 In lieu of the findings required by the Zoning Board of Adjustment under subparagraphs 211.1 A and B, the owner may demonstrate to the satisfaction of the Board that the violation has existed for ten years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.

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

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

ARTICLE III. DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows. A term or word used in Article XI is defined in accordance with Section 1101 of Article XI.

301 Conventions

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

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

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

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

302 Definitions

accessory building or use

A building or use subordinate and customarily or, in light of the general and specific purposes of the ordinance, reasonably incidental to the principal building or use on the same lot. The term “accessory building”, when used in connection with a farm, shall include all buildings customarily used for farm purposes (see Section 707).

adaptive re-use

The new use of a historic barn or agricultural outbuilding according to the provisions of Section 606

affordable housing

Housing for occupant(s), whether owner or tenant, having a family income of less than 120 percent of the area median household income as published by the US Department of Housing and Urban Development (USHUD) for Grafton County

affordable senior housing

Housing provided for the use of persons who are at least 62 years of age and families of not more than two persons, one of whom is at least 62 years of age or persons with disabilities and having a family income of less than 120 percent of the area median household income as published by the US Department of Housing and Urban Development (USHUD) for Grafton County

agriculture

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

aircraft

Machines or devices that are capable of atmospheric flight

antenna

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

auto service station

Any area of land, including structures thereon, that is used or designated to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and that may include facilities used or designed to be used for the cleaning or servicing of such motor vehicles, excluding land and structures used or designed to be used for vehicle sales or major repairs

auto storage

Commercial indoor storage for automobiles and/or other mobile equipment

awning

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

bank

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

banner

A large piece of flexible material with a design, picture or writing on it

bed and breakfast

A single-family, owner-occupied dwelling accommodating transient guests for a rental period of no more than two weeks and with meal service limited to breakfast

building

A structure that forms a shelter for persons, animals, or property; has a roof; and is permanently located on the land. Where the context allows, the word "building" is construed as though followed by the words "or part thereof"

building footprint

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

building front line

A line parallel to the front lot line transecting the point in the building face that is closest to the front lot line except for minor projections as provided for in Section 504

calendar year

The period of 365 days (or 366 days in leap years) starting from the first of January, used for reckoning time in ordinary affairs [Effective only upon the Selectboard adoption of a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.]

camping trailer

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

care and treatment of animals

The use of a structure for a veterinary practice or boarding of animals or riding schools

cemetery, see governmental uses

child day care agency

A person or organization, either established for profit or not, that regularly receives for child day care four or more children unrelated to the operator or staff of the agency

clinic

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

commercial service

A business providing services of a personal nature, including but not limited to barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, dry cleaner, and photographic studio

communications/telecommunications facility

A structure that provides commercial mobile wireless services; unlicensed wireless services; cellular phone services; specialized mobile radio communications; personal communications service; common carrier wireless exchange access services; and radio, television or other similar structures and devices for broadcasting purposes

conforming structure

A structure or part thereof that is in full compliance with the Zoning Ordinance

conforming use

A use that is in full compliance with the Zoning Ordinance

conservation

The preservation, protection, and management of a natural resource to prevent exploitation, destruction or neglect

conservation lot

A lot that is protected permanently through the grant of a conservation easement to a governmental agency or a conservation organization

contractor's yard

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

cul-de-sac street

A street that intersects with another street at one end, is permanently terminated at the other end by a vehicular turnaround, and provides no entrance to other streets

density bonus

A density bonus allows a developer to produce more units in a development than the base number of units which would otherwise be allowable under the zoning applicable to that development.

downtown civic

Uses in the Downtown district open to the general public for community and governmental purposes, including places of assembly, public education, libraries, governmental offices, post offices, court, public safety and recreation

downtown commercial

Uses in the Downtown district operated for profit, private, or nonprofit purposes, including bank, clinic, commercial service, funeral establishment, office, restaurant, retail sales, theatre, tourist information, education, and other uses consistent with the statement of objectives set forth for the Downtown district in Article IV

downtown lodging

Hotel uses in the Downtown district

downtown residential

Residential uses in the Downtown district, which include and are limited to one-family dwelling, two-family dwelling, and multi-family dwelling

drive-in facility, other

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

drive-in restaurant or refreshment stands

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

driveway

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

dwelling, investor-owned

A dwelling unit that is not the actual and principal residence of its owner [Effective only upon the Selectboard adoption of a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.]

dwelling, multi-family

A single residential building containing three or more dwelling units

dwelling, one-family

A single residential building containing only one principal dwelling unit

dwelling, owner-occupied

A dwelling unit that is the actual and principal residence of its owner, who is continuously present in the dwelling unit

dwelling, seasonal

A one-family dwelling that is unoccupied at least 182 days in any calendar year, including, but not limited to, a vacation home, summer cottage, or hunting or fishing camp

dwelling, two-family

A single residential building containing only two dwelling units

dwelling unit

A single room or group of connected rooms constituting a separate and independent housekeeping establishment for occupancy by an individual or a family, physically separated from any other rooms or dwelling units that may be in the same structure and containing independent and dedicated cooking, sanitary, and sleeping facilities, including prefabricated and modular units that meet all pertinent building code standards and excluding housing for transient occupancy such as a motel, hotel, or rooming house

education

Schools, colleges, trade schools, vocational schools, and similar types of establishments that provide instruction and training

essential services

The erection, construction, or major alteration by public utilities, private institutional utilities, or municipal or governmental agencies of underground or overhead gas, electrical, sewer, steam, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, and similar equipment and accessories in connection therewith, and including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. For the purposes of this Ordinance, “essential services” excludes the replacement of facilities (other than municipal buildings) or minor relocations or minor additions such as street lights, hydrants, wire, electrical transformers, fire alarm boxes or pipes.

excavate

The process of altering the existing terrain by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated, excluding common household gardening and ground care

family

Any number of persons related by blood or by marriage or adoption, or a group of not more than three adult persons not related by blood or marriage or adoption occupying a single dwelling unit

floor area ratio

The ratio of gross floor area to gross site area also referred to as the “gross floor area ratio”

forestry

The growth and harvesting of forest products, excluding the clearing of trees in conjunction with building development or site improvement or incidental cutting for private use such as firewood

frontage

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

funeral establishment

A building or part thereof used for human funeral services, including areas necessary for preparation, display, chapel services, storage, and similar uses associated with funeral establishments

gainful business

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

garbage disposal, see governmental uses

governmental uses

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

cemetery

Includes such functions as cemetery, cemetery vaults, and necessary maintenance structures

education

Includes such functions as elementary, middle, junior high schools and high schools, college, vocational or technical school, kindergarten, library and similar educational institutions

garbage disposal

Includes areas or structures for disposal of sewage, solid waste and garbage under the control of a governmental unit, including sanitary landfills, incinerators, sewage treatment plants, and similar methods of disposal

institution

Governmental and other facilities primarily engaged in public services such as education, health and research

office

Includes such functions as governmental office, laboratory, post office, clinic, assembly and court

parking

Includes but is not limited to, municipally owned parking facilities, available for use by the general public

public safety

Includes such functions as fire, police, rescue, and ambulance services

recreation

Includes such functions as recreation center, senior citizens center, gymnasiums, auditorium, and outdoor recreational facilities such as play fields, tennis courts and golf courses

service

Includes such functions as garage, warehouse, vehicular repairs, outside storage for vehicles and supplies and similar uses

grade

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

gross floor area

The sum of the physical areas of all floors of all buildings on a lot as measured to the outside surfaces of the exterior walls, with the exception of porches, balconies, open-sided roofed-over areas, and any floor or space designed and used for the parking of motor vehicles. For the purposes of calculating floor area ratio, "gross floor area" also excludes the area of all building floors whose finished surface is six feet or more below the lowest adjacent grade of the lot.

gross site area

The total lot area

highest adjacent grade

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

historic structure

Any structure that is (1) listed individually in the National Register of Historic Places maintained by the Department of Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an approved state program as determined by the Secretary of the Interior or (b) directly by the Secretary of the Interior in states without approved programs

hospital

A place for the diagnosis, treatment or care of human ailments, including sanitarium and clinic

hosted short-term rental

An additional use of a one-family, owner-occupied dwelling where the owner is continually present on the premises during the period of the rental [Effective only upon the Selectboard adoption of a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.]

hotel

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

impact fee

A fee or assessment imposed upon development, including subdivision, building construction, or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the Town of Hanover, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space

inclusionary housing, see affordable housing

institution

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

institutional dining facility

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

laboratory research

Commercial, scientific, or research facility of a non-nuisance and non-hazardous character

light industry

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

lot

A parcel of land with defined boundaries and of sufficient size to meet minimum zoning requirements for use, coverage, and area

lot area

The horizontal area of a lot lying within lot boundaries exclusive of any area in a street and, for lots in major subdivisions including land in the RR district, exclusive of any area as specified in Section 502

lot, corner

A lot situated at the intersection of, and abutting, two streets that have an angle of intersection of not more than 135 degrees or a lot abutting a curved street where the tangents to the curve at its points of intersection with the side lot boundaries meet at the interior angle of not more than 135 degrees

lot coverage

The portion of a lot covered by structures and improvements including but not limited to decks, porches without roofs, driveways, parking areas or facilities, or impervious surfaces, ordinarily expressed as a percentage. When lot coverage is not specified, coverage is defined by the setbacks. Lot coverage excludes the portion of any structure located underground and any portion of a solar energy system.

lot depth

The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear

lot, lawful

A lot that meets the minimum requirements of the Zoning Ordinance in effect at the time the lot was created

lot of record

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

lowest adjacent grade

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

maintenance yard

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

manufactured housing

Any structure transportable in one or more sections that in the traveling mode is eight feet or more in width and 40 feet or more in length or that when erected is 320 square feet or more in area, and that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, which include plumbing, heating, and electrical systems. “Manufactured housing” excludes pre-site built housing as defined in RSA 674:31-a.

manufactured housing park

Any tract of land of at least ten acres on which two or more manufactured houses are parked and occupied for residential purposes

manufactured housing subdivision

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

medical center

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

motor home

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

neighborhood retail sales

A shop or store for the sale of retail goods designed to serve the Planned Residential Development or Continuing Care Retirement Community in which it is to be located

non-conforming structure

A structure or part thereof that complied with all applicable laws, ordinances, and regulations when it was built but does not comply with the Zoning Ordinance presently in effect

non-conforming use

A use that complied with all applicable laws, ordinances, and regulations when it commenced but does not comply with the Zoning Ordinance presently in effect

non-residential use

Any use of a building, structure, or land except one-family dwelling, two-family dwelling, and multi-family dwelling

non-transient

Residing in one location for more than 30 days

nursing home

A place of short-term or long-term residence providing nursing care for persons who are unable to perform all the activities of daily living without assistance

office

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

off-lot water and sewer

A system by which neither the source of water and the place of sewage disposal are located on the lot on which is located the building served by these utilities, provided that water source and sewage disposal is designed to provide service to ten or more independent users

on-lot water and sewer

A system by which both the source of water and the place of sewage disposal are located on the same or adjacent lot as the building served by these utilities

open space

The area of a lot not occupied by buildings or other man-made improvements other than those specifically for support of the use of the open space, such as a path, fence, or seating, whether maintained in its natural state or used for agriculture, forestry, or outdoor recreation

open space development

The residential subdivision of a tract of land where, instead of subdividing the entire tract into house lots of conventional size, a similar number of one-family dwelling units is clustered on lots of reduced dimensions, provided that the remaining land in the tract is reserved for open space

open space ratio

The ratio of the total available land area to the building footprint

outdoor storage

The retention and protection of goods, materials, and equipment in a place other than a structure, provided that any storage material other than new equipment, new building material, or other new products displayed for sale is fenced or screened

parapet

A low protective wall up right from the edge of a roof

park and ride facility

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

parking area

An area of a lot intended to provide off-street parking spaces accessory to the principal use on the same lot

parking facility

A structure for the parking of vehicles as a principal use on a parcel of land including but not limited to a parking lot, a parking structure, a park and ride facility, and a parking garage

parking space, off-street

An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room

passenger station

A structure intended to accommodate waiting passengers, including bus and taxi stations, providing all parking, loading and unloading take place on that lot

penthouse, mechanical

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

persons with disabilities

A person of any age who: (i) has a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423); (ii) is determined by USHUD regulations to have a physical, mental or emotional impairment that (a) is expected to be of long, continued, and indefinite duration; (b) substantially impedes his or her ability to live independently; and (c) is of such a nature that such ability could be improved by more suitable housing conditions; (iii) has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 15002(8)); or (iv) has the disease acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV). For the purpose of qualifying for low income housing under HUD public housing and Section 8 programs, the definition does not include a person whose disability is based solely on any drug or alcohol dependence.

pick-up coach

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

place of assembly

A building or portion of a building in which provision is made for the assembly of people for non-residential, non-commercial, religious, recreational, political, social, or amusement purposes

planned residential development

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

plat

A map showing proposed layout of streets and lots to scale

principal building, structure, or use

The building, structure, or use that houses or constitutes the main or primary activity on the lot

produce stand

A structure for the sale of flowers, garden supplies, or agricultural produce designed to serve highway customers

public safety, see governmental uses

public sewer

Sewage disposal system approved by the Town for municipal operation

public water

Water supply system approved by the Town for municipal operation

publishing

On-site printing and related on-site administrative and manufacturing operations, excluding retail copy services

recreation, outdoor

Activities conducted in the outdoor environment either by individuals or groups for purposes of relaxation or as a sport

recreational vehicle

A vehicle that is built on a single chassis no larger than 400 square feet when measured at the largest horizontal projection, designed to be self- propelled or permanently towable by a light duty truck, and designed primarily as temporary quarters for recreational, camping, travel, or seasonal use, not for use as a permanent dwelling

residential institution

A facility intended for group living, which may include independent dwelling units with shared common space, that provides supervised care and is designed to accommodate the specific needs of its residents, limited to home for individuals with disabilities, senior living, orphanage, assisted living, and extended care facility

residential use

Use of a building by its occupants as permanent place of abode, including one-family dwelling, two-family dwelling, multi-family dwelling, and manufactured housing

restaurant

An eating establishment designed to allow patrons to eat on-site at tables, booths, or a counter, including diner, café and cafeteria, excluding an establishment that provides food for off-site consumption, except as incidental to on-site service

retail sales

A use that allows the sale of goods, foods, and personal services directly to the consumer for use and consumption off-site, excluding any drive-through service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and manufactured housing sales and service, and commercial services

rooming house

An owner-occupied dwelling unit other than a hotel or motel in which living accommodations without kitchen facilities are rented to at least four but not more than eight non-transient roomers, such as a boarding or lodging house

sawmill

Structure for the milling of lumber and forest produce

sawmill, temporary

Equipment for the milling of lumber and forest produce that is not contained in a structure and may be moved from one location to another

senior housing development

Housing provided for the use of individuals who are at least 62 years of age and families of not more than two persons, one of whom is at least 62 years of age

service, see governmental uses

service area

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

setback

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

setback, front

Minimum required distance between the front lot line and the front line of a building or structure extended to side lot lines of the lot. The front setback shall be measured from the front lot line to the front line of the building or structure, except that, where applicable, the front setback shall be as shown on the map entitled “Downtown Area Setback Line,” dated May 14, 2002.

setback, rear

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

setback, side

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

sign

Any structure or part of a structure or device attached to or painted or represented on a structure or free-standing device that displays or includes any letter, word, model, banner, flag, pendant, insignia, device, or representation used as or is in the nature of an announcement, direction, or advertisement. “Sign” does not include street or traffic signs or warnings; the flag, pennant, or insignia of any nation, group of nations, state, city, or other governmental unit; athletic scoreboards; non-illuminated signs and window posters that are displayed from within a building; ordinary directory panels and information signs maintained within a building or not intended for view from outside the property; private posting signs subject to RSA 635:4; political advertising subject to RSA 664:17

slope

The inclination of a surface, defined as the number of units of rise or fall per 100 horizontal units. All units must be expressed in the same standard units. Slope is calculated as a percentage by dividing the total change in elevation of the surface in question by the horizontal distance from one end to the other end of the surface in

question and by multiplying by 100. Changes in elevation and in distance are measured perpendicular to the contours of the map being used.

solar energy system

A device or number of individual devices that provides for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating, including associated transformers, inverters, battery storage, wiring, pumps, piping, mounting apparatus, and support structures.

solar energy system, building-mounted

A system whose principal solar energy-capture components are mounted on a building.

solar energy system, ground-mounted

A system whose principal solar energy-capture components are fixed to support structures that are directly anchored on or in the ground

special exception

The use of a building or lot permitted under this Ordinance only upon application to the Zoning Board of Adjustment and subject to the approval of that Board, and only in cases where the words “special exception” in this Ordinance pertain, and in accordance with the provisions of Section 207.

start of construction

The date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement occurred within 180 days of the permit date of issuance. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the principal structure.

steep slopes

Unless on-site survey shows otherwise, steep slopes are all lands 25 percent and over in slope as designated in “Soil Survey of Grafton County Area, New Hampshire” published by U.S. Department of Agriculture, Natural Resources Conservation Service.

street or public street

A public highway that provides the principal means of access to abutting property and that the Town or state has the duty to maintain regularly or a highway shown on a subdivision plat approved by the planning board and recorded in the Grafton County Registry of Deeds

street line

Right-of-way line of a street as dedicated by a deed of record; where the width of the street is not established, the street line is considered to be 25 feet either side of the center line of the street pavement

structure

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

student residence, Institution district

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

student residence, residential districts

A building designed for and occupied by students including social rooms and a limited number of kitchens, operated in conjunction with another institutional use, and located in a district in which residential use is permitted

tower

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

transient

Residing in one location for 30 days or less

travel trailer

A vehicular, portable, non-self-propelled structure built on a chassis; designed to be used as a temporary dwelling for travel, recreational, and vacation uses; permanently identified “travel trailer” by the manufacturer of the trailer; and, when factory equipped for the road, has a body width that does not exceed eight feet and a body length that does not exceed 32 feet

un-hosted short-term rental

An additional use of a one-family, owner-occupied dwelling where the owner has vacated the premises during the period of rental **[Effective only upon the Selectboard adoption of**

a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.]

un-hosted short-term rental, seasonal

An additional use of a one-family seasonal dwelling where the owner has vacated the premises during the period of the rental [Effective only upon the Selectboard adoption of a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.]

use

Any purpose for which a structure or tract of land is designated, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation carried on in or intended to be carried on in a building or other structure or on a tract of land

use accessory to permitted use

A structure or use accessory to a permitted use as specified in Article IV

use accessory to special exception

A structure or use accessory to a special exception use as specified in Article IV

use, permitted

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

variance

A departure from the terms of this Ordinance granted by the Zoning Board of Adjustment on appeal in specific cases under the terms of Article II of this Ordinance and applicable statutes of the State of New Hampshire

vehicular sales and repair facility

Enclosed establishment for the display, sale, and repair of new and used motor vehicles, trailers, motorcycles, manufactured housing, and boats, including outdoor display of new and used equipment and excluding the sale of gasoline and oil except as incidental to the repair facility

warehouse

A public or private structure the principal use of which is the storage of goods, wares, and merchandise, whether for the owner or for others

wholesale business

An enterprise that includes warehouse, wholesale establishment, discount house, bulk storage, and/or bulk sales outlet

ARTICLE IV. ESTABLISHMENT OF DISTRICTS AND DISTRICT REQUIREMENTS

401 Establishment of districts

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

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

402 Zoning maps

- A. The districts established in Section 401 are shown on maps on file in the offices of the Town of Hanover, which maps are a part of this Ordinance. These maps include those titled “Hanover, New Hampshire Zoning Map-Town Wide;” “Hanover, New Hampshire Zoning Map-Urban Area;” “Map of “GP” Goose Pond Zoning District;” “Map of West End Neighborhood Overlay District;” “Flood Boundary and Floodway Map,” Town of Hanover, New Hampshire effective July 3, 1978 (includes maps one through four) hereinafter referred to as FBFM, and Flood Insurance Rate Map (FIRM), Town of Hanover, New Hampshire effective July 3, 1978 (includes maps one through four) to be replaced by revisions issued by the Federal Emergency Management Agency and adopted by the Hanover Board of Selectmen. The Town Wide Zoning Map and Urban

Area Zoning Map are amended to the extent that the Flood Plain district applies also to any land located in any other zoning district. For purposes of identification, the signatures of members of the Planning Board on the date of adoption are indicated. Subsequent changes in the ownership of those properties where property lines define district boundaries on these maps does not affect the boundaries of the districts established by this Ordinance.

- B. In addition to the zoning maps showing the districts, the following map is made part of this Ordinance: with regard to the establishment of front line setback lines for properties in the downtown area located in the Downtown District or the Institution District: a map entitled “Downtown Area Setback Line” dated May 14, 2002. For the purposes of identification, the signatures of the members of the Planning Board on the date of adoption are indicated.

403 District boundaries

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

404 District objectives and land use control

404.1 The following sections establish for each zoning district its objectives, the uses permitted and allowed by special exception, and area and dimensional specifications.

