

**TOWN OF PLAINFIELD
NEW HAMPSHIRE**

ZONING ORDINANCE

**ARTICLE I
ENACTMENT**

Section 1.1 AUTHORITY

In accordance with the laws of New Hampshire Chapters 672-677, NH. Revised Statutes Annotated (RSA) and amendments thereto, a Zoning Ordinance for the Town of Plainfield, NH is hereby established.

1.2 PURPOSE

It is the purpose of this Ordinance to protect the public health, safety and general welfare and to carry out local goals and objectives in order to foster orderly community development, while preserving the natural resources and retaining the authentic rural character of Plainfield.

This Zoning Ordinance is designed:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fires, panic and other dangers;
- (c) To promote health and the general welfare;
- (d) To provide adequate light and air;
- (e) To prevent the overcrowding of land;
- (f) To avoid undue concentration of population;
- (g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks;
- (h) To assure proper use of natural resources and other public requirements.
- (i) To encourage the most appropriate use of land throughout the municipality.

Furthermore in conformance with NH RSA 674:16, this Ordinance shall regulate and restrict: (1) the height, number of stories and size of buildings and other structures; (2) lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces; (3) the density of population in Town; and (4) the location and use of buildings, structures and land used for business, industrial, residential or other purposes.

1.3 RULES OF INTERPRETATION

For the purpose of interpreting this Ordinance, the following rules shall apply:

Words used in the present tense shall include the future.

Words used in the singular number include the plural number, and the plural includes the singular.

The word **shall** is mandatory, not discretionary; the word **may** is permissive.

The word **lot** includes the words **plot** and **parcel**.

The words **used for** shall include the words, **intended for, designed for, arranged for** and **occupied for**.

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The word **Town** shall refer to and be interpreted to mean the **Town of Plainfield, New Hampshire**. The word **Ordinance** shall refer to and be interpreted to mean the **Zoning Ordinance for the Town of Plainfield, NH**.

ARTICLE II
ZONING DISTRICT REGULATIONS

2.1 ZONING DISTRICTS: DESCRIPTION

For purposes of this Ordinance, the Town of Plainfield as shown on the District Map is divided into five basic districts which are (1) Village Residential (VR), (2) Rural Residential (RR), (3) Rural Conservation (RC-I), (4) Rural Conservation II (RC-II), (5) Conservation (CON), and two overlay districts, Wetland Conservation (W) and the Floodplain Overlay (F).

The general purpose of each district shall be as follows:

- (1) **Village Residential (VR)** - To encourage the development of residential centers of land suitable for building development and which will serve as a nucleus of community activity.
- (2) **Rural Residential (RR)** - To encourage and maintain a low density rural character.
- (3) **Rural Conservation I (RCI)** - To encourage and maintain a low density rural character on lands generally less suitable for development than in the RR district.
- (4) **Rural Conservation II (RC II)** - To encourage limited use of lands with only minimal capabilities for development and to further maintain a rural low density use of dispersed land areas which are more remote than land areas in the RC I district.
- (5) **Conservation (CON)** - To discourage any active development of lands with marginal capabilities for development, to alleviate the possibilities of major costs to the town for rendering services to such areas and to encourage agriculture and forestry uses while preserving land with severe limitations for development in its natural state.
- (6) **Wetland Conservation (W)** - To discourage any active development of permanent wetlands due to possible hazard to life and property and expense to all concerned.
- (7) **Floodplain Overlay (F)** - To satisfy minimum requirements for participation in the Natural Flood Insurance Program which allows residents who own land in the affected areas to purchase flood insurance.

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- (8) **Connecticut River Shoreland Conservation Protection (S):** Designed to support the water quality and aesthetic goals of the Connecticut River Joint Commissions' "River Corridor Management Plan."

2.2 ESTABLISHMENT OF ZONING DISTRICTS

The boundaries of the zoning districts specified in section 2.1 are established as shown on the District Map of the Town of Plainfield. The zoning districts and boundaries are hereby adopted and established as shown on said District Map, which Map together with all notations, references, data, district boundaries and other information thereon, are made a part of this Ordinance by reference. The official District Map shall remain on file in the office of the Selectmen. The Wetland Conservation District and the Floodplain Overlay District boundaries shall be established as in Section 2.3.

2.3 WETLAND CONSERVATION AND FLOOD PLAIN OVERLAY DISTRICT BOUNDARIES

The Wetlands Conservation District is hereby defined as perennial streams, water bodies, or 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 predominance of vegetation typically adapted for life in saturated soil conditions, as set forth in RSA 674:55 and as further prescribed in rules adopted under RSA 482-A, together with a 50 foot buffer zone around such areas; and Flood Plains as delineated below.

Wetland Delineation:

1. On sub-division projects, for site-plan review purposes, and when evaluating building permit requests, wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the current New Hampshire Department of Environmental Services Wetlands Bureau Code of Administrative Rules (Env-Wt 301).
2. Delineations based on hydrophytic vegetation or hydric soils alone shall be sufficient for minimum impact projects that meet the criteria of Env-Wt 303.04, provided the vegetation or soil has not been disrupted by artificial planting or past dredging or filling.
3. A 50 foot, naturally vegetated, no build, buffer shall be shown on such plans for wetlands in excess of ½ acre of surface area and for all surface waters except intermittent streams and private ponds of less than ½ acre.

Wetlands less than ½ acre in size are excluded from the provisions of the Wetlands Conservation District, although State regulations may apply.

Flood Plain Delineation:

The Flood Plain Overlay District in this ordinance shall apply to all lands designated as special flood

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hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Sullivan, N.H." dated May 23, 2006 or as amended together with the associated Flood Insurance Rate Maps, and Flood Boundary & Floodway Maps dated May 23, 2006 which are declared to be a part of this ordinance and are hereby incorporated by reference.

The Connecticut River Shoreland Conservation Protection District (s) shall be as outlined in the text with all distances measured from the ordinary high water mark of the river, the so call "reference line."

In all cases where the two overlay districts are superimposed over another zoning district in the Town of Plainfield, that district whose regulations are the more restrictive shall apply.

2.4 INTERPRETATION

A. Whenever any uncertainty exists as to the boundary of any zoning district as shown on the District Map, the following rules shall apply:

- (1) Where zoning district boundary lines are indicated as following rights-of-way, they shall be construed as following the centerlines of such rights-of-way.
- (2) Where zoning district boundary lines are indicated as approximately parallel to the center lines of roads or highways, they shall be construed as being parallel thereto and at such distance there from as indicated on the District Map.
- (3) Where zoning district boundary lines are indicated as following lot or property lines, they shall be construed as following such lot or property lines.
- (4) Where zoning district boundary lines are indicated as following political boundary lines, they shall be construed as following such political boundary lines.
- (5) Where zoning district boundary lines are indicated as following streams, they shall be construed as following center lines thereof or at such distance there from as indicated on the District Map.

B. Whenever any uncertainty exists to the boundaries of the Wetland Conservation District or the Floodplain Overlay District the following rules shall apply:

- (1) In the event that an area is questioned as to its proper inclusion in a Wetlands Conservation District and evidence to that effect is satisfactorily presented to the Board of Adjustment, the Board may determine that the restrictions contained in this Section shall not apply. Evidence concerning the classification of wetlands or hydric soils may be presented in the following ways:
 - a. A written document signed by both the Zoning Administrator and the Conservation Commission Chairperson in which both affirm that they have

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- visually inspected the area in question and agree that wetlands are not evident.
- b. In lieu of a. above the Town Administrator shall have the discretion to retain a certified wetlands scientist to inspect the area in question and prepare a report for the ZBA.
 - c. In the event that either a or b above concludes that wetlands are likely present and the applicant wishes to continue the application process, the Applicant may retain an independent, certified soils scientist or certified wetland scientist to map the area in question at his/her own expense.