404.2 Any use designated as a “permitted use” in a particular district may be commenced in that district pursuant to Section 601 of this Ordinance. Any use designated as a “special exception” in a particular district may be commenced in that district pursuant to Section 602 of this Ordinance.

404.3 Classification of lots in certain districts is pursuant to Section 509. Explanation of lots, classification of lots, dimensional requirements, and application of district regulations are set forth in Article V, General Provisions.

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

405 Zoning districts

405.1 Service, Business, and Limited Manufacturing (BM)

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

B. Uses:

Permitted uses:

1. Agriculture
2. Bank¹
3. Contractor’s yard
4. Governmental use: limited to office, education, public safety, service, cemetery, recreation, parking
5. Light industry
6. Office
7. Outdoor storage
8. Parking facility¹
9. Passenger Station¹
10. Place of assembly
11. Produce stand¹
12. Publishing
13. Research and laboratory
14. Warehouse
15. Wholesale business
16. Use accessory to permitted use

Uses allowed by special exception:

1. Child day care agency
2. Commercial service¹
3. Education
4. Essential service
5. Forestry
6. Ground-mounted solar energy system
7. Hotel¹
8. Medical center¹
9. Park and ride facility¹
10. Restaurant¹
11. Retail sales¹
12. Use accessory to special exception

¹Use is permitted or allowed by special exception only on a lot located wholly or partially within 2000 feet of the right-of-way of Route 120.

C. Area and Dimensions:

- (1) Minimum lot size: 1 acre
- (2) Minimum frontage: 200 feet, with the exception of a lot on the turnaround portion of cul-de-sac, pursuant to Section 503.2
- (3) Minimum front setback: 50 feet
- (4) Side and rear setbacks: For buildings on lots adjoining residential districts the minimum side and rear setbacks adjoining the district is 50 feet. In all other cases there are no side or rear setback requirements.
- (5) Maximum height:
 - a. Within 100 feet of residential district: 35 feet
 - b. Elsewhere in BM district: 50 feet
 - c. Or as specified in Section 505.1

405.2 Downtown (D)

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

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

B. Uses:

D-1 Downtown Center district:

Permitted uses:

1. Accessory dwelling unit, pursuant to Section 702.1
2. Downtown civic
3. Downtown commercial
4. Downtown lodging
5. Downtown residential
6. Use accessory to permitted use

Uses allowed by special exception:

1. Auto service station
2. Child day care agency
3. Drive-in facility, other
4. Essential service
5. Parking facility
6. Passenger station
7. Use accessory to special exception

D-2 Downtown Edge district:

Permitted uses:

1. Accessory dwelling unit, pursuant to Section 702.1
2. Downtown civic
3. Downtown commercial¹
4. Downtown lodging¹
5. Downtown residential
6. Use accessory to permitted use

Uses allowed by special exception:

1. Child day care agency
2. Drive-in facility, other
3. Essential service
4. Parking facility
5. Passenger station
6. Use accessory to special exception

¹Downtown commercial and Downtown lodging and uses accessory thereto are not allowed above the ground floor in any building in this district.

C. Area and Dimensions:

- (1) Minimum lot size: none
- (2) Minimum frontage: 20 feet
- (3) Minimum front setback: the distance established by the line shown on the Downtown Area Setback Line map.

- (4) Side and rear setbacks: for buildings on lots adjoining GR, SR, or RR districts, the minimum side setback adjoining the district is 15 feet; the minimum rear setback adjoining GR, SR, or RR districts is 20 feet. In all other cases there is no side setback or rear setback requirement.
- (5) Maximum building height:
 - D-1: 45 feet
 - D-2: 35 feet
 - Or as specified in Section 505.1
- (6) Maximum gross floor area:
 - D-1: may not exceed the area of the lot expressed in square feet multiplied by a factor of 2.4
 - D-2: may not exceed the area of the lot expressed in square feet multiplied by a factor of 1.5

405.3 Business (B)

A. Objective: The areas for the Retail Business district are designed to provide in selected locations throughout the community, but separate from the Downtown districts, sites for retail sales and services that are needed to serve the community.

B. Uses:

Permitted uses:

1. Bank
2. Child day care agency
3. Commercial service
4. Dwelling unit above the first floor
5. Governmental use: limited to office, public safety, recreation, parking
6. Funeral establishment
7. Hotel
8. Office
9. Place of assembly
10. Publishing
11. Restaurant
12. Retail sales
13. Theater
14. Warehouse
15. Use accessory to permitted use

Uses allowed by special exception:

1. Auto service station
2. Auto storage
3. Drive-in restaurant
4. Essential service
5. Governmental use: limited to service
6. Other drive-in facility
7. Parking facility
8. Passenger station
9. Recreation, outdoor
10. Vehicular sales and repair facility
11. Wholesale business
12. Use accessory to special exception

C. Area and dimensions:

- (1) Minimum lot area: 40,000 square feet
- (2) Minimum lot frontage: 200 feet, with the exception of a lot on the turnaround portion of cul-de-sac, pursuant to Section 503.2
- (3) Minimum front setback: 10 feet
- (4) Minimum side setback: no minimum side setback, except for buildings on lots adjoining residential districts, where the minimum side setback adjoining the residential district is 15 feet
- (5) Minimum rear setback: minimum rear setback is 10 feet, except for buildings on lots adjoining residential districts, where the minimum rear setback adjoining the residential district is 20 feet
- (6) Maximum building height: 35 feet, or as specified in Section 505.1

405.4 Residence and Office (RO)

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

B. Uses:

Permitted uses:

1. One-family dwelling
2. Two-family dwelling
3. Multi-family dwelling
4. Mixed office and one-family, two-family, or multi-family dwelling
5. Accessory dwelling unit, pursuant to section 702.1
6. Affordable senior housing
7. Professional office, pursuant to Section 510.1
8. Use accessory to permitted use

Uses allowed by special exception:

1. Child day care agency
2. Essential service
3. Governmental use limited to: public safety, education, recreation, service
4. Place of assembly
5. Produce stand
6. Recreation, outdoor
7. Residential institution
8. Restaurant containing no more than 100 seats, only if located on a lot any portion of which lies within 100 feet of the street line of Lyme Road
9. Retail sales, only if located on a lot any portion of which lies within 100 feet of Lyme Road
10. Use accessory to special exception

C. Area and Dimensions:

- (1) Minimum lot area: 10,000 square feet for a one-family dwelling unit; with an additional 3,000 square feet for a second dwelling unit; 2,000 square feet for each additional dwelling unit
- (2) Minimum lot frontage: 75 feet
- (3) Minimum front setback: The front setback is 30 feet, except along Lyme Road, where the front setback is 25 feet
- (4) Minimum side setback is 15 feet and the minimum rear setback is 20 feet
- (5) Maximum building height: 35 feet
- (6) Maximum building footprint: 35 percent of total lot area
- (7) Maximum lot coverage: 65 percent of total lot area

405.5 Office and Laboratory (OL)

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

B. Uses:

Permitted uses:

1. Bank
2. Child day care agency
3. Governmental use: limited to office, public safety, recreation
4. Office
5. Place of assembly
6. Planned residential development
7. Publishing
8. Recreation, outdoor
9. Research laboratory
10. Warehouse
11. Use accessory to permitted use

Uses allowed by special exception:

1. Agriculture
2. Commercial service
3. Essential service
4. Forestry
5. Governmental use: limited to education, service
6. Ground-mounted solar energy system
7. Maintenance yard
8. Park and ride facility
9. Parking facility
10. Passenger station
11. Primary and secondary education
12. Restaurant
13. Retail sales
14. Structure associated with outdoor recreation
15. Use accessory to special exception

C. Area and Dimensions (for Class description see Section 509):

- (1) Minimum lot area:
Class 1: 1 acre
Class 2: 60,000 square feet
- (2) Minimum lot frontage, with the exception of a lot on the turnaround portion of cul-de-sac, pursuant to Section 503.2:
Class 1: 150 feet
Class 2: 200 feet
- (3) Minimum front setbacks:
Class 1: 50 feet, except along Lyme Road, where the front setback is 25 feet
Class 2: 50 feet
- (4) Minimum side setbacks:
Class 1: 25 feet
Class 2: 25 feet
- (5) Minimum rear setbacks:
Class 1: 25 feet
Class 2: 30 feet
- (6) Maximum building height:
Class 1: 50 feet, except that the maximum height for any portion of a building within 100 feet of a front property line along Lyme Road is 35 feet.
Class 2: 50 feet; Or as specified in Section 505.1

405.6 Institution (I)

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

B. Uses: all uses in the I district, whether permitted or allowed only by special exception, must relate to the uses of the institution having ownership interest in land in the district.

Permitted uses:

1. Accessory dwelling unit, pursuant to Section 702.1
2. Child day care agency
3. Education
4. Governmental use: limited to office, public safety, education, recreation, parking
5. Hospital
6. Medical center
7. Office
8. Place of assembly
9. Recreation, outdoor
10. Residential institution
11. Warehouse
12. Use accessory to permitted use

Uses allowed by special exception:

1. Auto storage
2. Care and treatment of animals
3. Commercial service
4. Communication/tele-communication facility
5. Essential service
6. Forestry
7. Governmental use: limited to service
8. Ground-mounted solar energy system
9. Hotel
10. Institutional dining facility
11. One-family dwelling
12. Two-family dwelling
13. Multi-family dwelling
14. Park and ride facility
15. Parking facility
16. Passenger station
17. Publishing
18. Research laboratory
19. Restaurant
20. Retail sales
21. Sawmill, temporary
22. Structure associated with outdoor recreation
23. Student residence
24. Use accessory to special exception

C. Area and Dimensions:

- (1) Minimum lot size is 60,000 square feet, and the minimum frontage is 150 feet, except that:
 - a. If the lot is contiguous to other land in the same ownership, there is no minimum lot size or frontage or

- b. Provided the lot size is not less than 15,000 square feet and the footprint of structures constructed or to be constructed on the lot does not cover more than 25 percent of the gross area of the lot, the Zoning Board of Adjustment by special exception may waive the 60,000 square foot minimum lot size and/or the 150 foot minimum frontage.
 - c. Minimum lot size for one-family, two-family, and multi-family dwelling uses is 10,000 square feet for the first family; plus an additional 5,000 square feet for the second family; and an additional 2,000 square feet for each additional family.
 - d. Minimum frontage of a lot on the turnaround portion of cul-de-sac is subject to Section 503.2.
- (2) For buildings on lots adjoining residential districts the minimum side and rear setbacks adjoining the districts shall be 75 feet, except for buildings on lots adjoining GR-2 residential lots abutting New Hampshire Route 10A, where the minimum side setback shall be 10 feet and the minimum rear setback shall be 20 feet. The required front setback is 20 feet. For properties in the Institution district on which a setback line is shown on the Downtown Area Setback Line map, the minimum front setback is the distance established by the line shown on the Downtown Area Setback Line map. In all other cases there is no side or rear setback requirement.
- (3) Maximum building height in the I district is 60 feet, with the following exceptions:
- a. The maximum building height within 150 feet of a residential district other than GR-2 residential district abutting New Hampshire Route 10A, is 35 feet;
 - b. For other height exceptions, see Section 505.1.

405.7 General Residence (GR)

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

B. Uses are permitted only if all area and dimensional requirements in the table below are met.

Permitted uses:

1. Accessory dwelling unit, pursuant to Section 702.1
2. Hosted short-term rental*
3. One-family dwelling
4. Two-family dwelling
PRD, which may include multi-family dwelling, in GR-3 and GR-4 only
5. Senior housing development, in GR-3 and GR-4 only
6. Use accessory to permitted use

Uses allowed by special exception:

1. Child day care agency
2. Convalescent home
3. Nursing home
4. Essential service
5. Forestry
6. Governmental use: limited to public safety, education, recreation, service
7. Multi-family dwelling
8. Parking and ride facility on a lot that fronts on a state-numbered highway
9. Passenger station
10. Place of assembly
11. PRD, in GR-1 and GR-2 only
12. Senior housing development, in GR-1 and GR-2 only
13. Produce stand
14. Recreation, outdoor
15. Residential institution
16. Un-hosted short-term rental*
17. Use accessory to special exception

* Effective only upon the Selectboard adoption of a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.

C. Area and dimensions (for Class description see Section 509):

(1) Minimum lot dimensions:

District and Class		Minimum lot area	Area per additional dwelling unit	Minimum frontage ¹	Minimum front setback	Minimum side setback	Minimum rear setback
GR-1	Class 1	10,000 sf	5,000 sf	80 feet	30 feet ²	15 feet	20 feet
	Class 2	15,000 sf	10,000 sf	125 feet	30 feet ²	15 feet	30 feet
GR-2	Class 1	10,000 sf	3,000 sf for second dwelling unit; 2,000 sf each additional dwelling unit	80 feet	20 feet ²	10 feet	20 feet
GR-3	Class 1	21,780 sf	21,780 sf	80 feet	20 feet	10 feet	20 feet
GR-4	Class 1	5,000 sf	5,000 sf	60 feet	25 feet	15 feet	20 feet

¹For lots on the turnaround portion of cul-de-sacs, see Section 503.2.

²For lots in West End Neighborhood overlay district, see Section 406.2.

- (2) Maximum building height: 35 feet, except that maximum building height for a PRD in GR-4 may be increased to 45 feet subject to the limitations stated in Section 903.2 B(4); or as specified in Section 505.1.
- (3) Maximum building footprint and lot coverage:
 - a. For lots of 30,000 square feet or less, building footprint may not exceed 25% and lot coverage may not exceed 50%.
 - b. For lots of more than 30,000 square feet and GR properties fronting on West Wheelock Street or South Park Street the building footprint may not exceed 35% and lot coverage may not exceed 65%.
- (4) For senior housing development – each assisted living bedroom shall be counted as one dwelling unit for the purposes of determining the minimum lot area and area per additional dwelling unit in (1) above.

405.8 Single Residence (SR)

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

B. Uses:

Permitted uses:

1. Accessory dwelling unit, pursuant to Section 702.1
2. Hosted short-term rental*
3. One-family dwelling
4. Open space subdivision in SR-1 and SR-2 only
5. Use accessory to permitted use

Uses allowed by special exception:

1. Adaptive re-use (SR-2 only)
2. Agriculture
3. Bed and breakfast
4. Child day care agency
5. Essential service
6. Forestry
7. Governmental use: limited to public safety, education, recreation
8. Place of assembly
9. Produce stand
10. Un-hosted short-term rental*
11. Use accessory to special exception

* Effective only upon the Selectboard adoption of a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.

C. Area and Dimensions:

(1) Minimum lot dimensions:

District and Class		Minimum lot area	Minimum frontage ¹	Minimum front setback ²	Minimum side setback	Minimum rear setback
SR-1	Class 1	30,000 sf	130 feet	35 feet	20 feet	50 feet
	Class 2	60,000 sf	200 feet	35 feet	30 feet	75 feet
	Class 3	100,000 sf	300 feet	50 feet	30 feet	75 feet
SR-2	Class 1	15,000 sf	100 feet	35 feet	15 feet	40 feet
	Class 2	20,000 sf	125 feet	35 feet	20 feet	40 feet
SR-3	Class 1	10,000 sf	85 feet	30 feet	15 feet	20 feet

¹For lots on the turnaround portion of cul-de-sacs, see Section 503.2.

²For lots in West End Neighborhood overlay district, see Section 406.2 C (4)

- (2) Maximum building height: 35 feet
- (3) Maximum building footprint: 25 % of total lot area
- (4) Maximum lot coverage: 50 % of total lot area

405.9 Rural Residence (RR)

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

B. Uses:

Permitted uses:

1. Accessory dwelling unit, pursuant to Section 702.1
2. Agriculture
3. Forestry
4. Governmental use: limited to education, recreation
5. Hosted short-term rental*
6. Manufactured house subdivision
7. One-family dwelling
8. Two-family dwelling
9. Open space subdivision
10. Produce stand
11. Recreation, outdoor
12. Use accessory to permitted use

Uses allowed by special exception:

1. Adaptive re-use
2. Agriculture, forestry and environmental research and education
3. Bed and breakfast
4. Care and treatment of animals
5. Child day care agency
6. Essential service
7. Governmental use: limited to public safety, service, cemetery, parking, garbage disposal
8. Ground-mounted solar energy system
9. Manufactured house park
10. Outdoor storage
11. Passenger station
12. Place of assembly
13. Primary and secondary education
14. Removal of natural material
15. Rooming house
16. Sawmill
17. Sawmill, temporary
18. Structure associated with outdoor recreation
19. Un-hosted short-term rental*
20. Use accessory to special exception

* Effective only upon the Selectboard adoption of a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.

C. Area and Dimensions:

	Lot in a minor subdivision	Lot in a major subdivision
(1) Minimum lot area:	3 acres	10 acres
(2) Minimum lot frontage (with the exception of a lot on the turnaround portion of cul-de-sac, pursuant to Section 503.2):	200 feet	400 feet

	Lot in a minor subdivision	Lot in a major subdivision
(3) Minimum front, side, and rear setbacks:	50 feet	50 feet
(4) Maximum building height:	35 feet	35 feet

405.10 Forestry and Recreation (F)

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

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

B. Uses:

Permitted uses:

1. Agriculture
2. Forestry
3. Governmental use: limited to recreation
4. Hosted short-term rental*
5. Parking associated with recreation area
6. Produce stand
7. Recreation, outdoor
8. Sawmill, temporary
9. Un-hosted short-term rental, seasonal*
10. Use accessory to permitted use

Uses allowed by special exception:

1. Agriculture, forestry and environmental research and education
2. Communication/tele-communication facility
3. Essential service
4. Governmental use: limited to public safety, service, garbage disposal, cemetery, parking
5. Ground-mounted solar energy system
6. Removal of natural materials
7. Sawmill
8. Seasonal dwelling
9. Structure associated with outdoor recreation
10. Use accessory to special exception

* Effective only upon the Selectboard adoption of a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.

C. Area and Dimensions:

- (1) Minimum lot area: 50 acres
- (2) Minimum lot frontage: 400 feet, with the exception of a lot on the turnaround portion of cul-de-sac, pursuant to Section 503.
- (3) Minimum front, side, and rear setbacks: 100 feet
- (4) Maximum building height: 30 feet, which may be increased to 40 feet for non-habitable outdoor recreation structures only

D. New roads, public or private, are not permitted in order to avoid the excessive costs of road maintenance, snow removal, and school transportation.

405.11 Natural Preserve (NP)

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

B. Uses:

Permitted uses:

1. Conservation
2. Forestry
3. Pedestrian trails
4. Use accessory to permitted use

Uses allowed by special exception:

1. Essential service
2. Governmental use: limited to recreation, parking (for recreation area)
3. Recreation, outdoor
4. Structure associated with outdoor recreation
5. Use accessory to special exception

C. Area and Dimensions:

- (1) Minimum lot area: 2 acres
- (2) Minimum lot frontage: 300 feet, with the exception of a lot on the turnaround portion of cul-de-sac, pursuant to Section 503.2
- (3) Minimum front, side, and rear setbacks: 50 feet
- (4) Maximum building height: 20 feet

405.12 Goose Pond Zoning District (GP)

A. Objective: The Goose Pond zoning district is established to distinguish the unique neighborhood around Goose Pond from surrounding areas. The Goose Pond district is an area of traditional seasonal summer camps and cottages that surround and front on Goose Pond. The primary land use is seasonal residences whose inhabitants use Goose Pond and the surrounding area recreationally. Therefore, reliable water quality, Class B or better, in Goose Pond is critical to the continued recreational use of the Pond and to the wildlife which lives in and around the pond. The residential use of Goose Pond was established and developed prior to town-wide zoning. Upon adoption of the first town-wide zoning, the Goose Pond area was classified with the Forestry district. The Goose Pond area is sufficiently distinct from the Forestry district with respect to use, building size and configuration, lot size, residential density and proximity to the waterfront of Goose Pond that a new zoning district is appropriate. The geographical boundaries of the Goose Pond district reflect these distinctions.

- (1) The Goose Pond District is fully subdivided and increases in either the density of residences or additional uses are prohibited. District regulations have been established to ensure these restrictions will be enforced.
- (2) Uses permitted in the area are consistent with the dominant seasonal residential use and strong orientation to Goose Pond. Recognizing that residents are concerned with the quiet enjoyment of their property and the pond, commercial uses and other uses that are acceptable in the surrounding Forestry district are not compatible with this concept. Of paramount importance is maintaining the water quality in Goose Pond so that it is safe for swimming and other water based recreational activities and can support a healthy aquatic ecosystem. Therefore, the use of NH DES approved advanced septic technology in lieu of traditional leach fields is encouraged.

B. Uses:

Permitted uses:

- 1. Hosted short-term rental*
- 2. Seasonal dwelling
- 3. Un-hosted short-term rental, seasonal*
- 4. Use accessory to permitted use

Uses allowed by special exception:

- 1. Essential service
- 2. Use accessory to special exception

* Effective only upon the Selectboard adoption of a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.

C. Area and dimension: for waterfront lots:

- (1) Minimum lot area: 21,570 square feet
- (2) Minimum lot frontage, measured along the edge of the right-of-way providing access to the lot: 75 feet
- (3) Minimum front setback: 20 feet
- (4) Minimum side and rear setbacks: 10 feet
- (5) Minimum setback from top of bank: 50 feet

- (6) Maximum building height: 24 feet, measured from the Goose Pond waterfront side of the building
- (7) Maximum aggregate building footprint: may not exceed 5.5 % of the lot area or 1200 square feet, whichever is the smaller number
- (8) Maximum lot coverage: 8%

D. Area and dimension: for lots with no water frontage:

- (1) Minimum lot area: 21,570 square feet
- (2) Minimum lot frontage, measured along the edge of the right-of-way providing access to the lot: 100 feet
- (3) Minimum front setback: 30 feet
- (4) Minimum side and rear setbacks: 10 feet
- (5) Maximum building height: 24 feet
- (6) Maximum aggregate building footprint: may not exceed 5.5 % of the lot area expressed in square feet or 1200 square feet, whichever is the smaller number
- (7) Maximum lot coverage: 8%

E. Other restrictions:

- (1) No new lot may be created in the Goose Pond district, except that lot mergers and boundary line adjustments that do not make a lot more non-conforming are permitted.
- (2) In recognition that many waterfront lots cannot reasonably accommodate development respecting the 75 foot water resource buffer set forth in Section 1103, waterfront lots in the Goose Pond District may be developed as follows:
 - a. Excepting water dependent structures, new structures on waterfront lots must be 50 feet from the top of the bank of Goose Pond.
 - b. On a waterfront lot, any addition to an existing building or replacement structure shall be either:
 - (i) No closer than 50 feet from the edge of Goose Pond; or
 - (ii) Located on the existing footprint; or
 - (iii) Located no closer to Goose Pond than the closest point of the existing building edge that is farthest from and most nearly parallel to Goose Pond.
 - c. In addition to New Hampshire Department of Environmental Services review and approval, all new and replacement septic systems shall also be reviewed pursuant to Section 1102.7.
 - d. No deck or porch may be enclosed unless it is a minimum of 50 feet from the top of the bank of Goose Pond.

406 Overlay districts

406.1 The Flood Plain overlay district is established by and in accordance with Article XI of the Ordinance.

406.2 West End Neighborhood Overlay District

- A.** There is hereby created the West End Neighborhood Overlay district. The boundaries of the West End Neighborhood Overlay district are established on the map entitled “West End Neighborhood,” which is on file in the offices of the Town of Hanover and is hereby made part of this Ordinance. For purposes of identification, the signature of the Director of the Office of Planning and Zoning as of the date of adoption is indicated.
- B.** The West End Neighborhood Overlay District is established to achieve the following objectives:
- (1) To protect the distinctive characteristics of the neighborhood’s character and streetscapes as those of a New England small town, in a manner that is supported by Hanover’s Master Plan;
 - (2) To encourage change and reinvestment within the neighborhood in a manner that reinforces its existing character and streetscapes; and
 - (3) To retain and enhance the pedestrian-friendly nature of neighborhood streetscapes through an emphasis on pedestrian entries, windows facing the street, active living space oriented to the street, and garages and blank walls oriented away from the street, consistent with prevailing patterns in the neighborhood.
- C.** All new construction must conform to the following developmental standards:
- (1) Any garages proposed to be built, relocated or expanded, must be located behind or beneath the principal building or perpendicular to the side of the principal building with vehicular openings not facing the street, or, if located with vehicular openings facing the street, whether attached to or detached from the principal building, be set back at least three feet from the building front line of the principal building. Vehicular openings may be no greater than one-third the overall width of the entire street elevation. For purposes of this section, a lot may have only one building front line and that line is on the side with a pedestrian entrance.
 - (2) Buildings must face the street so that windows and the main pedestrian entrance will be visible from and oriented to the street. Windows and pedestrian doorways must comprise a minimum of 15 percent of the front building walls facing the street excluding the roof but including roof dormers with vertical windows. Fenestration patterns must be designed so as to avoid blank garage walls facing the street.
 - (3) Buildings may not be set back farther from the street than the average set back of the residential properties on the same side of the block.

- (4) The front setback is established by the principal building that exists on the lot as of May 8, 2012. If there is no building on the lot, the front setback is established by the provisions of Section 504.2 front setbacks.
- (5) Unenclosed, unscreened porches with roofs may project eight feet into the required front yard setback, but may be no closer than ten feet to the front property line.

ARTICLE V. GENERAL PROVISIONS

501 Lots

501.1 A lot must be of sufficient size to meet the requirements of this Ordinance for use, coverage, area, setback allowance, and open space and will have frontage on an improved public street or other means of access approved in accordance with New Hampshire statute. Every lot created by subdivision or lot line adjustment must meet the requirements of this Ordinance.

501.2 No lot may be reduced in area, setbacks, frontage, coverage, or any other dimension so that the requirements established for the district or districts in which it is located cannot be met, except when part of the lot is taken for public purpose.

501.3 A lot, including those on the turnaround portion of a cul-de-sac, must be of such a dimension as to permit the placement within the lot of a square box each side of which is equal to the minimum frontage requirement established for the zoning district in which the lot is located.

501.4 A lot that meets the requirements of this Ordinance in effect at the time the lot was created may be used for any use permitted or allowed by special exception in this Ordinance for the zoning district in which the lot is located, subject to any area requirements established by this Ordinance.

501.5 All lots shown on a subdivision plan that has received final plat approval from the Planning Board are separate lots regardless of whether there is separate ownership or common ownership of contiguous lots.

502 Lot area

502.1 The calculation of the size of a lot includes the total horizontal land and waterbody area within the boundaries of a lot, including steep slopes, except as provided below.

- A. For the purpose of calculating density for major subdivisions in the RR district, lot size excludes 100 percent of the area occupied by water bodies, flood plains, wetlands, and any steep slope area. Land subject to two or more overlapping reductions counts as a single exclusion.
- B. For any new subdivision, the calculation of the size of each lot includes lands with non-steep slopes whose total area must be at least 75 percent of the applicable minimum lot area requirement. At least 75 percent of any gross tract area to which a residential density factor is being applied must consist of lands with slopes no steeper than 25 percent. These minimum non-steep areas will be increased if necessary to accommodate areas of sufficient size and configuration for all required utilities such as sewage disposal and water supply; for lots or tracts with on-site septic tank and leach fields, such non-steep areas must include locations for both a primary and secondary leach field.

503 Lot Frontage

503.1 The frontage of a lot is measured along its common boundary with a street line. Minimum lot frontage is measured along a contiguous, uninterrupted boundary line.

503.2 Notwithstanding minimum lot frontages required by this Ordinance, the minimum street frontage required for lots on the turnaround portion of a cul-de-sac in all districts is 80 feet. A lot is considered to be on the turnaround portion of a cul-de-sac if 50 percent or more of the lot frontage is located on the turnaround portion.

503.3 A lot that abuts more than one street must provide the required minimum frontage along every abutting street, except that in the D districts the minimum lot frontage is required on no more than two streets. Any portion of a lot abutting a street is considered a front yard for the purposes of this Ordinance.

504 Setbacks

504.1 Every part of a required setback must be open from grade level to the sky, unobstructed, with the following exceptions:

- A. Ordinary projections of sills, cornices, pilasters, chimneys, and eaves may extend up to two feet into any required setback.
- B. Bus shelters and public utility structures or equipment, including but not limited to water and wastewater treatment and filtration plants and appurtenances that because of function cannot reasonably be located elsewhere may be located wholly or partially within a required setback.
- C. A garage, carport, or any accessory building, whether or not attached to the principal structure, not exceeding 15 feet in height and no part of which is used as a dwelling space, as well as a deck, a patio, an unenclosed and unscreened porch, a swimming pool or tennis court, may be located within the side or rear setback, but not closer than ten feet to the side or rear lot line. This exception does not apply to any lot within the BM, B, D, OL, or I district that adjoins a residential district.

504.2 The following standards govern front setbacks.

- A. Any lot line contiguous to a street is deemed to be a front lot line; a lot fronting on two streets has two front lot lines, two side lot lines, and no rear lot line; a lot fronting on three streets is deemed to have three front lot lines, one side lot line, and no rear lot line.
- B. No building may be built nearer to any street line than the minimum front setback specified in Article IV, with the following exception: where the average front building line setback of the existing buildings, provided there are at least two on the same side of the street in the same block, but not more than 300 feet distant along the street from the subject lot, is less than the depth specified in Article IV, such average setback is the required front setback.
- C. No structure, whether attached to the principal structure or not, whether open or enclosed, and whether above or at previously existing grade level, may project

into a required front setback specified in Article IV, including porches, carports, balconies or platforms, with the following exceptions:

- (1) Driveways;
- (2) Signs;
- (3) The growing and cultivation of trees, shrubs, flowers, and gardens not conducted as gainful business;
- (4) Elements in the D, RO, OL and GR-4 districts, including entrances, awnings, colonnades, porches, balconies, and bay windows, may, provided that such elements:
 - a. Do not project into the front setback along the building's frontage more than 35 percent of that building's frontage,
 - b. Do not intrude upon an existing or future ten-foot sidewalk located within the setback, and
 - c. In the RO, OL and GR-4 districts, protrude no more than five feet into the setback;
- (5) Utility connections that protrude above grade;
- (6) Structures that are entirely below finished grade, or in the case of underground structures that are above- and below-grade, to the underground portion of such structures;
- (7) In the D and I districts, additional elements that project into the required front setback area on properties to which the Downtown Area Setback Map pertains, provided that such elements do not intrude upon an existing or future ten-foot sidewalk located within the setback.
- (8) Produce stands; and
- (9) Unenclosed, unscreened porches with roofs in the West End Neighborhood Overlay district, pursuant to 405.

505 Height standards for buildings and other structures

505.1 The height of any building is the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, not including any parapet less than two feet high, and to the average height between the eaves and the ridge for other types of roofs including the upper slope of gambrel roofs.

A. The maximum building height for a building in the B or D-1 district may be increased to 50 feet by special exception, and the maximum building height for a building in the BM or OL district may be increased to 60 feet by special exception, provided that the following conditions are met and become conditions of the special exception approval.

- (1) Plans for the building have been submitted to the Hanover Fire Department or that town official properly designated for the enforcement of the appropriate construction, fire prevention, and life safety codes at least 15 days in advance of the hearing requesting a special exception. Plans must be furnished in such detail as is necessary to allow the Fire Chief to prepare

comments concerning compliance of the proposed construction with those ordinances related to fire resistant construction and safety.

- (2) No part of the building in excess of any height established for the district is closer than 50 feet to any district boundary other than a common boundary shared by D-1, D-2, or I districts.
 - (3) Appropriate open space is maintained in association with the excepted building. The floor area ratio may not exceed three, and the open space ratio may not be less than four. Of the open space, not more than one-third may be used for walks, drives and parking areas.
 - (4) The proposed building is not located or designed so as to obstruct or materially impair a view or vista of outstanding distinction unless the Zoning Board of Adjustment finds that the intended function of the building, either alone or in relation to other facilities, precludes any change in its proposed design or location that would be more consistent with preserving the view or vista involved.
 - (5) The excess height will not adversely affect unduly, adjacent property owners or the Town by blocking light or air, or by inducing undue traffic congestion on public streets in the vicinity.
 - (6) The building height measured from any face other than the front may not be in excess of 15 feet above the maximum building height allowable in any district under the provisions of this subsection.
 - (7) The special exception sought is otherwise appropriate under any other applicable provisions of this Ordinance.
- B. (1) To allow heights of buildings within 150 feet of a public street in the I district to conform with the site topography, height of the front face of such buildings may not exceed 60 feet as measured for buildings generally. Where such a building is located on land that slopes downward from the street, no other point on the building face may exceed 75 feet as measured from any point of finished grade directly up to the highest point of the roof for flat and mansard roofs, not including any parapet less than two feet high, and to the average height between the eaves and the ridge for other types of roofs including the upper slope of gambrel roofs. Where such a building is located on land that slopes upward from the street, no other point on any building face may exceed 60 feet as measured from any point of finished grade directly up to the highest point of the roof for flat and mansard roofs, not including any parapet less than two feet high, and to the average height between the eaves and the ridge for other types of roofs including the upper slope of gambrel roofs. The exceptions provided in Section 505.2 apply.
- (2) In the Institution zone for buildings not within 150' of a public street and located on a sloping site, uppermost building height on the uphill side of the building shall not exceed sixty (60) feet (as defined under Section 505.1 above).

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

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

The exceptions provided in Section 505.2 apply.

505.2 The height of structures other than buildings is the vertical distance measured from the ground level at the base of the structure to the highest point of the structure, including any antenna on the structure.

- A. Flagpoles may extend no more than 20 feet above the building height limit established for the district.
- B. Chimneys, spires, and lightning rods located on a principal structure may extend above the building height limit established for the district, but may not extend more than 20 feet above the roof of the principal structure.
- C. The total area of all towers, theatrical stage houses, mechanical penthouses or like superstructures not used for human occupancy, located on a principal structure, may not exceed 80 percent of the area of the floor immediately beneath and may not extend more than 20 feet above the building height limit established for the district.
- D. Free-standing chimneys over 15 feet in height are permitted only by special exception.
- E. Radio or TV antennae for private, non-commercial reception may extend above the building height limit established for the district and may be located on the roof of a principal structure, but not be located in the required front, side, or rear setback.
- F. In the D and I zoning districts, building-mounted solar energy systems may extend no more than 20 feet above the building height limit established for the district.
- G. In all districts except the D and I zoning districts, building-mounted solar energy systems may exceed the height limit provided they are not visible from any abutting public way.
- H. In all districts except the D and I zoning districts, ground-mounted solar energy systems may not exceed the maximum building height established for the district.

506 Open space standards

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

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

507 Lots in more than one district

507.1 Where a zoning district boundary line crosses a lot of record at the time such line is adopted, the requirements of this Ordinance for a district apply to that portion of the lot included in that district, except that a less restrictive requirement may be extended not more than 30 feet (100 feet in the RR district) into the portion of the lot under greater restriction, provided that the lot has frontage on a street in the less restrictive district.

507.2 A new lot may be created, whether by subdivision, lot line adjustment or by merger, with land in more than one zoning district provided only that the portions of land in each zoning district within the new lot separately meet the area requirement for that zoning district, as defined in Article IV, in which they reside. This applies only when part of the land used to create a new lot is located in the F, NP or RR district. The land in each district will be used only for those uses permitted, or allowed by Special Exception, for that district.

508 Conservation lot

The designation of a lot as conservation lot must be approved by the Planning Board, which may waive the minimum lot frontage required for the district, provided that the following conditions are met:

- A. The lot has adequate access, either by road frontage or by access deeded in fee or by easement, as approved by the Planning Board.
- B. The lot is protected permanently through the grant of a conservation easement to a governmental agency or a conservation organization approved by the Planning Board in consultation with the Conservation Commission. Such conservation easement will restrict the uses of the lot to silviculture, agriculture, and non-commercial outdoor recreation conducted in accordance with recognized conservation practices and will otherwise be in form and substance satisfactory to the Planning Board in consultation with the Conservation Commission.

509 Classification of lots by water source and sewage system

509.1 Lots in the OL, GR, SR, and BM districts are classified with respect to water supply and sewage disposal as follows:

Class 1	Off-lot water and sewage disposal
Class 2	Off-lot water or sewage disposal
Class 3	On-lot water and sewage disposal

509.2 In considering an application for the construction of one or more dwelling units on a lot in the OL, GR, SR, or BM district, the Zoning Administrator shall first determine the classification of the lot in accordance with this section and:

- A. In an application for a single dwelling unit on a single lot, determine whether the lot satisfies the minimum lot size provision for such lot as set forth in this Ordinance.
- B. In an application for more than one dwelling unit on a single lot, calculate the maximum number of such dwelling units that may be located on the lot in accordance with the requirements set forth in this Ordinance. In all such calculations, the result will be rounded down to the nearest whole number.

510 Building characteristics

510.1 Buildings in the RO district will have and maintain a residential scale and appearance, in keeping with the objective for the district set forth in this Ordinance. The number of dwelling units on each property as of May 11, 2004 may not be reduced as a result of the introduction or expansion of office, professional office, restaurant, or retail sales use on the property. Any dwelling units used to satisfy the requirements of this section must contain at least two bedrooms if any portion of the lot lies within 100 feet of the front property line along Lyme Road.

510.2 In order to promote architectural compatibility with nearby residential properties, buildings located in whole or in part within 100 feet of the front property line along Lyme Road in RO or GR districts must have individual building footprints of not more than 3,000 square feet, and buildings must be multi-story and include two or three habitable floors.

510.3 Buildings located in whole or in part within 100 feet of the front property line along Lyme Road in a B, RO, OL, or GR district must address any guidelines for Lyme Road building characteristics contained in the Hanover Site Plan Regulations.

511 Obstruction of vision

On a corner lot in any zoning district, within the triangle formed by the two front lot lines and a third, straight line joining points on the front lot lines 25 feet from their intersection, there may be no obstruction to vision between the heights of three feet and ten feet above the average grade of each street. By special exception, the Zoning Board of Adjustment may waive this requirement in BM, B, D, OL, and I districts.

512 Screening of service areas and tanks

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

512.2 In the GR and SR districts, any above-ground fuel tank with a capacity of more than 120 gallons must be screened from view from abutting properties.

513 Exterior lighting

Exterior lighting in conjunction with commercial, industrial, institutional, public, semi-public uses, and residential accessory uses such as for swimming pools and tennis courts must be installed and operated in such a way that provisions are made in directing the lighting, screening, or other means in order to protect adjacent residential uses from unreasonable illumination.

514 Noise standards

514.1 Noise beyond the limits set forth in this section are prohibited:

Districts	Maximum permissible A-weighted sound level measured at the adjoining property line	
	By day: 7 a.m. to 7 p.m.	By night: 7 p.m. to 7 a.m.
F, GP, GR, NP, RO, SR, RR	60 decibels	50 decibels
B, BM, D, I, OL	70 decibels	55 decibels

514.2 Measurement of Noise:

- A. Noise level is measured with a sound meter that meets the standards of the American Standards Institute and is set to the A-weighted response scale and the meter to the slow response. Measurements must be conducted in accordance with ANSI S 12.31 and S 12.32 American Standard Meter for the Physical Measurement of Sound.
- B. The slow meter response of the sound-level meter will be used in order to best determine that the amplitude has not exceeded the limiting noise level set forth in Section 514.1.

514.3 The following uses and activities are exempt from the provisions of this section:

- A. Safety signals, warning devices, emergency relief valves, emergency generators, and other emergency equipment when tested for functionality during initial installation or in operation due to an emergency;
- B. Unamplified human voices and crowd noises generated at gatherings open to the public; and
- C. Power tools, including lawn mowers, snow blowers and chain saws, when used for the construction or maintenance of property.

514.4 Safety signals, warning devices, emergency relief valves, emergency generators, and other emergency equipment may be tested for functionality after installation provided such testing takes place during the day as established by this section and the noise produced does not exceed the daytime decibel level established for the district in which the equipment is located.

515 Temporary uses and structures

515.1 The Zoning Administrator may issue a temporary permit for a non-conforming use incidental to a construction project, provided the owner agrees to remove the structure or use upon expiration of the permit. A temporary permit is valid for a period not exceeding one year and may be renewed upon application for an additional period of one year, to a maximum of three years, as long as construction is active.

515.2 Temporary structures and uses incidental to construction projects that have received site plan approval are considered permitted accessory uses on the site and do not require a temporary permit for the period of construction, provided that the extent and location of fencing and the general layout of temporary structures and uses have been shown on a separate sheet of the site plan approved by the Planning Board. Such incidental structures and uses include but are not limited to: construction fencing; construction safety and directional signs; other construction and project signs; construction trailers, vehicles, and equipment; portable toilets and lavatories; and lumber, metal, drywall, cement, fittings, forms and other construction materials.

515.3 The Zoning Administrator may issue a temporary permit, for a period not exceeding 18 months, to allow the use of a temporary access structure such as a handicap ramp to enable a disabled individual to more easily and safely enter and exit a residence. A temporary permit for disabled access is terminated when the disabled individual no longer has need to enter and exit the residence or when the owner is granted a variance to accommodate disabilities by the Zoning Board of Adjustment. A temporary access structure requires the issuance of a building permit and must meet all building code regulations.

516 Abandonment of structures

516.1 Within six months after work on an excavation for a structure has begun, any remaining excavation must be covered by approved construction or filled to normal grade by the owner.

516.2 Within six months after a permanent or temporary structure has been destroyed, demolished, or abandoned, all structural materials must be removed from the site, and the excavation thus remaining must be covered over by approved construction or filled to the normal grade by the owner.

516.3 No structure in process of completion or demolition and no ruins from fire or similar destructive cause may be abandoned in a disorderly or hazardous state. Such structure will be considered to have been abandoned when:

- A. Initiated work has been discontinued with the owner's consent for 30 or more consecutive days or for more than 30 days out of 60 days, or
- B. Work to remedy the improper condition has not been initiated within 90 days after the destructive event.