- (2) Flood elevation data found to be acceptable to the Federal Emergency Management Agency may be used to supplement the understanding of the location of floodplain boundaries.

2.5 SCHEDULE A: Area & Bulk Regulations, Parking Requirements, Permitted Uses & Special Exceptions by District

To facilitate public understanding, convenience of use and proper administration of this Ordinance, Schedule A is hereby adopted and declared to be an integral part of this Ordinance and it may be amended in the same manner as any other part of this Ordinance.

For each district listed in Schedule A, requirements as to lot size, yard dimensions, lot coverage, building height, off-street parking, use and special provisions are specified. All development permitted as listed in Schedule A must also conform to the standards in Articles III & IV.

Zoning Map and Schedule A on following pages.

CONSERVATION ZONING DISTRICT (CON)

1. Minimum Lot Size

Area: 25 acres

2. Permitted Uses

- (a) Silviculture, Agriculture and Aquaculture
- (b) Wildlife refuge (No permanent structures)

3. Special Exceptions

- (a) Public outdoor recreation
- (b) Educational use associated with Conservation
- (c) Seasonal structure
- (d) Accessory use with agriculture

WETLAND CONSERVATION DISTRICT (W)

1. Specific Purposes

In the interest of public health, convenience, safety and welfare, the regulations of this District are intended to guide the use of areas of land with extended periods of high water tables in order:

- a. To prevent the development of structures and land uses which would contribute to the pollution of surface and ground water by sewage or other contaminants.
- b. To prevent the destruction of natural wetlands which provide many benefits to the community including water purification, wildlife habitat, flood protection and such other reasons as those cited in RSA 482-A:1.
- c. To prevent unnecessary or excessive expense to the Town and to the public which arise because of inharmonious use of the areas which comprise the Wetland Conservation District.
- d. To encourage those uses that can be appropriately and safely located in the Wetland Conservation District.

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2. Permitted Uses

Any use that does not result in the erection of any structure or alter the ground surface configuration by the addition of fill, dredging or draining except as provided below:

Such uses include:

- a. Forestry and tree farming using best management practices as required by Env-Wt 304.05 Best Management Practices to protect wetlands and surface waters from damage from soil erosion or other contamination;
- b. Agriculture using best management practices such as those referenced in RSA 431: 33-35 and those proposed by the USDA Natural Resource Conservation Service to protect wetlands and surface waters from damage from soil erosion or other contamination.
- c. Water impoundments and well supplies;
- d. Drainage ways--streams, creeks or other paths of normal runoff;
- e. Wildlife refuge;
- f. Parks and such recreational uses as are consistent with the purpose of creating the Wetland Conservation District as defined herein;
- g. Conservation areas and nature trails;
- h. Access ways if essential to the productive use of the land and consistent with NH DES Dredge and Fill regulations;
- i. Utility rights of way or easements including power lines and pipelines which are constructed using best management practices and only if there is no feasible alternative.
- j. Any other use permitted under RSA 482-A and specifically authorized by the issuance of a NH Department of Environmental Services Permit shall be deemed a permitted use under this regulation

3. Prohibited Uses

- a. Any use which utilizes, stores, processes, or disposes of toxic substances which may pose a threat to surface or ground water quality is prohibited.
- b. Underground fuel storage tanks are prohibited.