516.4 Abandoned excavations with slopes exceeding one horizontal to two vertical must be protected by a fence at least four feet in height.

517 Removal of natural material

517.1 In any district, the removal of soil, sand, gravel, or ledge for sale, except when incidental to construction of a building on the same lot, is permitted only when a plan for the rehabilitation of the site has been approved as a special exception by the Zoning Board of Adjustment, which may attach such additional conditions to its approval as it may find necessary for the safety and general welfare of the public. The following provisions apply:

- A. Before approval of any new or extension to a sand or gravel operation, the Zoning Board of Adjustment shall require the owner to file a performance bond with sufficient security satisfactory to the Town Manager, in an amount equivalent to ensure that upon completion of the extraction operation the site will be left in a safe, attractive, and useful condition. The owner shall submit a plan of proposed restoration to accomplish this end. The Zoning Board of Adjustment may waive the bond except in an amount equivalent to 25 percent of the full cost of the required restoration, only after the owner has presented financial statements and other information deemed necessary by the Zoning Board of Adjustment to determine the ability of the owner to satisfactorily comply with the provisions of this Ordinance. The full cost of the restoration will be in an amount determined by the Zoning Board of Adjustment. The bond will be approved as to form by town legal counsel. The condition of the bond will be to guarantee the satisfactory completion of the restoration plan approved by the Zoning Board of Adjustment.
- B. The removal of all material will be conducted so as not to result in damage to the land, giving due regard to the contours in the vicinity, such as leveling slopes and removing hills. The digging or creating of pits or steep slopes, except for exposed ledge, is not permitted, unless provision is made to refill any such pit.
- C. The excavation operation sites will be graded smooth and left in a neat condition. Except for exposed ledge, unvegetative cut slopes and spoil banks may not remain. The operation site must be fertilized, mulched, and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Town Manager.
- D. All surface drainage affected by excavation operations will be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street, or private property. All provisions to control natural drainage water must be approved by the Town Manager.
- E. No excavation or blasting may take place within 200 feet of any street or other property line.

517.2 No power-activated sorting machinery or equipment may be located within 300 feet of any street or other property line, and all such machinery must be equipped with satisfactory dust elimination devices.

517.3 All excavation slopes in excess of one horizontal to one vertical must be adequately fenced as determined by the Town Manager.

517.4 Extension of an existing non-conforming operation is not permitted.

517.5 Stripping of topsoil for sale or for use on other lots, except as may be incidental to a construction project, is prohibited.

518 Redacted

519 Rentals

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

519.2 A non-owner-occupied dwelling unit may be rented as a residence for an unrelated family limited to three persons or a related family. No tenant may rent any space to additional roomers.

519.3 Rooms without separate cooking facilities may be rented in any owner occupied dwelling unit to not more than three non-transient persons. Rooms may not be rented in non-owner-occupied dwelling units. Off-street parking adequate for occupants of the rented rooms must be provided pursuant to Article X.

519.4 Short-term rental is subject to the following provisions:

- A. The use of rooms without separate cooking facilities in a one-family dwelling unit for hosted short-term rental to transient guests is permitted.
- B. The use of a one-family dwelling unit for un-hosted short-term rental to not more than three unrelated transient guests is permitted. Un-hosted short-term rental is not permitted in an accessory dwelling unit.
- C. Short-term rentals, hosted and un-hosted, are permitted for a total of 90 days in any calendar year, except that un-hosted rentals may not exceed 30 days within the 90 days permitted.
- D. Short-term rentals, hosted or un-hosted, are permitted only in a dwelling that is the principal residence of its owner. Short-term rentals, hosted or un-hosted, are not permitted in investor-owned dwellings.
- E. Seasonal short-term rental to transient guests is permitted only in seasonal dwellings and for not more than 182 days in any calendar year.
- F. All short-term and seasonal short-term rental uses must be duly registered by the Town.
- G. Off-street parking must be provided in accordance with Article X.

[Section 519.4 shall become effective only upon the Selectboard adoption of a rental housing ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.]

520 Affordable housing

520.1 A major subdivision, open space subdivision, multi-family residential development, senior housing development or planned residential development may

include, as a density bonus, more than the number of lots or dwelling units allowed by this Ordinance when a portion of those lots or units is permanently affordable.

- A. The density bonus, or increase in the number of additional lots or dwelling units, may not be greater than 20 percent of the number of lots or dwelling units otherwise allowed by this Ordinance.
- B. The word “lot” in this section includes any subsequent development of a lot so that the lot and all fixed improvements on the lot comply with the applicable affordability standards set forth below.
- C. The calculation of the number of additional lots or units allowed is:
 - (1) For each two lots or units designated affordable at the 120 percent median family income (MFI) level, the developer will be entitled to one additional lot or unit with no affordability restrictions.
 - (2) For each lot or unit designated affordable at the 80 percent MFI level, the developer will be entitled to one additional lot or unit with no affordability restrictions.
 - (3) For each lot or unit designated affordable at the 50 percent MFI level, the developer will be entitled to two additional lots or units with no affordability restrictions.
 - (4) In cases where the above calculation results in a number of additional lots or dwelling units that is a fraction, the number will be rounded down to the nearest lesser integer.
- D. The minimum area and frontage of each lot may be reduced from those areas and lengths specified in this Ordinance in direct proportion, not to exceed 20 percent, to the increase in the number of lots permitted in a major or open space subdivision as allowed by this section.
- E. All lot dimensional requirements for front, side, and rear setbacks and building height and all parking space allowance requirements are as required by this Ordinance.
- F. An affordable senior housing development must comply with the design requirements of the Architectural Barrier-free Design Code for the State of New Hampshire, as amended, and must be licensed as may be required by appropriate state agencies.

520.2 Sections 520.1 A and 604 notwithstanding, in the RO district, affordable senior housing may be developed using a density bonus to increase the number of affordable senior housing units and may have more than one principal building on a single lot. The additional number of units may not be greater than 50 percent of the number of dwelling units otherwise allowed by this Ordinance. A development using this density bonus must reserve a minimum of 50 percent of their affordable units for low- and/or very-low-income households as defined by the USHUD.

520.3 Each lot or dwelling unit designated as affordable in the major subdivision, open space subdivision, multi-family residential development, or planned residential development must remain affordable in perpetuity.

- A. There will be a limitation of the resale price of the affordable lot or unit, and, in every transfer of the lot's or unit's ownership, a restriction of its resale to an income eligible-buyer, by means of a deed covenant or other suitable method specified in a legally enforceable document, applicable to the development and to each affordable lot or dwelling unit found by the Planning Board with the advice of the Hanover Affordable Housing Commission to be appropriate and effective for ensuring such perpetual affordability. In approving such lots or dwelling units, the Planning Board may specify that the applicant provide the means and methods sufficient, in the Planning Board's sole judgment, to guarantee continued affordability throughout the duration of the development.
- B. Such deed covenant or other legally enforceable document will specify that the Town of Hanover has legal right on its own volition, or through its duly designated agent, to monitor and ensure the continuing validity of such covenant or document and to renew or cause renewal of such covenant or document for the purpose of extending indefinitely and for as many times as necessary the continuing affordability of lots or dwelling units as originally approved by the Planning Board.
- C. Notwithstanding the above, the Town of Hanover agrees to subordinate its deed covenant or other legally enforceable document provided for in Section 520.3.A and B above to any and all agreements and documents from USHUD, the New Hampshire Housing Finance Authority or the US Department of Agriculture Rural Development, so long as said entities' agreements impose affordability requirements that are reasonably similar in scope to those proposed by the Town of Hanover.

520.4 For any developments claiming lots or additional units on the basis of affordability, the Hanover Affordable Housing Commission will assess the proposed affordability calculations and the proposed method of perpetual affordability conveyance and will provide the results of this assessment to the Planning Board prior to the submission by the developer to the Planning Board for approval of a development application.

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

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

521 Impact fees

521.1 The Planning Board may, as a condition of approval of any site plan or subdivision and when consistent with applicable Hanover regulations, require an applicant to pay an impact fee for the applicant's fair share of off-site improvements to public facilities

affected by the development. Nothing in this section may be construed to limit the authority of the Planning Board to:

- A. Disapprove proposed development that is scattered and premature, would require an excessive expenditure of public funds, or would otherwise violate applicable ordinances and regulations;
- B. Require off-site work to be performed by the applicant, in lieu of or in addition to paying an impact fee; or
- C. Impose other types of conditions of approval.

Nothing in this section may be construed to affect types of fees governed by other statutes, Town ordinances or regulations.

521.2 The Planning Board shall calculate the amount of any impact fee to be a proportional share of municipal capital improvement costs that is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. Impact fees may not be used for the upgrading of existing facilities and infrastructures, the need for which is not created by new development.

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

521.4 An impact fee imposed under this section will be assessed prior to, or as a condition of, final subdivision or site plan approval, and will be collected prior to the issuance of any building permit or at such other time as specified by the Planning Board in its decision. In the interim between assessment and collection, the Planning Board may require a developer to provide a bond, letter of credit, or other suitable security so as to guarantee future payment of assessed impact fee.

521.5 Any portion of an impact fee that has not become encumbered or otherwise legally bound to be spent for the purpose for which it was collected will be refunded with any accrued interest:

- A. When a subdivision or site plan approval expires under the respective rules of the Planning Board or under the terms of a decision without having become vested under RSA 674:39, and without any extension having been granted by the Planning Board;
- B. When an approval is revoked under RSA 674:4-a; or
- C. Six years after its collection or, if any extension of approval is requested by the applicant and granted by the Planning Board, six years after such extension is granted.

521.6 The assessment of any impact fee by the Planning Board under the authority of this Ordinance cannot be appealed to the Zoning Board of Adjustment, but may be appealed only to the Superior Court as provided by RSA 677:15, in the same manner as any other Planning Board decision concerning a subdivision or site plan. Notwithstanding Article II of this Ordinance, the Zoning Board of Adjustment does not have authority to hear appeals of, or grant variances from, such an assessment.

522 Aircraft landings and take-offs

In accordance with New Hampshire Statutes, RSA 424:5, landings and take-offs of aircraft and facilities to accommodate them are prohibited and are not deemed to be an accessory use to another principal use. This prohibition does not apply to landings and take-offs of aircraft responding to an emergency call or situation.

523 Agriculture

523.1 No manure may be piled or stored within 100 feet of any highway or within 300 feet of any neighboring residence for more than 14 days.

523.2 Enclosures for the keeping of pigs or poultry may not be established within 50 feet of any highway or within 150 feet of any property line of a lot not used for the same purpose.

524 Development in and near cemeteries

Construction, excavation or building within a known burial site or cemetery or within 25 feet of the boundary of a known burial site or cemetery may be permitted by the Zoning Administrator, provided that:

- A. The proposal complies with all relevant requirements of this Ordinance.
- B. The Zoning Administrator has determined that the proposed construction, excavation, or building will not:
 - (1) disturb a grave, burial site or deeded lot;
 - (2) render a burial site or deeded lot inaccessible;
 - (3) adversely affect Town services and facilities;
 - (4) adversely affect the character of the area where the proposed construction, excavation, or building is located; and
 - (5) adversely affect the highways and sidewalks located in the area and the use thereof.
- C. The Hanover Director of Public Works and the Hanover Board of Selectmen have each set forth in writing their determination that he proposed construction, excavation, or building will not endanger public health and safety.

ARTICLE VI. PRINCIPAL USES

601 Permitted uses

Permitted uses are only those uses that are expressly listed as permitted uses for a given zoning district in Article IV of this Ordinance and are allowed only when the standards established by this Ordinance are met. Unless a variance, special exception, or action on an appeal from an administrative decision is required, the Zoning Administrator may issue a zoning permit for a permitted use.

602 Special exceptions

Uses of land and structures designated by this Ordinance as allowable only by special exception must be approved by the Zoning Board of Adjustment, in accordance with standards and procedures set forth in Article II of this Ordinance, prior to the issuance of a zoning permit.

603 Application of Zoning Ordinance

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

604 Principal buildings and uses

Except in the I, BM, OL, D, and B districts, there may be only one principal building and one principal use on a lot unless otherwise approved under the provisions of the Ordinance for self-contained residential developments or adaptive re-use.

605 Governmental uses

605.1 The state, county, town, or school district must give written notification as set forth in RSA 674:54 to the Board of Selectmen and the Planning Board of any proposed governmental use of property within its jurisdiction that constitutes a substantial change in use or a substantial new use. The Planning Board shall conduct a public hearing relative to the proposed governmental use. In the case of a governmental use proposed by the Town of Hanover or the Hanover or Dresden School Districts, if the relevant Town or School Meeting, Board of Selectmen, or School Board determines as a matter of policy that such use is subject to the same land use procedures as comparable private uses, then this section shall not apply, and the provisions of this Ordinance pertaining to non-governmental uses will instead be utilized.

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

605.3 This section does not apply to:

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

606 Adaptive re-use

606.1 The purpose of adaptive re-use as a principal use by special exception is to allow for the continued viability of Hanover’s historic barns and other agricultural outbuildings that have outlived their original function but contribute to the historic, architectural, or cultural fabric of rural Hanover. Accordingly, an alternative use may be allowed within the current dimensions of a historic barn, subject to review and approval by the Zoning Board of Adjustment as a special exception as provided by this section.

606.2 Barns and other agricultural outbuildings eligible for adaptive re-use are limited to those that:

- A. Are currently located in Hanover;
- B. Are buildings of which a substantial portion was built before January 1, 1955;
- C. Are located on the same lot as they were situated as of the date of the adoption of this section, but not necessarily at the same location on the lot;
- D. Have a minimum footprint of 1,000 square feet; and
- E. Have historical or architectural significance to the Town, as determined by the Zoning Administrator by application of the following criteria:
 - (1) The building possesses integrity of location, design, materials, or workmanship and
 - (2) The building is associated with events that have made a significant contribution to our history or
 - (3) The building is associated with the lives of person(s) significant in our past or
 - (4) The building embodies the distinctive characteristics of type, period, method of construction or material culture, or possesses high artistic value or
 - (5) The building has yielded important historical information.

606.3 The applicant shall provide information regarding the structure’s historic or architectural significance, structural integrity, and relation to town agricultural history.

606.4 Structures determined to be appropriate for adaptive re-use may be put to one or more of the following uses in any zoning district where adaptive re-use is allowed as long as such re-use is permitted or approved as special exception:

- A. Any use permitted or allowed by special exception within the district in which the structure is located;
- B. Two-family dwelling, with a maximum of two units, each of which comprises at least 800 square feet;
- C. Education; and
- D. Home occupation.

606.5 In approving an adaptive re-use for one of the uses listed above, the Zoning Board of Adjustment shall ensure that:

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

607 Communication/telecommunications facilities

607.1 Communication/telecommunications facilities are any structure, antenna, tower, or other device that provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR) and personal communications service (PCS), and common carrier wireless exchange access services. Also included are radio, television, or other structures for broadcasting or re-broadcasting purposes. Communication/telecommunications facilities may not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in this Ordinance. Siting for communications/ telecommunications facilities is a use of land.

607.2 Communications/telecommunications facilities may be located only in the I and F districts and are subject to the maximum height limitations established for each of those districts. Notwithstanding those limitations, in the I and F districts an antenna may be mounted on or in an existing structure that is higher than the height limits, provided that the height of the structure is not further raised in order to accommodate such antenna.

607.3 In considering an application for a new freestanding ground-mounted facility for special exception, the Zoning Board of Adjustment shall consider:

- A. Whether every reasonable effort has been made to locate an antenna on or in an existing structure or tower and
- B. Whether the visual impact of the facility has been minimized, including avoiding the necessity of lighting, with particular attention to the viewshed containing the facility, the potential that the facility will visually dominate any viewshed in the Town, and the adverse impact on view from the Appalachian Trail corridor. The applicant shall demonstrate visual impact of the proposed facility by using a crane test or a balloon test as directed and witnessed by the Board, said test to be open and made known to the public.

607.4 An applicant proposing a communications/telecommunications facility shall notify other towns and cities within 20 miles of the site and the Appalachian Trail Conference of the proposal; these parties may contribute comments which may be referenced by the Zoning Board of Adjustment in its decision.

607.5 All towers must be permitted by the Federal Aviation Administration, the Federal Communication Commission, and any other agency of the federal or state government with the authority to regulate towers and antennas.

607.6 The following requirements shall supersede any and all other applicable standards found elsewhere in Town ordinances or regulations that are less strict:

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

- C. Towers shall be enclosed by security fencing and shall also be equipped with an appropriate anti-climbing device.
- D. Any tower or other structure supporting an antenna shall blend visually into the surrounding environment through the suitable and effective use of color, materials, camouflaging, and architectural treatment. The base of such tower or structure shall be concealed or screened by landscaping material or other suitable means.
- E. The Board may obtain an independent third-party expert, at the applicant's expense, such as a radio frequency engineer, to question and evaluate the proposal, including an evaluation of all technical issues involved with the proposal and all assertions and representations made by the applicant.

607.7 In January of each year following the granting of a special exception for the proposed facility, the owner of the facility shall notify the Zoning Administrator of the continued operation of the facility and certify that such operation is safe and in accordance with all applicable FCC standards. Such notification must also include proof of adequate insurance covering accident or damage.

607.8 Prior to obtaining a zoning permit for a facility, the applicant or owner shall provide to the Town a bond or acceptable other surety equal to the cost of removal and disposal of the facility, in a form consistent with the provisions of the Town of Hanover Subdivision Regulations.

607.9 Any antenna or tower for which annual notification as specified above is not provided or which is not operated for a continuous period of 12 months is considered to have been abandoned and hazardous to the public health and safety. The owner must remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Town notifying the owner of such abandonment. A declaration of abandonment may be issued only following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

608 Manufactured housing

608.1 It is unlawful for any person to place a manufactured house on any public or private property, except:

- A. In an approved manufactured housing park or an approved manufactured housing subdivision and in accordance with this Ordinance or
- B. In accordance with NH Statute, in the event of the destruction by fire or other disaster of an owner occupied residence, on the lot of such residence for occupation by the owner for a period of twelve months from the placement of the manufactured house or the issuance of a certificate of occupancy, whichever first occurs.

608.2 Manufactured housing parks must meet the following standards:

A. A manufactured housing park may occupy an area of not less than ten acres and must provide:

- (1) Individual manufactured housing spaces, private street, driveways, parking and recreation area and other open space as required by Hanover Subdivision Regulations;
- (2) Two parking spaces with 12 inches depth of compacted gravel, at least eight feet wide by 18 feet long, for each manufactured housing space, at least one of which is located on the manufactured housing space;
- (3) A suitable non-porous pad for each manufactured house that allows placement of the manufactured house on a structural carrier designed for that purpose in accordance with NH Statute;
- (4) Private streets within the manufactured housing park that have a right-of-way at least 50 feet in width and have a surface treated gravel surface at least 24 feet in width and 12 inches in depth of compacted gravel;
- (5) All-weather walkways;
- (6) That no manufactured house, office, or service building is closer to a public street right of way line than 80 feet, nor closer to a property line than 50 feet;
- (7) A strip of land maintained as a landscaped area at least 25 feet in width abutting all manufactured housing park property lines except that the strip of landscaped land adjacent to a residential use must be at least 50 feet in width;
- (8) Storage and disposal of household garbage and rubbish;
- (9) A 220 volt electrical source supplying, whichever is greater, at least 100 amperes or not less than that required by the National Electrical Code by underground electrical utility installation;
- (10) A centralized water system with adequately sized lines to provide safe and potable water for domestic use that meet all local and state regulations in regard to installation and operation and, if the system is not gravity fed, elevated storage with a minimum capacity of 500 gallons per manufactured housing space; and
- (11) A centralized sanitary sewage collection and treatment system, the installation, operation, and maintenance of which meets all local and state laws and regulations.
- (12) Provide a recreation area and other open space in accordance with the provisions of the Subdivision Regulations of the Town of Hanover.

B. Each manufactured housing space must:

- (1) Be at least 7,200 square feet in area;
- (2) Front on a manufactured housing park street;
- (3) Observe minimum setbacks of 20 feet for front and rear setbacks and 15 feet for each side setback;
- (4) Be supplied with attachments for water supply and sewage disposal; and
- (5) Be supplied with a weather-proof outlet for electric service.

- C. No additions may be made to a manufactured house except for a canopy and/or porch open on three sides or an addition made by a manufactured housing or accessory manufacturer.
- D. Prior to issuance of a zoning permit for a manufactured housing park, the operator shall provide the Zoning Administrator with copies of approval of the design and plans for the water and sewer systems from appropriate state and local agencies.

609 Maintenance yard

609.1 Maintenance yards may be located only on a lot not less than ten acres in size.

609.2 Maintenance yards must be located at least 200 feet from any public way, residentially used property, or any property in a GR, SR or RR zoning district in existence at the time such maintenance yard is established or expanded.

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

610 Auto service stations

610.1 The Zoning Board of Adjustment may approve an auto service station as a special exception provided that there is demonstrated need for an additional auto service station or that a proposed auto service station will replace a presently operating auto service station that will permanently cease its present use upon the opening of the new station and that the closed station will be remodeled for its new use.

610.2 An auto service station lot may not be located within 300 feet of any lot occupied by a school, hospital, library, or religious institution.

610.3 An auto service station is subject to the following requirements:

- A. Lot size must be at least 20,000 square feet, lot frontage must be at least 150 feet, and lot depth must be at least 125 feet.
- B. Outdoor pumps, lubricating, and other service devices must be located at least 30 feet from the front lot line and side and rear lot lines.
- C. All fuel and oil must be stored at least 15 feet from any property line and 35 feet from any existing building on an adjoining lot.
- D. All automobile parts and dismantled vehicles must be stored within a building, and no repair work may be performed outside a building.
- E. There may be only two public access driveways from the street. The maximum width of each driveway is 40 feet. The location of the driveway must comply with 704.
- F. A suitably curbed, landscaped area must be maintained at least five feet in depth along all street frontage not used as driveway.

- G. In the D district all washing, lubrication, and servicing must be conducted in a building sufficiently insulated to confine objectionable noise, flashing lights, fumes, and odors.

611 Sawmill operations

611.1 A sawmill may not be located within 200 feet of any property line. Any outdoor storage associated with a sawmill may not be located within the required front setback or within 50 feet of any property line.

611.2 A temporary sawmill may not be operated within 50 feet of any highway or for more than 14 days of any calendar year within 300 feet of any residence. The operation of a temporary sawmill may be limited as to hours of operation and duration of use.

612 Agriculture, forestry, and environmental research and education

612.1 Research and educational activities for all age levels on topics relating to agriculture, forestry, or the environment may be conducted in the outdoors or inside a building.

612.2 New buildings specifically constructed to house activities associated with agricultural, forestry, or environmental research and education activities may only be located on lots having frontage on a numbered State Highway. All area and dimensional requirements shall be as specified in the underlying zoning district.

ARTICLE VII. ACCESSORY USES

701 Accessory uses

701.1 Accessory uses include but need not be limited to those uses listed in this Article.

701.2 In the RO, GR and SR districts, the gross floor area of all buildings devoted to accessory uses on any lot may not exceed 25 percent of the gross floor area of the principal building on that lot, excepting garages pursuant to Section 705.

701.3 No accessory structure or use may occupy any part of a required front setback, with the exception of driveways; produce stands; the growing and cultivation of trees, shrubs, flowers, or gardens not conducted as a gainful business; and as allowed by Sections 504.2, 504.1, and 715.2.

701.4 No accessory building or use is permitted in the NP, F, RR, SR, GR, GP, or I district that involves the maintenance of stock in trade exposed to public view or the use of show windows, displays or advertising visible outside the premises to attract customers or clients, with the exception of professional announcement signs. In the I district this restriction does not apply when such displays are visible only from the I or D districts.

701.5 Accessory structures must conform to all applicable dimensional requirements set forth in this Ordinance.

702 Accessory dwelling unit

702.1 Accessory dwelling units are allowed in certain situations to:

- A. Create new housing units while respecting the look and scale of one-family dwelling development;
- B. Support more efficient use of existing housing stock and infrastructure; and
- C. Increase the housing stock responding to changing family needs, smaller households, and moderately priced housing options.

702.2 An accessory dwelling unit is allowed as a permitted use in the D, RO, I, GR, SR and RR districts after a zoning permit is issued by the Zoning Administrator confirming compliance with all of the following criteria:

- A. An accessory dwelling unit may be located on a lot only if
 - (1) one of the units on the lot is owner-occupied, and
 - (2) the principal structure on the lot is a one-family dwelling.
- B. A lot may contain only one accessory dwelling unit, and the accessory dwelling unit must be subsidiary to the principal dwelling unit on the lot.
- C. An accessory dwelling unit
 - (1) May have not more than two bedrooms,

- (2) Must have a gross floor area of not less than 350 square feet and not more than 1000 square feet, and
 - (3) Must meet all applicable building and sanitation codes.
- D. An accessory dwelling unit is not to be considered an additional dwelling unit for the purposes of determining minimum lot size.
- E. Parking adequate for the accessory dwelling unit must be provided on site pursuant to Article X.
- F. All attached accessory dwelling units must be designed as follows:
- (1) Only one entrance may be located on the side(s) of the principal dwelling facing the street(s), unless the principal dwelling contained additional entrances before the accessory dwelling unit was created.
 - (2) Fire escapes or exterior stairs for access to an upper-level accessory dwelling unit must not be located on a side(s) of the principal dwelling facing a street(s).
 - (3) Exterior finish materials, roof pitch, windows, and eaves must maintain the aesthetic continuity of the principal dwelling.
- G. A detached accessory dwelling unit must meet the following additional requirements:
- (1) The maximum height allowed is the lesser of 25 feet or the height of the principal dwelling.
 - (2) For conversion of an existing accessory structure,
 - a. the accessory structure must conform to all setback requirements for residential uses,
 - b. the detached accessory structure must be existing as of May 9, 2017,
 - c. fire escapes or exterior stairs for access to an upper-level accessory dwelling unit must not be located on a side(s) of the accessory structure facing a street(s), and
 - d. the exterior finish materials, roof pitch, windows, and eaves must maintain the aesthetic continuity of the existing accessory structure or the principal dwelling.
 - (3) For new construction,
 - e. Only one entrance may be located on the side(s) facing the street(s). Fire escapes or exterior stairs for access to an upper-level accessory dwelling unit must not be located on the side(s) of the accessory dwelling unit facing the street(s).
 - f. Any accessory dwelling unit must be set back at least three feet from the building front line of the principal building.
 - g. The exterior finish materials, roof pitch, windows, and eaves must maintain the aesthetic continuity of the principal dwelling.

703 Home occupation

A gainful activity may be conducted as a home occupation as a permitted accessory use on residential property without a permit if such activity:

- A. Is incidental or subordinate to the residential use of the property;

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

704 Driveways

704.1 No restrictions on the number or size of driveways apply in the B, D, I, BM, or OL districts. In all other districts, the following restrictions apply.

- A. A lot may contain one driveway that leads from the access road to an enclosed garage or covered carport or parking area.
- B. A driveway may not be more than 14 feet wide, except where additional width is necessary to provide an adequate turning radius or where it is necessary for vehicles to enter or leave a garage or enclosed carport the vehicle opening of which is more than 14 feet wide. In such cases a driveway may be the width of the vehicle opening of the garage or enclosed carport and extend from the front of this opening towards the front lot line a maximum distance of 30 feet.

704.2 A shared driveway is a single roadbed through a required front setback. The portion of an approved shared driveway serving an adjoining lot is not a second driveway and does not require a special exception.

704.3 All driveways must be located at least 75 feet from a street line intersection for all uses except for one-family and two-family dwellings and uses in the D districts.

704.4 The Zoning Board of Adjustment may approve a special exception for the following driveway uses as follows:

- A. The following uses may be approved as special exception:
 - (1) Where a lot has frontage on more than one street and where such streets do not intersect each other, or on a corner lot in the RR or F districts, one driveway per frontage, provided that the driveways on the lot do not connect or otherwise provide vehicular access between streets;
 - (2) One or more additional driveway providing access to one or more portions of a lot not accessible by the driveway serving the principal use on the lot; and
 - (3) A portion of a driveway that exceeds the width limitation of permitted accessory use.
- B. In considering a request for a special exception under this section, in addition to the criteria of Section 207, the Zoning Board of Adjustment shall find that the following standards are satisfied:
 - (1) Notwithstanding Section 1004.5 no vehicles may be parked within the front setback of any driveway subject to a special exception;
 - (2) The additional curb cut or extra width does not adversely affect the movement of vehicles or pedestrians using the streets and sidewalks in the area;
 - (3) The additional curb cut or extra width does not adversely affect the parking of vehicles along the streets in the area; and
 - (4) The use does not present a hazard to vehicles or pedestrians using the streets and sidewalks in the area.

705 Garages and parking

705.1 A garage for occupants and visitors is permitted as an accessory use in all districts. Parking space is permitted as an accessory use in accordance with Article X, Off- Street Parking.

705.2 No accessory garage may occupy more than ten percent of the lot area, except that in a D district there is no restriction on the percentage of the lot area that may be occupied by an accessory garage structure.

705.3 In the RO, GR, and SR districts, 600 square feet of space is allowed for a garage in addition to the allowance of 25 percent of the gross floor area of the principal building, whether or not the garage structure is attached to the principal building on the lot.

706 Off-street loading

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

707 Gardens and animals

707.1 Soil cultivation, crop harvesting, and the raising or keeping household animals not for gainful business are permitted as accessory uses in residential districts.

707.2 The keeping of poultry, horses, or other domestic animals whether or not for gainful business is permitted as an accessory use in the F and RR districts.

707.3 The keeping of poultry, horses, or other non-household animals not for gainful business is permitted as an accessory use by special exception in the SR, GR and I districts.

708 Bed and breakfast

708.1 The use of an owner-occupied dwelling as bed and breakfast may be approved as accessory use by special exception.

708.2 A bed and breakfast is subject to the following limitations:

- A. The minimum lot size is three acres.
- B. The maximum number of transient guests is one guest per 0.375 acre, not to exceed 16 persons.
- C. The maximum number of bedrooms is one-half the maximum number of transient guests.

709 Institution

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

710 Residential use in B district

One-family residential use is allowed as an accessory use only in the B district and only when such residential use is incident to and concurrent with a permitted use.

711 Construction trailer

A construction mobile home or construction trailer is allowed as an accessory use in any district only when it is used in conjunction with a construction project on the same site and only when such mobile home or trailer is not used for living, sleeping, or housekeeping purposes.

712 Outdoor recreation

712.1 Buildings and structures accessory to outdoor residential recreational activities that are accessory to residential uses, including, but not limited to tennis courts, and

swimming pools, are permitted as accessory uses and are subject to the dimensional requirements set forth in the Ordinance.

712.2 Buildings and structures accessory to outdoor recreational activities other than those associated with a residence or residences shall be treated as a Special Exception, and are subject to the dimensional requirements set forth in the Ordinance.

713 Fences

Notwithstanding Section 505, fences up to four feet high are allowed as an accessory use within required setback areas subject to requirements set forth in Section 511. Fences over four feet high may be allowed within required setbacks by special exception.

714 Satellite dish antenna

Satellite dish antenna systems for private, non-commercial reception are permitted as accessory uses in residential districts provided the front, side, and rear setback requirements set forth in Section 504 are met. A system for commercial or non-commercial use may be located in the D-1, B, BM, I or OL districts provided the setback requirements of Section 504 are met, and may be located on the roof of a principal structure in the D-1, B, BM, I or OL districts. Such systems may extend above the height limit specified in Section 505. In all districts, no restrictions apply to the location of satellite dish antenna systems with a diameter of 24 inches or less.

715 Signs

715.1 In all districts, signs or advertising devices must conform to the following regulations:

- A. No sign other than official street signs or traffic directions may be erected or maintained within the street right-of-way without approval of the Board of Selectmen or the New Hampshire Department of Transportation as appropriate.
- B. No sign may be placed in such a position as to endanger motor vehicle or pedestrian traffic or obscure or otherwise cause confusion with official street or highway signs or signals.
- C. Only on-lot signs are permitted.
- D. The Board of Adjustment may grant permission as a Special Exception for the erection of a limited number of off-lot signs, provided each sign does not exceed two square feet in area on each of two sides.
- E. Signs may be illuminated only by continuous indirect white light, which may include an opaque, reverse channel back-lit halo-type lamp.
- F. Any sign whose face, or any portion thereof, is illuminated from within regardless of accompanying refracting or diffusing devices, whether attached to a building, freestanding, or placed upon an awning, will be considered directly lit and is not permitted.
- G. The light sources must be so placed that they will not constitute a hazard to street or highway driving by glare.

- H. No sign may emit flashing light or display animated images with visible moving parts or intermittent lighting to create the visual effect of movement.
- I. No building-mounted sign may project more than six inches above the roof or parapet line of a building, nor more than sixteen inches out from the wall to which it is attached. Building-mounted signs which project more than four inches out from the building may be no less than 8'-6" above the finished grade in front of the building below the sign. In the GR, SR, RR, RO and GP zoning districts, no freestanding sign may exceed six feet in height at its highest point above the finished grade.
- J. Signs on awnings are limited to either a maximum of eight-inch high letters or a graphic with a maximum dimension of 12 inches.
- K. Signs must be constructed of durable materials and must be maintained in good condition and repair.
- L. Posting of land must conform to state law.
- M. The above regulations do not apply to non-illuminated signs and window posters that are displayed from within a building, ordinary directory panels and information signs maintained within a building, or signs not intended for view from outside the property.
- N. Political advertising, as defined in RSA 664:2, is permitted in accordance with RSA 664:14 through RSA 664:17, and all other applicable laws or regulations.

715.2 In the NP, F, GP, RR, RO, SR, GR and I districts, signs or advertising devices are permitted only as follows:

- A. Not more than two signs, displaying the street number not exceeding one square foot in area on each of two sides may be displayed on any lot. These signs may be erected without a zoning permit.
- B. A commercial use in the RO, GR, and RR districts may display a sign that is no more than 12 square feet on each of two sides and not located nearer to the street line than one-half the depth of the required front set back.
- C. For places of assembly and institutional buildings not more than two signs are permitted, none of which may exceed thirty square feet in area on each of two sides and not located nearer to a street line than one-half the depth of the required front setback.
- D. For all real property for sale or for rent, a sign not exceeding four square feet in area on each of two sides and not located nearer to the street line than ten feet. These signs may be erected without a zoning permit.
- E. For recreation use not more than two signs may be displayed at each point of entry into the recreational area from a public street, neither of which may exceed more than 12 square feet on each of two sides and not located nearer to the street line than one-half the depth of the required front setback.
- F. On lots where the principal use is residential, not more than two temporary signs, neither exceeding four square feet in area on each of two sides and not located

nearer to a street lot-line than ten feet. These signs may be erected without a zoning permit and may be installed for a period not to exceed one year.

- G. In addition to the signs allowed above, an unlimited number of signs, not exceeding one square foot in area on each of two sides, may be located on any lot provided only that none of the additional signs is visible either from a public right-of-way or from an abutting lot. These signs may be erected without a zoning permit.

715.3 In the B and D Districts, signs or advertising devices are permitted only as follows:

- A. Any sign permitted in Section 715.2 above, or the following as an alternative:
- B. One or more signs not to exceed 25 square feet of total area per sign attached to a building and/or a permanently extended awning the sum of which shall not exceed a total area of one square foot for each foot of building frontage upon a public street or highway. The area of the sign or signs shall not exceed 200 square feet of total area on each street upon which the building has frontage. For buildings with frontage of less than 50 feet on a public street or highway, the total area of signs for that frontage shall not exceed 75 square feet. For buildings with frontage greater than or equal to 50 and less than 100 feet on a public street or highway, the total area of signs for that frontage shall not exceed 100 square feet. The total area of signs on any building front shall not exceed that calculated using the dimensions of that building frontage. The total area of signs having more than one surface shall not exceed the limits in this paragraph.
- C. A non-illuminated sign attached to the building provided it is located at the principal entrance or access to such business areas, and the area of such sign devoted to each occupant shall not exceed 72 square inches, and the total area of such a sign does not exceed eight square feet.
- D. Each business building located 50 feet or more from the street line and having this setback in open land may display one free-standing sign, not to exceed 30 square feet on each of two sides, nor to be located nearer to the street line than one-half the depth of the required front setback.
- E. One temporary sign per business. The temporary sign may be attached to the building or displayed on the lot containing the building in which the business is located at the principal entrance to the business so as not to impede pedestrian or vehicular access. Each temporary sign may be displayed only during the actual hours of that business's operation. The total area of any temporary sign may not exceed six square feet on each of two sides. No temporary sign may be erected without first obtaining a zoning permit from the Zoning Administrator. Permits will be issued for a period not to exceed one year and are renewable.
- F. For a business or businesses with principal entrance(s) from a private access way, the placement of one sign over the private access way between two buildings is allowed, provided that the sign does not exceed a total area of 15 square feet for each of two sides per business and 20 square feet for each of two sides in total area. The sign must be a minimum of 8'-6" above finished grade, except that if the access way is used by vehicles, the sign must be a minimum of 13'-6" above finished grade.

715.4 In the OL and BM districts, signs or advertising devices are permitted only as follows:

- A. Any sign permitted in Section 715.3 above, or the following as an alternative:
- B. Not more than two signs not attached to a building, provided that the total area of any one side of such a sign may not exceed 30 square feet and the area of each sign counted separately, does not exceed 60 square feet. Any such sign or signs may not be located nearer to the street line than one-half the depth of the required front setback.

715.5 Temporary Signs for Construction Purposes

In any district, temporary signs where active construction is occurring or is approved to occur may exceed the limitations of Sections 715.2, 715.3, and 715.4, provided that:

- A. The sign does not exceed 12 square feet in area on each of two sides.
- B. It will be a condition of the zoning permit that the sign be removed at the end of the construction period of up to one year. Such permits may be renewed for one year if construction continues for that period.
- C. Such signs shall comply with Section 715.1 F, G, H, and J.

715.6 Banners

In the I district, institutional building owners are permitted to install, in addition to signs otherwise permitted, banners on private property. Banners may be affixed to standards, lamp posts, or buildings and may be posted throughout the year for up to 12 weeks at a time for each installation at each location. Not more than three banners may be posted at one time on any building facade visible from a public street. Banners shall not exceed 150 square feet in area on each of two sides. These signs may be erected without a zoning permit.

716 Athletic scoreboards

Athletic scoreboards are an accessory use permitted by special exception in any district and must be located on the same lot as the athletic facility served. Animation will be allowed on athletic scoreboards if permitted by the Zoning Board of Adjustment as a Special Exception under Section 602.

717 Neighborhood retail sales

All exclusions contained in the definition of “retail sales” apply to neighborhood retail sales.

718 Solar energy systems

718.1 Building-mounted solar energy systems are permitted as accessory uses in every district subject to the height standards established for each zoning district as may be modified by Section 505.2 F.

718.2 Ground-mounted solar energy systems are permitted as accessory uses in the SR, GR, RR, GP, RO, I, F, OL, and BM zoning districts and may not be installed in the front, side, or rear setback.

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

801 Existing use

801.1 Any structure or use in existence and lawful at the time of the adoption of this Ordinance or of any amendment of this Ordinance may be continued although such structure or use does not comply with this Ordinance.

801.2 A nonconforming structure or structure housing a nonconforming use is deemed to be in existence and lawful if:

- A. A building permit authorizing the structure was issued prior to the first public hearing on a restrictive amendment to this Ordinance,
- B. Approved construction of the structure is commenced within three months of the date of such permit,
- C. If a building, the ground story framework of the structure, including the second tier of beams, was completed within one year of the date of the permit, and
- D. The entire structure was completed according to approved plans within two years from the date of this Ordinance or the restrictive amendment of this Ordinance.

802 Non-conforming use

802.1 Unless a variance has been granted pursuant to Article II, no non-conforming use may be changed to another non-conforming use and no such non-conforming use may be enlarged or extended.

802.2 Any structure associated with a non-conforming use may be expanded up to 20 percent of the gross floor area of the structure housing the non-conforming use existing at the time of adoption of this Ordinance or restrictive amendment of this Ordinance, provided that the enlargement or extension complies with all other provisions of this Ordinance.

802.3 A non-conforming use that has been changed to a use permitted in the district in which it is located for a period of four months or more shall not be changed back to a non-conforming use.

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

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

803 Non-conforming structure

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

803.2 A structure that is non-conforming only with respect to setback requirements may be enlarged or extended if the enlargement or extension would be:

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

803.3 The Zoning Board of Adjustment may approve a special exception for an addition to a nonconforming structure that is non-conforming only with respect to setback requirements, and which proposed addition extends no closer than the existing structure to a lot line to which the existing structure is non-conforming, even if the criteria in Section 803.2 A and/or Section 803.2 C are not met, if it finds in the circumstances that the criteria of Section 207 for special exception approval are met. Any other enlargement or extension may not take place unless a variance is granted pursuant to Article II.

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

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

ARTICLE IX. SELF-CONTAINED RESIDENTIAL DEVELOPMENTS

901 Approvals

- A. The Zoning Administrator may issue a zoning permit for a subdivision only after the Planning Board has approved the final plat pursuant to statute and Hanover Subdivision Regulations.
- B. In the event of a conflict between a standard or requirement set forth in this article and a standard or requirement set forth elsewhere in this Ordinance, the standard or requirement set forth in this article shall govern.

902 Open space development

902.1 Open space development is intended to encourage environmentally sound planning; to protect open space and natural resources and create attractive living environments through creative placement of single family dwelling units; and to discourage developmental sprawl and consumption of scenic, forested, agricultural, and recreational land, thus maintaining the rural character of the Town of Hanover.

902.2 An open space subdivision is subject to the following minimum number of lots, each of which must conform to the following minimum lot size and minimum setbacks in the following zoning districts:

District	Minimum number of lots	Minimum lot size	Minimum front setback	Minimum side and rear setbacks
RR	3	1.5 acres	35 feet	35 feet
SR 1	4	0.5 acre	25 feet	15 feet
SR 2	2	0.25 acre	20 feet	10 feet

Minimum road frontage of new lots must be 50 feet along proposed open space subdivision roads except that the provisions of Section 503 apply to new lots fronting on the turn-around portion of cul-de-sacs; Section 503 also applies to new lots fronting on existing Town roads at the time the new open space subdivision plat is proposed.