4. Special Exceptions

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- a. Special exceptions for the undertaking of a use not otherwise permitted in the Wetland Conservation District, which may include the erection of a structure, dredging, filling, draining, or otherwise altering the surface configuration of the land, may be granted by the Board of Adjustment, if it can be shown that such proposed use will not conflict with the specific purposes and intentions listed above in Paragraph 1, and if in compliance with RSA 482-A and the rules and regulations of the NH Department of Environmental Services. Proper evidence to this effect shall be submitted to the Board of Adjustment and shall be accompanied by review comments of the Plainfield Conservation Commission concerning the environmental effects of such proposed use upon wetlands in question.
- b. Non-conforming structures which intrude into the Wetland Conservation District , including the buffer areas, and which exist prior to the adoption of this ordinance shall be permitted, including the reasonable maintenance thereof.
- c. Land owners with buffer areas which are not naturally vegetated at the time this ordinance is adopted will be encouraged, but not required, to replant those areas with an appropriate mixture of natural vegetation (i.e. indigenous ground cover, shrubs, or trees) using best management practices such as those outlined in the UNH Cooperative Extension publication "Landscaping at the Water's Edge: An Ecological Approach."

FLOOD PLAIN OVERLAY DISTRICT (F)

The regulations in this ordinance shall overlay and supplement the regulations in the Town of Plainfield Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

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

Item I.

All proposed development in any special flood hazard areas shall require a permit.

The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

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- (i) be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- (ii) be constructed with materials resistant to flood damage,
- (iii) be constructed by methods and practices that minimize flood damages,
- (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Item II.

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

Item III.

For all new or substantially improved structures located in Zones A, A1-30, AE, A0 or AH, the applicant shall furnish the following information to the building inspector:

- (a) the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- (b) if the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed.
- (c) any certification of floodproofing.

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

Recreational vehicles placed on sites within Zones A1-30, AH and AE shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in paragraph (c) (6) of section 60.3

Item IV.

The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by

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federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

Item V.

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

2. The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

3. Along watercourses with a designated Regulatory Floodway no encroachments, including fill new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.

4. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. 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.

Item VI.

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

- a. In zones AI-30, AH, AE, VI-30, and VE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM or FHBM.

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- b. In zone A the Building Inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).
2. The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in zones A, AE:
- a. all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;
 - b. that all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
 - (i) be floodproofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
 - c. all manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
 - d. for all new Construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less

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than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Item VII Variances and Appeals:

1. Any order, requirement, decision or determination of the building inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
 - (a) that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 - (b) that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 - (c) that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
4. The community shall (i) maintain a record of all variance actions, including their justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

**CONNECTICUT RIVER SHORELAND CONSERVATION
PROTECTION DISTRICT (S):**

I. The standards in this section are designed to minimize shoreland development and disturbance so as to protect the public waters.

A. Within the protected shoreland the following restrictions shall apply:

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- (a) All structures shall be set back at least 100 feet from the “reference line” as defined in “Definitions”.
- (b) The establishment or expansion of salt storage yards, automobile junk yards, solid waste facilities or hazardous waste facilities within 500 feet of the “reference line” is prohibited.
- (c) A water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, built over, on, or in the waters of the state, shall be constructed only as approved, pursuant to RSA 482-A.
- (d) No fertilizer, except limestone, shall be used within 100 feet of the “reference line.”
- (e) Placement and expansion of public water and sewage treatment facilities shall be permitted as necessary, consistent with the purposes of this chapter and other state law.
- (f) Public utility lines and associated structures and facilities shall not be permitted within 100 feet of the “reference line”.

- B.** The following minimum standards for forest management conducted in compliance with RSA 227-J:9 and not associated with land development or conversion, shall apply to the protected shoreland. Forestry involving water supply reservoir watershed management, or agriculture conducted in accordance with best management practices, shall be exempted from the provisions of this chapter:

NATURAL WOODLAND BUFFER.

(1) Where existing, a natural woodland buffer shall be maintained within 150 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

(2) Within the natural woodland buffer of the protected shoreland the following prohibitions and limitations shall apply:

Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native or naturalized species may be permitted to maintain the 50 percent level.