902.3 An open space subdivision must conform to the following maximum density requirements:

- A. The maximum number of dwelling units in an open space subdivision may not exceed, except as indicated in paragraph B of this section, that permitted under the regular and ordinary provisions of the zoning district or districts containing the proposed open space subdivision. Where the proposed subdivision is located in two zoning districts, the maximum number of dwelling units is the sum of such dwelling units allowed separately within each district on the condition that the open space subdivision is an allowed use in both districts.
- B. In recognition of the provision of attractive and useable open space for public use as defined in Section 902.4, the Planning Board may in its discretion grant a density bonus for an open space subdivision, which does not exceed a number

more than ten percent of the number of permitted lots in the respective zoning district. The Planning Board may grant an additional bonus of one lot per subdivision when a specific open space acceptable to the Planning Board is deeded or otherwise dedicated for public use to the Town of Hanover or to a governmental or non-profit agency acceptable to the Town.

902.4 An open space subdivision is subject to the following requirements.

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

903 Planned residential development

903.1 The objectives of a planned residential development (PRD) subdivision are to encourage flexibility of design and development; to allow a more useful and flexible pattern of housing types that may include multi-family dwellings; to allow for the economic advantage of smaller networks of streets and utilities; and to encourage the preservation and recreational use of open space in harmony with the natural terrain, scenic qualities, and outstanding features of the land.

903.2 A PRD must conform to the following area and setback requirements:

- A. A PRD is subject to the following minimum area and minimum setbacks in the following zoning districts.

District	Minimum land area	Minimum front setback	Minimum side and rear setbacks
OL	5 acres	30 feet	20 feet
GR-1	5 acres	30 feet	20 feet
GR-2	2 acres	20 feet	20 feet
GR-3	20 acres	20 feet	20 feet
GR-4	20 acres	25 feet	20 feet

B. Within a PRD there are no fixed setback requirements for zoning purposes. The distances between buildings and distances between buildings and streets within the PRD are governed by Hanover Subdivision Regulations. In addition, in a PRD in the GR-3 and GR-4 districts, area and dimensional requirements from Table 405.7 do not apply and there are no:

- (1) minimum required area per additional family,
- (2) minimum setbacks,
- (3) maximum building footprint, or
- (4) maximum lot coverage other than as set forth in 902.3 B or as follows:
 - a. The minimum lot size is 5000 square feet in the GR-3 district and 2700 square feet in the GR-4 district,
 - b. The minimum lot frontage is 40 feet in the GR-3 district and 30 feet in the GR-4 district, and
 - c. The maximum height is 35 feet in the GR-3 district and 45 feet in GR-4 district, with the proviso that no more than 25 percent of the total footprint area of buildings within a PRD in the GR-4 district may exceed 35 feet in height. A building exceeding 35 feet in height must be set back not less than 300 feet from the property line common to a public right of way and the lot lines of properties located in the SR or GR districts, as such lot lines exist at the time of filing of the initial PRD application.

903.3 The maximum number of dwelling units may not exceed the following:

District	One unit for the first	One additional unit for the next	One additional unit for each additional
OL	10,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
GR-1	10,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
GR-2	10,000 sq. ft.	3,000 sq. ft.	2,000 sq. ft.
GR-3	one half acre	one half acre	one half acre
GR-4	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

Where a proposed PRD is located in more than one zoning district, only that land that lies within a zoning district in which a PRD is permitted may be used to calculate the

maximum number of dwelling units that could be developed in that PRD, and all buildings in that PRD must be located in a zoning district in which a PRD is permitted. Section 507, governing lots in more than one zoning district, is not applicable in developments where this provision is employed.

903.4 A PRD is subject to the following requirements:

- A. All dwelling units must be connected to the municipal sewer system and the Town's central water system.
- B. Two or more buildings are required. No building in the OL and GR districts may contain more than 15 dwelling units
- C. In the GR-4 district, a minimum of two different building types is required for developments ranging in size from two acres to five acres, a minimum of three different building types is required for developments from five acres to ten acres, and a minimum of four different building types is required for developments exceeding ten acres. For the purpose of this section, building type is defined by the combination of:
 - (1) The number of bedrooms in the building,
 - (2) The number of units in the building, and
 - (3) The building square footage rounded to the nearest 500 square feet.
- D. A minimum of 45 percent of the area of the PRD in the GR-3 district, 30 percent of the area of the PRD in the GR-4 district, and 65 percent of the area of the PRD in all other districts must be retained for open space and outdoor recreational areas. For the purposes of this paragraph, if the proposed PRD is located on a lot in more than one zoning district, "area of the PRD" means only that land which lies within a zoning district in which a PRD is permitted. For a PRD in the GR-4 district, up to 40 percent of the open space and outdoor recreational area requirement may be satisfied by dedication of an area on a portion of the lot in the NP district and/or an off-site area in any district including the NP district, provided that any off-site area abuts the PRD.
- E. Open space must be protected from development unless otherwise permitted by the Planning Board. In addition, the Planning Board may require that all or some of the open space is protected by means such as by conveyance of the land or a conservation easement to a government entity, conservation organization, or homeowners' association approved by the Planning Board. A conservation easement used to restrict development must prohibit activities that would diminish the open space benefit or function.
- F. In lieu of Section 1002 schedule of minimum off-street parking requirements for multi-family, the multi-family parking requirement for PRDs in the GR-4 district is one off-street parking space for each one-bedroom unit and two off-street parking spaces for each unit containing two or more bedrooms.
- G. Within a PRD, in lieu of Sections 1004 and 1005 regarding the location and dimensions of parking spaces, the Planning Board may approve any arrangement and dimensions of parking spaces required for each dwelling unit in the development as it deems appropriate for the safety and design of the development.

904 Senior housing development

904.1 The objectives of a senior housing development are to allow a more useful and flexible pattern of retirement and elderly housing so as to promote the most appropriate use of land for this purpose; to facilitate economical and efficient provisions of public services; to allow land use patterns that preserve trees, outstanding natural topography and geological features, and prevent soil erosion; and to preserve the natural and scenic qualities of the open land in the Town for conservation and recreation.

904.2 A senior housing development must comply with the design requirements of the Architectural Barrier-free Design Code for the State of New Hampshire, as amended, and must be licensed as may be required by appropriate state agencies.

904.3 A senior housing development may include recreational amenities and support services for independent living; such additional facilities as may be required for the health, wellness, and convenience of residents; assisted living for individuals unable to perform the activities of daily living without assistance; and skilled nursing services. Where communal services are provided in a shared space, private living quarters may not have all the facilities of a dwelling unit.

904.4 A senior housing development must conform to the following area and setback requirements:

- A. The minimum area of land may not be less than 5 acres.
- B. Minimum setbacks for a senior housing development are as set forth in dimensional tables in Article IV for the perimeter of the lot.
- C. Within the senior housing development the setback requirements set forth in dimensional tables in Article IV do not apply.

904.5 A senior housing development is subject to the following requirements:

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

905 Manufactured housing subdivision

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

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

905.3 A manufactured housing subdivision must conform to the following dimensional and density requirements:

- A. Where the lots in the manufactured housing subdivision do not have both off-lot water and sewage disposal, each manufactured house must be located on an individual lot containing not less than 1.95 acres.
- B. Where such lots have both off-lot water and sewage disposal, each manufactured house must be located on an individual lot containing not less than 30,000 square feet.
- C. Minimum number of lots and minimum setbacks within the subdivision are as follows:

Lots	Front setback	Side setback	Rear setback
5	35 feet	35 feet	35 feet

- D. Notwithstanding the provisions of C above,
 - (1) The setback applicable to a lot within the subdivision that abuts a lot outside the subdivision is 50 feet,
 - (2) The front setback from an existing public street is 50 feet, and
 - (3) Side and rear setbacks along property lines abutting open space areas may be reduced to five feet.
- E. The maximum number of manufactured houses in a manufactured housing subdivision may not exceed that permitted within the RR district based on the maximum of one manufactured house for each three acres of land.

905.4 A manufactured housing subdivision is subject to the following requirements.

- A. A minimum of 35 percent of the tract must be retained for open space and outdoor recreational areas. The following provisions shall apply:
 - (1) There must be legal restrictions running with the land to preserve open space for purposes of recreation, agriculture, conservation, and/or forestry.
 - (2) Restrictions must provide for the management and maintenance of the open space, including the type and security of any funding source; these restrictions may be contained in any suitable legal instrument approved by the Town Manager. Prior to the approval of the final plat, the Planning Board must obtain from the Town Manager a written statement that the restrictions are in conformity with these requirements.
 - (3) Upon the request of the owners, such restrictions as have been provided may be modified by the Planning Board subsequent to the approval of the final plat. The Planning Board shall hold a hearing for this purpose in the same manner and with the same notice as for a hearing on the final plat. Such

modifications are subject to terms and conditions deemed by the Planning Board as necessary to carry out the purpose and intent of open space.

- (4) Open space must be protected from development unless otherwise permitted by the Planning Board. In addition, the Planning Board may require that all or some of the open space be protected by means such as by conveyance of the land or a conservation easement to a government entity, conservation organization or homeowners' association approved by the Planning Board. If a conservation easement is used to restrict development, it must prohibit activities that would diminish the open space benefit or function.
- B. A manufactured housing subdivision shall conform to all of the requirements for a Major Subdivision as set forth in Article 7 of the Subdivision Regulations. In addition, the following special standards will apply:
- (1) A buffer area, suitably landscaped and not less than 30 feet in width, must be provided at the boundary of adjacent property. The buffer area may be part of a required setback. Additional buffer areas may be required within a development between groups of building lots.
 - (2) Access to all lots is from interior streets. Each lot must have reasonable access to the common open land but need not front directly on such land.
 - (3) The subdivision plan must provide for the convenience and safety of vehicular and pedestrian movement within the development and for the necessary location of driveways in relation to street traffic.
 - (4) Two off-street parking spaces must be provided for each manufactured house.

ARTICLE X. OFF-STREET PARKING

1001 Requirement for off-street parking

1001.1 All buildings and uses must be provided with associated off-street vehicular parking space sufficient to meet the reasonable parking needs of persons making use of the property, to ensure the free movement of ordinary public and private traffic in the streets at all times, to reduce congestion in the streets, to permit the rapid but safe passage of firefighting equipment and other emergency vehicles, to facilitate the maneuvering of public emergency equipment in the streets, and to facilitate the removal of snow.

1001.2 An application for a zoning permit for the erection of a new building, the expansion of an existing building, the change of use of any existing building, or the development or expansion of a use must include:

- A. An accounting showing the number of on-site parking spaces and/or parking credits being used and/or purchased to comply with the schedule of minimum requirements for off-street parking, and
- B. A plan indicating the specific location and size of each physical off-street parking space provided to comply with the schedule of minimum requirements for off-street parking and the means of access to each such space from public streets.

1001.3 In considering any plans submitted for approval, the Zoning Administrator shall take into account the safety of the proposed parking area relative to vehicular traffic on the public streets and pedestrians on the public sidewalks, as well as the safety and adequacy of the area itself with respect to vehicles and pedestrians making use of it.

1001.4 The schedule of minimum requirements for off-street parking set forth in this article applies to:

- A. All buildings and uses in a D district and
- B. All buildings and uses in all zoning districts other than a D district except those in existence on March 2, 1976 and those constructed or established in accordance with a building permit issued prior to March 2, 1976.

1001.5 Subject to Section 1003, all expanded portions of existing buildings and changed uses occurring after March 2, 1976 must conform to the schedule of minimum requirements for off-street parking spaces.

1001.6 Required off-street parking spaces that after development are later acquired by the Town through donation to the Town or purchase by the Town are deemed to continue to serve the building for which the parking spaces were originally provided.

1002 Schedule of minimum requirements for off-street parking spaces

1002.1 In all districts off-street parking spaces must be provided as follows:

Use categories	Minimum number of off-street parking spaces required
Rooming house, motel, hotel	1 for each living accommodation
Bed & breakfast	2 for the dwelling unit plus 1 for each bedroom for guests
One-family dwelling unit	2 per unit
Roomer	1 for each roomer
Hosted Short-term rental*	1 for each rented bedroom
Un-hosted Short-term rental*	2 per unit
* Effective only upon the Selectboard adoption of a rental housing inspection ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.	
Senior housing development Independent living	1.1 per dwelling unit and 1 for each 1.5 employees based on the highest expected average employee occupancy
Assisted Living	1 for each 1.5 employees based on the highest expected average employee occupancy
Affordable	0.75 per dwelling unit
Multi-family, PRD	1.5 per dwelling unit for the first bedroom and 0.5 spaces for each additional bedroom with total spaces equaling the next highest full space
Accessory dwelling unit	1 additional parking space
Theater, auditoriums, and all places of assembly, providing seats for the audience, including places of worship but excluding classrooms in educational institutions	1 for each 10 seats in D, GR-2 and I districts; 1 for each 5 seats in all other districts
Hospitals, nursing, and convalescent homes	1 per 3 beds and 1 for each 1.5 employees based on the highest expected average employee occupancy

Use categories (continued)	Minimum number of off-street parking spaces required (continued)
Covered skating rinks, bowling alleys, and all places of assembly, the capacity of which cannot be measured in terms of seats	1 for 500 square feet of gross floor area exclusive of storage areas
Retail sales, commercial services, and office	1 for 400 square feet of gross floor area
Retail sales of furniture, automobiles, of nursery stock and such other goods in such use as usually involve extensive display areas in relation to customer traffic	1 for 500 square feet of gross floor area and of display area outside the building
Eating and drinking establishments	1 for 400 square feet of gross floor area plus 1 for every 10 restaurant seats; additional spaces are not required for outdoor seating that does not exceed 50% of the permitted indoor seating.
Institutional dining facility	1 for each 2 persons to be employed in the institutional dining facility
Downtown commercial	1 for 400 square feet of gross floor area
Downtown lodging	0.75 for each living accommodation
Downtown residential	1 for each dwelling unit
Downtown civic	1 for each 600 square feet of gross floor area
Industrial, manufacturing, storage, wholesale, nursery, kindergarten, elementary and middle schools	1 for each 1.5 employees, based on the highest expected average employee occupancy
Funeral homes	1 for each 75 square feet of public floor space
Senior high school	1 for each 1.5 employees and 1 for each 25 students based on the highest expected average occupancy of students and employees
Residential buildings for students or personnel of an institution	1 for each 4 beds
Other schools and colleges for floor space in uses not listed above	1 for each 2 employees or staff members to be accommodated

Use categories (continued)	Minimum number of off-street parking spaces required (continued)
Fraternities and sororities	1 for each 2 beds
Medical center	1 for each employee

1002.2 The Zoning Administrator shall determine the applicable use category to determine the minimum number of off-street parking spaces required for each building or use.

- A. For a building or use that falls into more than one of the categories listed in Section 1002.1, the Zoning Administrator shall determine a reasonable and appropriate minimum number of off-street parking spaces required for each individual component of the building or use, the sum of which is the minimum number of required off-street parking spaces for the building or use.
- B. For a building or use that does not fall within any of the categories listed in Section 1002.1, the Zoning Administrator shall determine reasonable and appropriate minimum off-street parking requirements by applying the closest applicable categories of Section 1002.1.

1002.3 The Zoning Administrator’s administrative determination of applicable use category may be appealed to the Zoning Board of Adjustment, which shall consider all factors entering into the parking needs of each such building or use.

1003 Special exception for shared use of parking spaces

1003.1 The Zoning Board of Adjustment may approve as a special exception the shared use of one or more parking spaces by two or more establishments or uses on the same lot or on contiguous lots, the total capacity of which is less than the sum of the off-street parking spaces required for each, provided the Zoning Board of Adjustment finds that the number of off-street parking spaces to be provided will substantially meet the intent of the requirements for reason of variation in the probable time of maximum use by patrons of the establishments or uses.

1003.2 Any approval of a special exception for the shared use of off-street parking spaces must include the following conditions:

- A. The approved special exception will automatically terminate upon the termination of any establishment or use participating in the shared use and
- B. The approved special exception will automatically terminate upon any substantial change in the time pattern in the use of the shared spaces by any participant establishment or use that results in a number of off-street parking spaces insufficient for the combined requirements of the establishments or users.

1004 Location of off-street parking spaces

1004.1 Required off-street parking spaces must be provided on the lot occupied by the building or use they serve, except as follows:

- A. Parking spaces required for a building or use on two abutting lots may be provided in a single common parking facility on one or both of the adjoining lots.
- B. Parking spaces required for any residence in the I district intended for students, fraternal housing, or institutional personnel may be provided off the lot occupied by the building served, except that handicapped parking and parking for short term transient use must be provided in reasonable proximity to the residence. The number of handicapped spaces to be provided is calculated based on the Americans With Disabilities Act, 42 USC 12101, *et. seq.* An equal number of short-term spaces must be provided for short term transient parking.
- C. For a building or use other than a residence in the I district intended for students, fraternal housing, or institutional personnel and other than a building or use located in a D district, the Zoning Board of Adjustment may allow as a special exception the location of all or part of the required off-street parking spaces elsewhere than on the lot occupied by the building served, provided the Zoning Board of Adjustment finds that:
 - (1) Such off-lot space will satisfy the parking requirement by control or regulation of the land owners and
 - (2) Each proposed off-street parking space is adequate in location and access to satisfy the off-street parking requirements for the building or use it serves.

1004.2 The provision of off-lot, off-street parking spaces is allowed only for all uses in the I district, residential uses in the D districts, and non-residential uses in all other districts. Notwithstanding 1004.1, all required off-street parking spaces not located in a parking facility may be located only in a zoning district in which the use served by those spaces is a permitted use. Such spaces may be allowed by special exception in a zoning district in which the use being served is allowed by special exception.

1004.3 A parking space on a lot in the D or I districts that is accessory to the principal structure or use on that lot may be leased to or otherwise made available for occupants of and visitors to other properties in those districts.

1004.4 Off-street parking is permitted within required side and rear setbacks.

1004.5 Off-street parking is permitted in required front setbacks only in driveways. Portions of driveways within the required front setback do not satisfy parking requirements set forth in the schedule of minimum requirements for off-street parking. In the RO district, off-street parking is not permitted in the area between the front of the principal building and the street right-of-way, an area including but not limited to the required front setback, except that parking in a driveway is permitted.

1004.6 The outdoor parking of not more than one automobile maintained primarily for hire, a commercial truck not exceeding one ton capacity, or other commercial vehicle is permitted only in the side or rear yard of any residential lot, where it must be located farther from the street than the nearest portion of any building to the street. No such vehicle may be parked if it exceeds ten feet in height above the ground, except that masts, antennae, or other minor accessories may exceed this height limit.

1004.7 The outdoor parking or storage of major recreational equipment including travel trailers, pick-up coaches, camper trailers, motor homes, boats and boat trailers, snowmobiles; combinations thereof and other similar equipment and cases and boxes used for transporting recreational equipment, whether occupied by such equipment or not, is allowed as an accessory use only in the side or rear yard of any lot and only where it is located farther from the street than the nearest portion of any building to the street.

- A. No such recreational equipment may be parked or stored if it exceeds ten feet in height above the ground, except that masts, antennae, vent stacks, windshields or other minor accessories may exceed this height limit.
- B. No such recreational equipment may be used in such location for living, sleeping, housekeeping or business purposes.
- C. If otherwise lawful, parking is permitted anywhere on the premises or on an adjacent street for a period not to exceed 24 hours during loading or unloading.

1005 Improvement and maintenance of parking facilities

1005.1 A required off-street parking space may be enclosed in a structure or may be open, provided that each required parking space is graded, surfaced, drained, and suitably maintained for parking purposes to the extent necessary to avoid nuisance of dust, erosion, or excessive water flow across public ways and to ensure its reasonable availability for use. In appropriate situations, the Zoning Administrator may require suitable markings to indicate individual parking spaces, maneuvering areas, entrances, and exits. Upon application duly made, the Zoning Administrator may waive the requirement of maintaining for parking purposes any off-street parking space for an appropriate period of time during which the Zoning Administrator finds that use of the space will be suspended because of an interruption of the use or occupancy of the premises that the space is intended to serve.

1005.2 Each required parking space must be not less than eight feet wide nor less than 18 feet long, exclusive of aisles, drives, and maneuvering space.

1005.3 A required off-street parking space must be maintained as long as the use or structure exists which the space is designed to serve. Nothing hereunder may be construed to constitute or contemplate a dedication of required off-street parking spaces to general public use, but any such spaces, required in conjunction with particular buildings and uses, may be reserved at all times for those persons who make use of such buildings and uses, except when such parking spaces are acquired by the Town by donation or purchase as public parking areas.

1006 Parking credits

1006.1 Within a D district, parking requirements are satisfied by the requisite number of parking assets, which may include parking credits in addition to parking spaces, both on- or off-site. One parking credit is the equivalent of one parking space. At any time after March 2, 1976, the total parking assets associated with a property must equal or exceed the requirements for that property as set forth in the schedule of minimum requirements for off-street parking spaces.