**ARTICLE III
SUPPLEMENTARY USE REGULATIONS**

Section 3.1 FENCES, WALLS AND HEDGES

Fences, walls or hedges used for any purpose shall conform to the following:

1. For the purpose of minimizing traffic hazards on corner lots at street intersections by improving visibility for converging vehicles; obstructions higher than three feet above street level shall not be permitted to be planted, placed or erected within the triangular area formed by straight line intersection of the two points of the adjoining streets right-of-way 30 feet from the intersection of the adjoining streets right-of-way without review and prior approval of the Zoning Board of Adjustment.
2. Fences erected on public easement or across drainage course shall be so constructed that drainage shall not be obstructed and, in the event of necessity for removal of such fence for maintenance or other purpose, removal and/or replacement of such fence or other improvement shall be the responsibility of the property owner.

3.2 GASOLINE SERVICE STATIONS

Gasoline service stations shall be subject to the following requirements:

1. All gasoline pumps, lubrication or similar devices and other service facilities shall be located at least 30 feet from any property line and 30 feet from any structure.
2. All fuel and oil storage, pumps or other such fuel or lubricant dispensing devices shall be located at least 30 feet from any property line.
3. No access drive shall be within 200 feet of a fire station, school, church, park or other public assembly place.
4. No more than two access driveways shall be permitted. Access driveways shall not be within 30 feet of any corner formed by the intersection of the rights-of-way of two streets, and shall be located so as not to cause or increase traffic hazard or undue congestion.

3.3 HOME OCCUPATIONS

Any resident may use a minor portion of his or her single family dwelling, outbuildings, and/or a portion of the homestead premises for a home occupation which is customary in residential areas and does not change the character thereof. The establishment and continuance of a home occupation shall be subject to the following conditions:

1. Such use shall be conducted on the homestead and only by the inhabitants thereof.

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2. There shall be no advertising display or other indications of home occupation on the premises except a customary sign or nameplate for identification purposes only, such sign not to exceed eight (8) square feet in area.
3. A home occupation shall provide additional off street parking area reasonably adequate to accommodate the needs created by the home occupation. Such parking shall be not less than one space for each 300 square feet of floor area devoted to the home occupation. Such parking shall be provided on the lot utilized for the home occupation.
4. For further requirements and definitions, see Article VIII.

3.4 APPROVED COTTAGE BUSINESS

Shall be a service, retail, or wholesale business which employs no more than seven workers other than the immediate family of the owner. By example, any activity permitted as a home occupation that expands to the point of requiring employees might seek permitting under this section.

In any case an Approved Cottage Business must be located on or adjacent to property containing the business owner's residence. To be approved, when located on the same lot as the business owner's residence, the use must be incidental and accessory to the residential use. To be approved, when located on a separate lot, the proposed use's physical and operational features must be found by the ZBA to be compatible with the adjacent neighborhood.

In determining when to apply for an "Approved Cottage Business" special exception, if the proposed use is more accurately described by another more specific special exception option the more specific option will be utilized.

3.5 APPROVED BUSINESS PROJECT

Shall be a single business use or group of business uses which meet **all** the following requirements:

Land Criteria:

- a) The lot or lots proposed for development must conform to the minimum acreage requirements for the zone the land is located in. Lots that do not conform to their zoning district's acreage, or frontage requirements cannot be permitted for an approved business project.
- b) The lot or lots proposed for development must have frontage on a state maintained highway.
- c) The proposed business or businesses must be directly accessed from a state maintained highway.

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- d) Per Schedule A, in no case whether for a single business use or multiple business uses shall lot coverage with impervious surfaces exceed 20% of the lot area.

Operational Criteria:

- a) The proposed use or uses must individually and collectively satisfy all the standards found in section 5.6 II.
- b) The ZBA in granting approval for either single or multiple uses, must find that both the physical and operational features of the proposed use(s) are compatible with the adjacent neighborhood.
- c) The applicant must effectively landscape and otherwise minimize the visual, olfactory, and auditory impact of the project on abutting properties, whether developed or undeveloped. If in the judgement of the ZBA, an applicant is unable to minimize these impacts to a level comparable to permitted uses in the zoning district the lot is located, the Board shall deny the project.
- d) For new construction the building setback for the proposed business project shall always conform to the yard dimensions for the zone the property is located in, however, the minimum distance from an abutting residence to the new construction shall be 100'.
- e) New buildings associated with a business project must be located a minimum of 30' from any town or state maintained roadway. Setbacks along roadways are to be measured from the edge of the road right of way.
- f) Lot line yard dimension areas (setbacks from lot lines) will be landscaped as to provide a visual vegetative buffer to adjacent properties.

Joint Zoning Board of Adjustment and Planning Board meetings will be encouraged for Approved Business Project applications.

3.6 OFF STREET PARKING

Off street parking areas shall be provided on the same lot containing the use for which they are required. In the Village Residential Zone the Zoning Board of Adjustment may grant a special exception for an "Approved Alternative Parking Plan" to allow off street parking to be provided on a lot separate from the lot containing the use for which parking is required and/or to allow deviations from the minimum number of off street parking spaces otherwise required by the zoning ordinance. Each off street parking space shall not be less than 10 feet wide and 20 feet in length and shall be set back not less than 5 feet from any lot line.

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	Use	Minimum Number of Off Street Parking Spaces
1.	Single family residence	2 spaces per unit, plus 1 additional space for an accessory dwelling unit.
2.	Multiple family	1.5 spaces for each unit with one bedroom, plus an additional 1/2 space for each additional bedroom in each unit.
3.	Hotels, motels, inns rooming & boarding houses	1 space/rented sleeping room & 1 space/50 sq.ft. of floor area for meeting & functions.
4.	Hospitals	1 1/2 spaces/bed
5.	Educational facilities	1 space/3 seats in largest public assembly room (auditorium, gym, cafeteria, etc.) or 1 space/staff member, whichever is greater.
6.	Rest home or nursing home	1 space/4 beds
7.	Place of assembly with seating such as a church, funeral parlor, auditorium, restaurant, theater, etc.	1 space/3 seats
8.	Place of assembly without fixed seats such as skating rink, meeting/function rooms, dance hall, etc.	1 space/50 sq.ft. of floor space accessible to the public

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	Use	Minimum Number of Off Street Parking Spaces
9.	Kindergarten, nursery school, day care facilities	1 space/10 children
10.	Museum, gallery	1 space/100 sq.ft. accessible to the public
11.	Marinas	1.5 spaces/wet slip
12.	Bowling alley	5 spaces/bowling lane
13.	Retail commercial	1 space/200 sq.ft. of sales floor area plus 1 space/600 sq.ft. of storage.
14.	Office buildings, banks, business	1 space/200 sq.ft. of gross & professional services floor
15.	Medical offices	1 space/150 sq.ft. of gross floor area.
16.	Automobile service stations	1 space/100 sq.ft. of area in service bays.
17.	Roadside stand	4 spaces/stand.
18.	Industrial	1 space/250 sq.ft. of floor area designed to be occupied by employees, not including areas used only for storage, utilities, fully automated equipment, etc. No off street parking shall be maintained within the required front yard.
19.	Other uses	Adequate spaces to accommodate customers patrons & employees as determined by the Planning Board under its Zoning and Site Plan Review procedures.

Additional Requirements:

- (a) A minimum of one space per employee of each use also shall be provided.
- (b) Where one structure or an area has combined uses, the requirement for parking shall be met separately for each use. Where there is a conflict among various categories, the strictest requirements shall be followed.

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- (c) Within the village area, private parking for customers shall be required for any new or changed use at the rate of one-half the number of spaces otherwise required provided that the walking distance to a public parking lot does not exceed 300 feet. This does not relieve the necessity of providing required employee parking either on the same lot or within 300 feet of the lot being used by making appropriate long-term arrangements satisfactory to the Board.

3.7 TRAVEL TRAILERS, OCCUPANCY AND STORAGE

Camping trailers (whether of the truck-mounted or tow varieties) or motor coaches may be occupied for a period of 14 consecutive days in the Town of Plainfield without a special permit hereunder. For a period of longer than 14 consecutive days, a special permit authorizing occupancy must be issued by the Zoning Administrator. Such special permit shall be for a period not to exceed 90 days in any 12 month period. Camping trailers or motor coaches may be garaged or stored on premises in the Town occupied by the person in charge of the trailer or coach.