1006.2 Parking credits are conveyed with the property occupied by the building or use they serve and may not be sold, leased, otherwise transferred, or used to satisfy the zoning requirements of another property.

1006.3 Parking credits may be awarded in accordance with 1006.4 or by conversion of off-site spaces to parking credits in accordance with 1006.5. Alternatively, the Town of Hanover may allow parking credits to be purchased to satisfy parking requirements.

1006.4 As of May 14, 2002, for properties located in a D district, the Town shall prepare a tabulation to establish a baseline set of parking requirements and parking assets associated with each property in accordance with the following steps:

- A. Parking requirements are calculated based on the schedule of minimum requirements for off-street parking spaces;
- B. The number and location of physical on-site parking spaces are verified;
- C. Sufficient parking credits are awarded, at no cost to the property owner, such that the total of physical parking assets plus total parking credits equals requirements; and
- D. A permanent public record is created for each property documenting the parking assets for that property. The record must include the current parking requirements set forth in the schedule of minimum off-street parking spaces, the current number of physical on-site parking spaces, and the total number of parking credits.

1006.5 If parking credits are being provided via conversion of off-site physical parking spaces into parking credits, the Town shall provide the applicant with appropriate documentation after having received:

- A. Appropriate plans or documentation confirming the existence and location of the off-site spaces and demonstrating that each such off-site space is located in a D district and is adequate in location and access (the distance between the lots at their closest point is a maximum of 750 feet lot line to lot line) to address the parking requirements for such building or use.
- B. Formal written concurrence by the owner of the property on which the off-site spaces are located that the owner agrees to the conversion and acknowledges that the total number of parking credits associated with his property will be reduced by one for each physical space so converted. If this results in a negative number of parking credits the number will be so recorded.
- C. An accounting of the parking requirements and parking assets for the property on which the off-site spaces are located that demonstrates that the total revised parking assets (arithmetic sum of on-site spaces plus parking credits) equals or exceeds the parking requirements as set forth in the schedule of minimum requirements for off-street parking.

1006.6 As of the effective date of the awarding of parking credits in accordance with 1006.4 C, all properties in the D districts will be deemed to be in full compliance with the parking requirements of this Ordinance.

1007 Parking and transportation demand management plan option

An applicant or group of applicants proposing to use property or properties located in the BM, B, OL, or I district may satisfy the parking requirements of this Ordinance relating to its buildings and uses by preparing and implementing a parking and transportation demand management (PTDM) plan in accordance with Hanover Site Plan Regulations. Upon the Planning Board's approval, the PTDM plan will substitute for all other provisions of this article and will be deemed to satisfy the zoning requirements for off-street parking.

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

1101 Definitions

For the purpose of Article XI of this Ordinance, certain terms or words used herein have the following meanings. Terms or words used in this Article but not defined below are interpreted as set forth in Chapter X, Title 24 of the Code of Federal Regulations, Section 1909.1.

activity

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

alteration of terrain

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

area of special flood hazard

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

base flood

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

basement

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

breakaway wall

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

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 occupations, or storage of equipment or materials

dredge

To dig, excavate, or otherwise disturb the contour or integrity of sediments in the bank or bed of a protected water resource

FEMA

An acronym that shall mean the Federal Emergency Management Agency

fill

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

flood or flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters or (2) the unusual and rapid accumulation or runoff of surface waters from any source

flood elevation study

An examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards

flood insurance rate map (FIRM)

An official map incorporated with this Ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Hanover

flood insurance study, see flood elevation study

floodplain or flood-prone area

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 that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents

floodway, or regulatory floodway

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

functionally dependent use

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

hundred-year flood, see base flood

hydric soil

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

hydrophytic vegetation

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

intermittent stream

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

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 this Ordinance.

manufactured home and manufactured housing

A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the terms “manufactured home” and “manufactured housing” include park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

manufactured home park or subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale

mean sea level

The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced

new construction

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

special flood hazard area - see area of special flood hazard

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 50 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 cumulate cost equals or exceeds 50 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. “Substantial improvement” includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications 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.

vernal pool

A surface water or wetland, excluding areas resulting from man-made activities such as gravel pit operations, logging equipment rutting, sedimentation ponds, or detention ponds, but including area intentionally created for purposes of compensatory mitigation which provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by these pools and which cycle annually from flooded to dry conditions although their hydroperiod, size and shape might vary from year to year. Typically, “vernal pools” are formed in a shallow depression or basin, have no permanently flowing outlet, hold water for at least two continuous months following spring ice-out, lack a viable fish population, and support one or more primary “vernal pool” indicators or three or more secondary “vernal pool” indicators as defined by the New Hampshire Department of Environmental Services.

violation

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

water resources

Waterbodies, wetlands including vernal pools, and intermittent streams

water resource buffer

The buffer area of a water resource is the area within 75 horizontal feet of the top of the bank of any waterbody or within 75 horizontal feet of any wetland. In the case of a sewage disposal system the buffer is the area within 125 horizontal feet of a bank of any waterbody, the edge of any wetland, or an intermittent stream.

water surface elevation

The height, in relation to the National Geodetic Vertical Datum of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplain

waterbody

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

watercourse

A natural or manmade channel through which water may flow

wetland

Any area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include but are not limited to swamps, marshes, bogs and similar areas. Wetlands are delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers "Wetlands Delineation Manual, Technical Report Y-87-1" (January 1987); provided, however, that delineations based on hydrophytic vegetation or hydric soils are sufficient for projects allowed by administrative permit under Section 1103.7, so long as the vegetation or soil has not been disrupted by artificial planting or past dredging or filling. Wetlands classifications, when made, are in accordance with U.S. Fish & Wildlife Service Manual FWS/OBS-79/31, "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al, 1979).

wetlands hydrology

Saturation or inundation to the surface for two weeks or more during the growing season

1102 Flood plain protection

1102.1 There is hereby established the Flood Plain district in order to:

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

1102.2 The Flood Plain district is shown on maps described in Section 1102 above as FBFM and FIRM, but limited only to the A and AE zones shown on the FIRM map. The interpretation of the maps is that indicated in the New Hampshire Flood Management Handbook, as updated by the New Hampshire Office of Energy and Planning. Areas adjacent to the mapped flood plain whose elevations are indicated as being below the 100-year flood zone, but not shown on the map itself as being in the flood plain, may nonetheless be part of the Flood Plain district. Such Flood Plain districts are superimposed over any other zoning established in this Ordinance.

1102.3 There is hereby prohibited any fill, new construction, substantial improvement and any other development within the 100 year floodplain, except as provided for in Sections 1102.5 and 1102.6.

1102.4 No manufactured housing may be placed or replaced within the Floodway. Any replacement of manufactured housing outside of the Floodway is subject to the following requirements:

- A. All manufactured housing must be anchored to resist flotation, collapse or lateral movement by providing over the top and frame ties to ground anchors. Specific requirements are:
 - (1) Over-the-top ties provided at each of the four corners of the manufactured housing, with two additional ties per side at intermediate locations and manufactured housing less than 50 feet long requiring one additional tie per side;
 - (2) Frame ties provided at each corner of the housing with five additional ties per side at intermediate points and manufactured housing less than 50 feet long requiring four additional ties per side;
 - (3) All components of the anchoring system must be capable of carrying a force of 4,800 pounds; and
 - (4) Any additions to the manufactured housing must be similarly anchored.
- B. The following additional requirements also apply where elevations are provided on the FIRM (Elevations are shown on the FIRM in Zone AE) and where

elevations are not provided on the FIRM (Elevations are not shown on the FIRM in Zone A):

- (1) No dwelling unit, including a manufactured home, may be placed within a special flood hazard area.
- (2) All manufactured homes to be substantially improved within special flood hazard areas must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level. In addition, adequate surface drainage and access for a hauler must be provided and in the instance of elevation on pilings, the lot must be large enough to permit steps, piling foundations must be placed in stable soil no more than ten feet apart and reinforcement must be provided for piers more than six feet above the ground level.

1102.5 The following uses are permitted within the Flood Plain district to the extent that such uses are not prohibited by any other ordinance and provided that building, fill, or storage of equipment is not required:

- A. Agricultural uses,
- B. Forestry uses, and
- C. Outdoor recreation uses.
- D. Accessory uses to A, B, and C above.

No new buildings or substantial improvements of structures are permitted in the Flood Plain district unless such a prohibition would preclude reasonable use of the lot as determined by the underlying zoning district in which it is located. To reach such a conclusion, the Zoning Board of Adjustment must find that the conditions for a variance are met. An applicant for such a variance must also meet the applicable standards for granting special exceptions set out in Section 1102.7 below. Fill in the floodplain is permitted for this purpose subject to the conditions of 209 D, the minimum variance that will afford reasonable relief.

1102.6 The following uses are allowed within the Flood Plain district by special exception:

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

Notwithstanding the provisions of Section 1102.6 B, a seasonal dock that may be permitted as a minimum impact expedited project by the Wetlands Bureau of the State of New Hampshire and as permitted under Section 1103.5 A is permitted and does not require a special exception.

1102.7 For any proposal for which subdivision or site plan approval by the Planning Board is required, no application for special exception will be accepted until preliminary

subdivision or site plan review has been completed; the application for special exception must reflect the Planning Board's resulting recommendations.

- A. In acting upon special exception applications, the Zoning Board of Adjustment shall find that the proposed use complies with all other applicable sections of this Ordinance, with all other applicable town, state and federal regulations and laws and further that such proposed use will not:
 - (1) Create danger to life and property due to increased flood heights or velocities caused by encroachments or
 - (2) Create danger that materials may be swept onto other lands or downstream to the injury of others.
- B. The Board shall also find:
 - (1) That the proposed water supply and sanitation systems are sufficient and adequate to prevent disease, contamination and unsanitary conditions and comply with applicable town and state regulations and laws and are so constructed as to prevent the entrance of flood waters;
 - (2) Depending upon use, that the proposed use requires a waterfront location;
 - (3) That alternative locations not subject to flooding are unavailable for the proposed use;
 - (4) That the proposed use is compatible with existing development and development anticipated in the foreseeable future as indicated in the Town Master Plan, considering the relationship of the proposed use to the Flood Plain Management Program in effect, if any, for the area;
 - (5) That access to the property in times of flood for ordinary and emergency vehicles is safe and not hazardous;
 - (6) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level;
 - (7) All new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities so designed that below the base flood level the structure is flood proofed, watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (8) Where flood proofing is utilized for a particular structure in accordance with the standards as contained herein, a registered professional engineer or architect certifies that the flood proofing methods are adequate to withstand the flood depths, pressures, velocity, impact and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are flood proof is maintained by the Zoning Administrator.
 - (9) Flood proofing consists of the following, as needed:
 - a. Installation of watertight doors, bulkheads, and shutters;
 - b. Reinforcement of walls to resist water pressures;

- c. Use of paints, membranes, or mortars to reduce seepage of water through walls;
 - d. Addition of weight to building to resist flotation;
 - e. Installation of pumps to lower water levels in building;
 - f. Pumping facilities for subsurface external foundation wall and basement floor pressures;
 - g. Construction to resist rupture or collapse caused by water pressure or floating debris;
 - h. Cutoff valves on sewer lines or the elimination of gravity flow basement drains;
 - i. Installation above base flood elevations of all water heaters, furnaces, electrical distribution panels, and other critical mechanical or electrical installations, with separate electrical circuits dropped from above to serve basements; and
 - j. Venting tanks above base flood elevations.
- (10) Water supply systems, sanitary sewage systems, and on-site waste disposal systems, as follows:
- a. New and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems.
 - b. New and replacement sanitary sewage systems (centralized systems and treatment facilities) must be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from systems into the flood waters.
 - c. On-site waste disposal systems (including individual septic tanks and leach fields) must be located so far as practicable to avoid impairment to them or contamination from them during flooding.
- (11) Anchorage to prevent flotation and lateral movement.
- (12) The applicant shall demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increases in flood levels within the community during the base flood discharge.

1102.8 Existing non-conforming structures and buildings and non-conforming uses are allowed to continue. Any such structure or building may be enlarged or extended as a special exception in conformity with the standards set forth in Section 1102.7 above.

1102.9 Recreational vehicles placed on sites within Flood Zones A and AE must either:

- A. Be on the site for fewer than 180 consecutive days and
- B. Be fully licensed and ready for highway use, or
- C. Meet all standards of Section 60.3 (b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in Section 60.3(c)(6).

1102.10 Permits are subject to the following provisions:

- A. A permit must be obtained for the use and/or development of any land in the Flood Plain district. No permit issued hereunder is valid unless all necessary permits have been received from those governmental agencies from which approval is required by federal or state law including Section 404 of the Federal Water Pollution Control Act and Amendments of 1972, 33 USC 1334. The applicant shall satisfy the Zoning Administrator of such compliance prior to the issuance of a permit.
- B. All permit applications hereunder must be reviewed to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in the Flood Plain district, all new construction and substantial improvements (including the placement of prefabricated buildings and manufactured housing) must be:
 - (1) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
 - (2) Constructed with materials and utility equipment resistant to flood damage;
 - (3) Constructed by methods and practices that minimize flood damage; and
 - (4) Constructed with electrical, heating, ventilation, plumbing, air conditioning, and other service or utility facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- C. In riverine situations, prior to issuing any permit for development that would alter or relocate any watercourse within the Flood Plain district, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Zoning Administrator, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Zoning Administrator, including notice of all scheduled hearings before the Wetlands Bureau. It must be a condition of any such permit that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The applicant shall submit to the Zoning Administrator, certification provided by a registered engineer, assuring that the carrying capacity of the altered or relocated watercourse(s) can and will be maintained.
- D. As to the areas of the Flood Plain district shown as Zone A for which specific elevations are not yet available, the Zoning Administrator shall obtain, review, and reasonably utilize any Base Flood elevation data available from a federal, state or other source as criteria for requiring that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above base flood level and all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated or flood proofed to or above the base flood level.
- E. Elevations must be furnished by applicant. The applicant shall provide to the Zoning Administrator and the Zoning Administrator shall maintain a record of the elevation of:

- (1) The lowest habitable floor including basement of all new or substantially improved structures whether or not such structures contain a basement, or
 - (2) If the structure has been flood proofed, the elevation to which the structure has been flood proofed.
- F. The property owner or applicant shall present a plan, certified by a professional engineer licensed in New Hampshire, that clearly delineates the 100 year flood elevation.
- G. The 100 year flood elevation determination is used as criteria for requiring that:
- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level;
 - (2) All new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level or be flood-proofed and certified by a professional engineer.
- H. The Zoning Administrator shall maintain for public inspection, and furnish upon request, any certification of flood-proofing and the as built elevation of the lowest floor (including the basement) of all new or substantially improved structures and include whether or not such structure contains a basement. The Zoning Administrator shall also maintain records as to whether the structure has been flood-proofed, and the elevation to which the structure is flood-proof. This information must be furnished by all applicants for a permit.
- I. Until a regulatory floodway is designated along watercourses, no new construction, substantial improvements or other development (including fill) may be permitted within Zones AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- J. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
- (1) The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
 - (2) The area is not a basement;
 - (3) The area is designed to automatically equal hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater.
- K. Designs for meeting the requirement set forth in J above must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
- (1) 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 must be provided;
 - (2) The bottom of all openings must be no higher than one foot above grade; and

- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood water.
- L. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from federal, state, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement: no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.

1102.11 Land located in a Flood Plain district may be used only in accordance with the provisions of Section 1102 regardless of the uses permitted or allowed in the underlying zoning district.

1102.12 The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur, floods may occur in other stream beds, or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that any area outside the Flood Plain district boundaries or land uses permitted within such district will be free from flooding or flood damages. This Ordinance does not create liability on the part of the Town of Hanover or any officer thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

1103 Wetland, waterbody, and intermittent stream protection

1103.1 The provisions of this Section 1103 are adopted pursuant to the authority contained in RSA 674:16-17 in the interest of public health, safety, and general welfare of the residents of the Town of Hanover.

- A. The purpose of these provisions is to regulate activities in water resources and their buffers as defined in this section. Such provisions are intended to serve to mitigate contamination or pollution of surface and ground water; maintain ground water recharge; sustain storm water storage; protect wildlife habitats; preserve wetlands; and maintain the ecological and aesthetic values associated with water resources and their buffers in the Town of Hanover.
- B. This section should be administered balancing the foregoing objectives with the public interest in protecting historic resources, scenic views, and agricultural soils.
- C. An additional purpose of this section is to reduce regulatory burdens on applicants by conforming, where consistent with the substantive requirements of the Ordinance, the regulatory and procedural requirements of the Ordinance to those imposed by the dredge and fill regulations adopted by the Division of Water Resources of the Department of Environmental Services of the State of New Hampshire. This is not always possible. For example, the State of New Hampshire dredge and fill regulations, unlike this Ordinance, do not regulate activity beyond the shoreline in water resource buffers. Moreover, some permit approval criteria are unique to the Hanover Ordinance.

1103.2 The following general restrictions apply:

- A. In order to achieve the foregoing purposes, no person may engage in activity, as defined in Section 1101, within a waterbody or wetland, vernal pool, or intermittent stream or in the buffer area around those features as defined in Article XI, unless explicitly permitted pursuant to this section. In this section, the term water resource refers to waterbodies, wetlands, vernal pools and intermittent streams, all as defined in this Ordinance, and the term water resource buffer refers to the buffer area described in the foregoing sentence.
- B. The following activities are prohibited within a waterbody or wetland, vernal pool, or intermittent stream or in the buffer area around those features as defined in Section 1101: salt storage, auto junkyards, solid or hazardous waste facilities, bulk chemical storage, or the use of chemical lawn fertilizers.
- C. No person may place a leach field or any part thereof within 125 feet of any water resource unless a special exception has been allowed pursuant to Section 1103.7

1103.3 Persons proposing to engage in activities are responsible for identifying the water resources and associated buffers that are subject to the restrictions set forth herein. General locations of some but not all water resources are shown on the map entitled “Water Resources” maintained by the Hanover Planning and Zoning Department. The precise delineation of water resources and their buffers will be based upon the definitions set forth in Section 1101, not upon that map.

1103.4 The following activities, if otherwise prohibited by Section 1103.2, are permitted. The itemized activities are not intended to permit evasion of restrictions by piecemeal activity. None of these activities may occur in any vernal pool or its buffer.

- A. Activity that disturbs, in the aggregate, less than 100 square feet in a wetland, waterbody or intermittent stream, 500 square feet in the associated 25 foot buffer and 1500 square feet in the associated 25 foot to 75 foot buffer, and that does not increase drainage into the wetland, waterbody or intermittent stream during or after construction. Disturbance caused by silt fence installation before or during construction is permitted and is not included in the calculation of permitted disturbance.
- B. An activity within a wetland or intermittent stream or a buffer of a wetland in cases in which the wetland or intermittent stream comprises, in the aggregate, less than 1000 square feet. This permission does not exempt activities from review to the extent they may adversely affect the functioning of any other water resource.
- C. A project that involves no increase in lot coverage and no alteration of terrain but results solely in a change in building mass or volume.

1103.5 The following activities, if otherwise prohibited by Section 1103.2, are permitted upon notification to the Zoning Administrator and notice to the Hanover Conservation Commission as contemplated by Subsection D of this section. The following itemized activities are not intended to permit evasion of restrictions by piecemeal activity.

- A. Activities within the jurisdiction of the Division of Water Resources of New Hampshire Department of Environmental Services (NHDES) for which a

Statutory Permit By Notification (SPN), Lower Scrutiny Approval (LSA), Permit by Notification (PBN), or an Expedited Permit (EXP) has been filed with NHDES, and that the application has been signed by the Hanover Conservation Commission indicating that its right to intervene has been waived. New Hampshire permits subject to this section do not apply to activity in buffers. See Section 1103.6 A for required standards for activity in a buffer associated with activity for which a SPN, LSA, PBN or EXP has been obtained.

- B. Repair or reconstruction of an existing legal structure authorized by and meeting the conditions of New Hampshire Department of Environmental Resources Regulation Env-Wt 303.05 (a) as it may be re-designated from time to time.
- C. Any activity otherwise prohibited by this Ordinance constituting maintenance or improvement of existing crop or pasture land for continued agricultural use upon certification of the Grafton County Conservation District required by the Regulations of the Department of Environmental Services and compliance with the other requirements for qualification of such activity as a minimum impact project under such regulations.
- D. Notice required by this section must be filed with the Clerk of the Town of Hanover at least 15 days before the activity begins with a copy to be transmitted by the Town Clerk to the Hanover Conservation Commission. In the case of matters permitted under Subsection A, the notice must be that required by the New Hampshire Department of Environmental Services in order that the proposed activity be processed as a Statutory Permit by Notification (SPN), Lower Scrutiny Approval (LSA), Permit by Notification (PBN), or an Expedited Permit (EXP), as the case may be. In the case of matters permitted under Subsection B, the notice must identify the applicant, the proposed activity, and factual material sufficient to establish the basis for the applicability of this section. In the case of matters permitted under Subsection C, the notice must be a copy of the certification of the Grafton County Conservation District.