3.8 BOX TRAILERS

The utilization of box trailers as long-term storage devices is subject to the following:

- 1) To be used for storage of materials for a period longer than 30 days within a calendar year, an approved zoning permit is required for all units brought into Plainfield after January 1st 2002.
- 2) Approved business uses may, when included as part of a business approval, utilize box trailers for storage devices without additional land use board review. However, an approved zoning permit is still required.
- 3) Residential properties may also utilize box trailers as long-term storage devices subject to the following:
 - a) Units must satisfy the building permit site requirements.
 - b) If, as determined by the town's zoning administrator, the unit(s) will not be offensive to neighboring properties, up to two units are allowed per residential property without a special exception.
 - c) In cases where either more than two units are proposed, or if the unit(s) is/are deemed by the zoning administrator to have the potential to be offensive to neighboring properties, an approved special exception is required before the needed zoning permit may be issued.

3.9 REMOVAL OF NATURAL MATERIAL

- A. In any district so designated, the removal of natural material shall be permitted only in accordance with the provisions required in the district for such use and in accordance with the following additional requirements:
 - 1. The removal of natural materials shall comply with RSA 155-E, and the Regulations Governing Earth Excavations in the Town of Plainfield, N.H. as amended.

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2. Before approval of any new excavation or the extension of any excavation, the Board may require the owner to file a bond with such sufficient surety as is satisfactory to the Town, in an amount equivalent to ensure that upon completion of the excavation, the site will be left in a safe, attractive and useful condition. The owner or applicant shall submit a plan of the proposed restoration as a part of the application.
 3. The Board of Adjustment may attach any additional conditions as it may find necessary for the safety and general welfare of the public.
 4. Any person or agent therefore who shall cause any damage to any road or roads of the Town as a result of any excavation shall be liable for the costs of repairing said roads.
 5. The removal of all material shall be conducted so as not to result in damage to the land, giving due regard to the contours in the vicinity, such as leaving slopes and remaining hills. The digging or creating of pits or steep slopes, except for exposed ledge, shall not be permitted unless prior provision is made to restore such pit.
 6. All surface drainage affected by any excavation shall be controlled to prevent erosion debris and other loose materials from filling any drainage course, street, or private property. All provisions to control natural drainage shall be approved by the Town.
 7. The natural cover of land shall be maintained for at least 100 feet from the excavation to the property lot line or any roadway right of way.
 8. Adequate barricades or fences shall be erected and maintained together with adequate provisions for the prevention of flying dust and the accumulation of ground or surface water; adequate provision shall be made for the muffling of sound and the prevention of dissemination of dust; and provisions shall be made for such highway warning or similar signs as may be proper.
 9. No top soil shall be removed or stripped unless a sufficient amount is left so that reseeded may be accomplished.
 10. The final slope of the excavation will not be in excess of 1 1/2 to 1 (horizontal/vertical).
 11. Any fill required to achieve the finished grade shall be clean, nonburnable fill containing no garbage, refuse, or any deleterious, toxic or unwholesome matter.
 12. The sloped areas shall be covered with a suitable mulch or an arable top soil, so as to minimize soil erosion.
 13. In the case where two or more approved "removal of natural material operations" exist on adjacent lots, the Planning Board may grant a waiver of all set back requirements for the common lot line(s) shared by the two operations.
- B. The following activities shall not be deemed excavation for the purposes of this section:
1. Excavation incidental to approved construction or alteration of buildings or structures;
 2. Excavation as is incidental to the construction or installation of a use or structure therefore permitted under this Ordinance or by the Board of Adjustment, unless the

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- natural material has to cross public roads.
3. Grading or filling where no natural materials are removed from the premises.
 4. The removal of natural materials from one part of a parcel to another part of the same premises when such removal is an accessory use or is made for the purpose of farming, forestry or landscaping.