1103.6 The Zoning Administrator may grant an administrative permit for any of the activities itemized in this section that otherwise would be prohibited by Section 1103.2 (the itemization of matters should not be construed to permit evasion by piecemeal activity of the necessity for review by the Zoning Board of Adjustment):

- A. Activity in a protected buffer necessitated by, resulting from, or associated with activity in water resources permitted under Section 1103.5 A, upon a demonstration to the Zoning Administrator, found satisfactory by the Zoning Administrator, that the activity is the feasible alternative with the least adverse impact on the associated water resource.
- B. Any activity that is otherwise prohibited by this Ordinance but that is permitted to proceed upon filing of a Notification of Forest Management or Timber Harvest Activities Having Minimum Wetlands Impact under procedures adopted by the New Hampshire Department of Environmental Services, upon a determination by the Zoning Administrator that such application is complete. The administrative permit authorized by this Subsection B must include a condition that the activities authorized by the Permit must be conducted in accordance with best management practices as described in the most recent edition at the time the permit is granted

of the publication *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire* published by the New Hampshire Department of Resources and Economic Development.

- C. Any of the following activities otherwise prohibited by this Ordinance, upon a finding by the Zoning Administrator that the criteria set forth in Subsections A through E inclusive of Section 1103.7 have been satisfied. None of the following exceptions is available for activity in any vernal pool or its buffer.
- (1) Activity that disturbs, in the aggregate, less than 200 square feet in a wetland, waterbody or intermittent stream, 1000 square feet in the associated 25 foot buffer, and 3,000 square feet in the associated 25 foot to 75 foot buffer and does not increase drainage into the wetland, waterbody or intermittent stream during or after construction. Disturbance caused by silt fence installation before or during construction is permitted and is not included in the calculation of permitted disturbance.
 - (2) Activity within a wetland or intermittent stream or a buffer of a wetland in cases in which the wetland or intermittent stream comprises, in the aggregate, less than 2000 square feet. This permission does not exempt activities from Zoning Board of Adjustment review to the extent they may adversely affect the functioning of other waterbodies or wetlands.
 - (3) Activity associated with repair, reconstruction and/or maintenance of existing legal structures, improvements, or features, even though another activity which would currently require a special exception or administrative permit has previously been undertaken on the same lot, in or adjacent to the same wetland or waterbody, provided that:
 - a. Such structures, improvements, or features were constructed in conformity with the Hanover Zoning Ordinance then in effect;
 - b. The repair, maintenance, or reconstruction involves no change in the size, volume, extent, or location of the related wetland or waterbody; and
 - c. The repair, maintenance, or reconstruction involves no change in the footprint size, volume, placement, height, or extent of the related feature or improvement.

In any five year period for any lot, there may be no more than two administrative permits granted under this Section 1103.6 C. Special exception review is required for any additional permit.

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

- (2) The Zoning Administrator may require information in addition to that submitted by the applicant if needed to determine whether or not an administrative permit should be granted under this Section 1103.6.
- E. If an administrative permit is granted under this Section 1103.6, the Zoning Administrator shall notify abutters via first class mail, at the expense of the applicant, specifying the time by which any appeal must be filed. An appeal of the Zoning Administrator's decision may be made to the Zoning Board of Adjustment under Section 206 by the applicant, by any official body of the Town, or by any person directly affected.

1103.7 The following standards and procedures apply to any activity permitted by special exception:

- A. Activities otherwise restricted under Section 1103.2 and not permitted under Subsections 1103.4, 1103.5 or 1103.6 may be permitted only if the Zoning Board of Adjustment finds that the proposal conforms to the standards set forth in this Subsection 1103.7. The burden of demonstrating satisfaction of those standards, including the use of mitigation measures if needed, is upon the applicant.
- (1) Avoidance: the proposed activity cannot reasonably be located on that portion of the lot lying outside of any water resource and water resource buffer, and will not cause random or unnecessary destruction of water resources.
 - (2) Minimization: the manner in which the applicant proposes to meet his or her needs and objectives is the reasonable and feasible alternative with the least adverse impact on water resources and their buffers. In considering feasible alternatives, the Zoning Board of Adjustment may, in its discretion, grant a request for a special exception from dimensional requirements of this Ordinance if, in its judgment, preservation of water resources and their buffers justifies such special exception. (See Section 207.2). The Zoning Board of Adjustment will not, in any event, create a specific, identified hazard to public health safety or welfare in order to preserve a water resource or a water resource buffer.
 - (3) Functions and values assessment: the proposed activity, when considered together with any proposed and approved mitigation measures, will not result in any unreasonable and significant net adverse effect on the natural function of any water resources or their buffers in the area. The applicant shall submit a functional assessment, prepared by a certified wetland scientist in all cases except those involving a homeowner proposing activity on his own behalf relating to his or her primary residence, of the impacted wetland site and proposed mitigation site(s) if any, using the considerations set forth in the US Army Corps of Engineers New England District's *The Highway Methodology Workbook Supplement Wetland Functions and Values, Appendix A Wetland Evaluation Supporting Documentation* as a guide for the assessment. Such natural function considerations include groundwater recharge/discharge, alteration of flood flow or low flow, fish and shellfish habitat, sediment/toxicant/pathogen retention, nutrient removal/retention/transformation, production export, sediment/shoreline

stabilization, wildlife habitat, recreation, education/scientific value, uniqueness/heritage, visual quality/aesthetics, and endangered species habitat. In considering the application, the Zoning Board of Adjustment will take into consideration any compensatory mitigation proposal submitted to the Division of Water Resources of the Department of Environmental Services of the State of New Hampshire under Regulation Env-Wt 800 et seq.

- (4) Water quality: The proposed activity will not cause significant degradation in the quality of surface or ground water.
- (5) Water quantity: The following water quantity standards are observed:
 - a. Peak flow: The proposed activity will not increase the peak run off rate of surface water from 2-, 10-, 25-year 24 hour storms into any wetland or waterbody wherever located.
 - b. Water recharge: The applicant will take measures to reasonably ensure that the volume of water diverted by impervious surfaces created by the proposed activity in 2-, 10-, 25-year 24 hour storms will infiltrate as ground water (be “recharged”) elsewhere on the affected lot.
 - c. Licensed Engineer required: In the case of a lot that includes structures and improvements consisting of roadways, driveways, parking areas, walkways, facilities built from concrete or asphalt, decks or porches without roofs the surface area of which aggregates 7500 square feet or more from which water flows directly into wetlands or waterbodies, wherever located, the volume of water diverted by such surfaces and the recharge capacity must be calculated by a New Hampshire licensed professional engineer. The recharge capacity is calculated using the following formula:
Re = (F)(A)(I)/12, where
Re = Recharge volume in acre feet (multiply by 43,560 to convert to cubic feet):
F = Recharge factor below based upon NRCS hydrologic soil group (in inches):
Group A 0.40, Group B 0.25, Group C 0.10, and Group D no requirement;
A = Site area in acres; and
I = Percent of impervious surfaces specified above (expressed as a decimal).
- (6) Erosion control: The proposed activity will not, either during or after construction, cause or pose any unreasonable and avoidable threat of soil erosion or increased silting into any wetland or waterbody, or unreasonably cause erosion or accumulation of sediment on any adjoining property.

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

C. Requirements for application for special exception are:

- (1) For any special exception under Section 1103.7, the applicant shall submit the information required by the Office of Planning and Zoning on forms established for that purpose. In establishing information requirements, the Office of Planning and Zoning shall attempt, where reasonable, to ask for and rely on the same information as is required to be submitted by the New Hampshire Department of Environmental Services and/or the United States Army Corps of Engineers for parallel or comparable regulatory permits.
- (2) The Zoning Board of Adjustment may request additional information if needed to determine whether or not a special exception should be granted under Section 1103.7. When delineation of boundaries of water resources and their buffers, or the application of decisional criteria, is in doubt, the Zoning Board of Adjustment or Zoning Administrator may require the applicant to submit a delineation or assessment prepared by a certified wetlands scientist or other person whose qualifications are satisfactory to the Board or Administrator, as the case may be, or, in the alternative, if the applicant so elects, at the applicant's expense, the Board or Administrator may engage such a consultant to determine the delineation and/or conduct the assessment.
- (3) For any proposal for which subdivision or site plan approval by the Planning Board is required, no application for special exception or administrative permit may be accepted until the design review phase of subdivision or site plan review has been completed; the application for special exception or administrative permit must reflect the Planning Board's resulting recommendations.

1103.8 A copy of all notifications or applications under Sections 1103.5, 1103.6 or 1103.7 must be sent to the Conservation Commission promptly upon filing with the Clerk of the Town of Hanover or the Zoning Administrator, as the case may be. The Conservation Commission may, in its discretion, review and comment upon any such request. In the case of an application for a special exception under Section 1103.7, the Conservation Commission or its Chair may request from the Zoning Board of Adjustment additional time of up to 30 days to complete its review and comment before a final decision is made. The Conservation Commission may request information in addition to that submitted by the applicant if it considers the information necessary for it to decide what recommendation to make to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall review and make part of the record any comments from the Conservation Commission with regard to any request for a special exception. Applicants, abutters and other parties shall be given an opportunity to review and respond to any comments from the Conservation Commission.

1103.9 In the event of a conflict with the requirements of other sections of this Ordinance, including Section 1102, the stricter requirement applies.



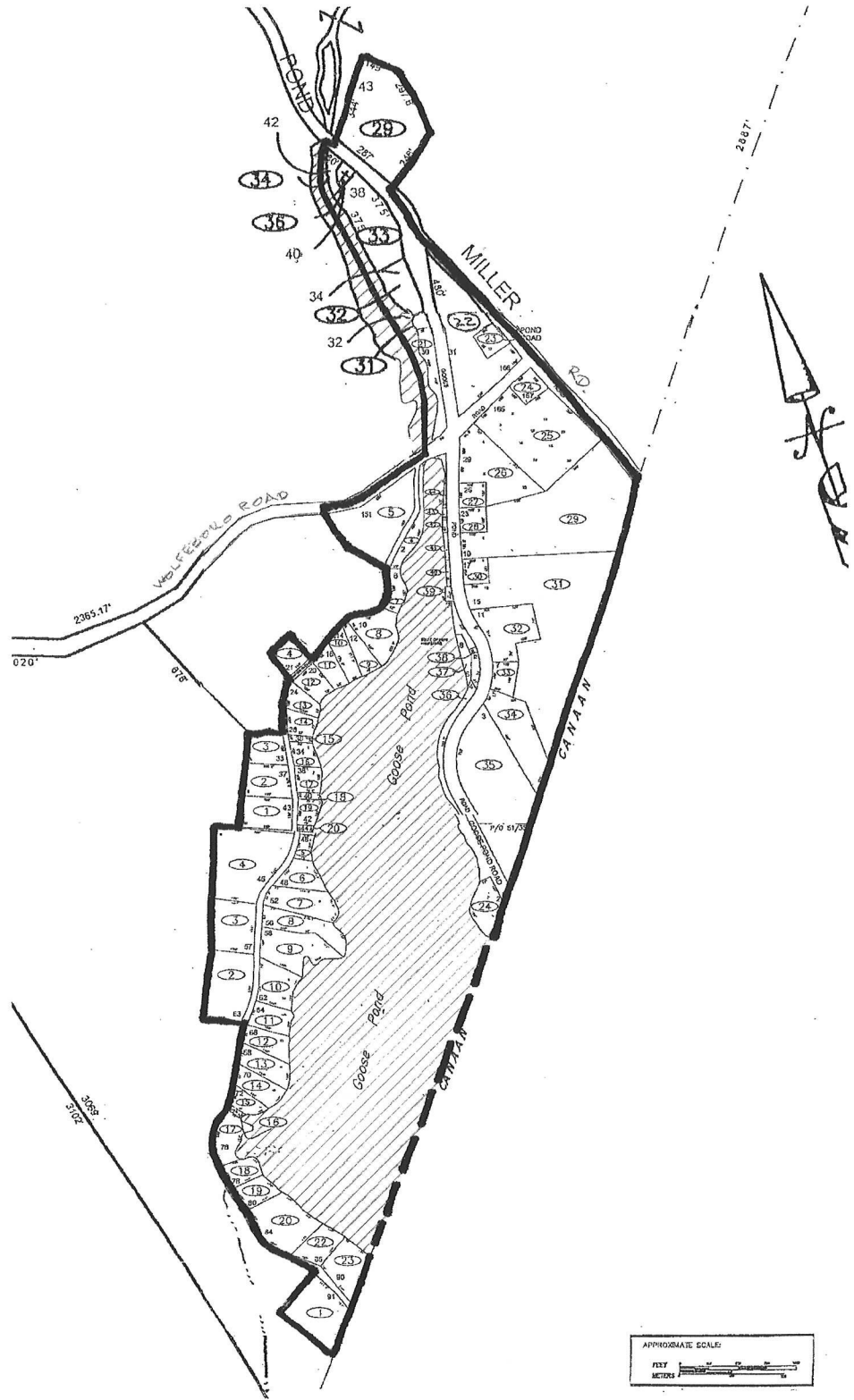
NOTES:

1. UNLESS OTHERWISE NOTED, THE SETBACK LINES FOLLOW EXISTING BUILDING FOUNDATIONS.
2. DIMENSIONS SHOWN INDICATE DISTANCES FROM CURB LINES, BETWEEN SETBACK LINES AND OFFSETS FROM BUILDING FOUNDATIONS.
3. DENOTES SETBACK LINE ALONG EXISTING FOUNDATION WALL.
4. - - - - DENOTES SETBACK LINE FROM EXISTING FOUNDATION CORNER TO EXISTING FOUNDATION CORNER.
5. - - - - DENOTES SETBACK LINE AS AN EXTENSION OF AN EXISTING BUILDING FOUNDATION.
6. UNLESS OTHERWISE SHOWN SETBACK LINES ARE PARALLEL.



REVISIONS AS OF OCTOBER 29, 2002
DOWNTOWN AREA SETBACK LINE
ADOPTED MAY 14, 2002

Map of "GP" Goose Pond Zoning District:



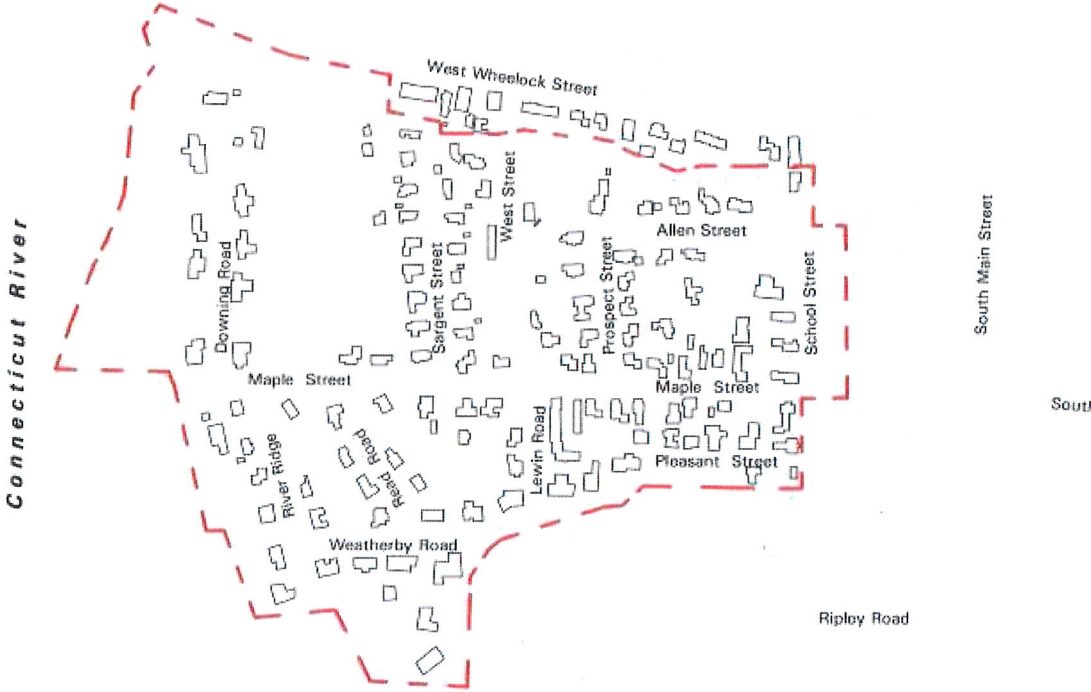
Connecticut River

West End Neighborhood

Mink Brook



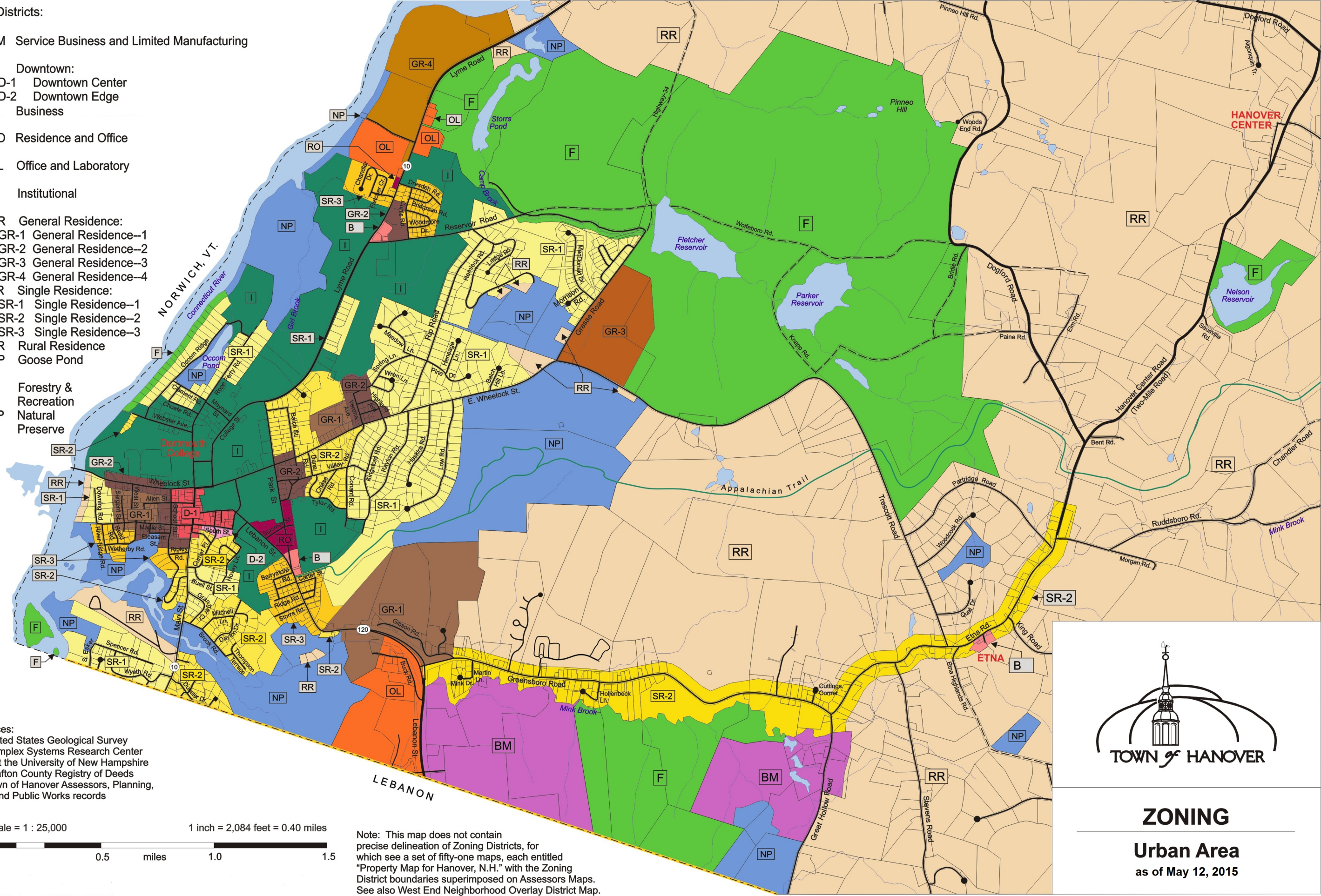
Map of West End Neighborhood Overlay District



Zoning Districts:

- BM Service Business and Limited Manufacturing

- D Downtown:
 - D-1 Downtown Center
 - D-2 Downtown Edge
- B Business
- RO Residence and Office
- OL Office and Laboratory
- I Institutional
- GR General Residence:
 - GR-1 General Residence--1
 - GR-2 General Residence--2
 - GR-3 General Residence--3
 - GR-4 General Residence--4
- SR Single Residence:
 - SR-1 Single Residence--1
 - SR-2 Single Residence--2
 - SR-3 Single Residence--3
- RR Rural Residence
- GP Goose Pond
- F Forestry & Recreation
- NP Natural Preserve



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

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

0 0.5 1.0 1.5 miles

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



ZONING

Urban Area
 as of May 12, 2015