3.10 SIGNS

As they are publicly viewed, signs can either add or detract from the community image. The design of the sign should complement the land or buildings on which it is placed. Use of carved or painted signs of natural materials such as wood or metal is preferred. Materials, color, lettering, shape should be compatible with the surrounding building materials, colors and texture. Signage should be scaled to complement and unify the building. Use existing vegetation under and behind signs. A simple mass of natural materials can be used as a backdrop.

General Provisions For All Signs

Regardless of the number of businesses located in a building or located on a particular parcel, one (1) ground sign visible from the road giving access to the property is permitted per lot, except where a lot with a frontage greater than 450 feet, fronts onto a single street, an additional ground sign may be erected provided that no ground sign is within 150' of another ground sign on the same lot.

Sign lighting should complement sign design and be placed to be effective both at night and during the day. External illumination generally produces the most compatible lighting for streetscape environments and is preferred as long as its origin is screened from view and the direction or level of illumination does not affect adjacent properties, motorists or pedestrians.

Signs located within a public right of way must have written permission by the governing authority for the right of way.

Signs that incorporate in any manner any flashing or moving illumination which vary in intensity are not permitted.

Signs that incorporate visible moving parts or parts designed to give the appearance of movement are not permitted.

Number of signs permitted

While a combination of ground signs, soffit signs, canopy signs, wall signs and window signs is permitted, the number of signs for individual businesses should be minimized by grouping signs on the site and at building entries.

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For each exterior building wall only one (1) of the following types of signs shall be permitted: Wall sign, canopy sign, soffit sign, projecting sign, or window sign.

Size requirements-Permanent signs

A total message area of not more than 64 square feet, including off site directional signs, (128 square feet if double sided) shall be permitted to advertise the business or businesses located on a lot of record. Where a second ground sign is permitted; in this latter case a total message area of 256 square feet shall be permitted.

No one sign shall have a single dimension in excess of 12 feet.

No sign shall be located above the ridge line of any building or exceed 24 feet in height measured from the top of the sign to ground level.

Only businesses located in the Town of Plainfield may have off site directional signs in the Town of Plainfield. An off site directional sign shall not exceed 16 square feet in total area. Written permission is required from the owner of the land in which the sign is located. No more than two (2) off site directional signs are allowed per business.

Home occupations- a single sign no larger than 8 square feet in area shall be permitted.

The combined area of signs located in a window shall not exceed 20% of the area of the window.

Size requirements-Temporary Signs

Temporary signs not exceeding a message area of 10 square feet (20 square feet total for double sided signs) advertising special events, auctions, real estate, or the sale of farm produce may be erected on an as needed basis. The sign must be removed within twenty four hours of the date of the event or when the item(s) cease to be available for sale.

Non Conforming Signs

Any sign that was lawfully erected or displayed on April 1, 1998 may remain and continue to be used and maintained notwithstanding the applicable provisions of this ordinance.

Any changes made to a nonconforming sign should increase the sign's conformance with the above regulations. In no case, shall changes render the sign to be less conforming.

**3.11 EXPANSION OF EXISTING CONFORMING STRUCTURES AND
CONSTRUCTION OF ACCESSORY BUILDINGS WITHIN OR INTO THE
FRONT, SIDE OR REAR SETBACKS ESTABLISHED IN SECTION 2.5
SCHEDULE A**

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The expansion of existing conforming structures and the construction of accessory buildings either within or into the front, side or rear setback areas established in Section 2.5 Schedule A may be permitted in the VR,RR,RCI and RCII zones by special exception as an "Approved Setback Encroachment" subject to the following requirements:

- a. The proposed addition cannot reasonably be located outside the setback area.
- b. The request must comply with section 5.6 II of the zoning ordinance.
- c. The footprint of the proposed encroachment must be located so as to satisfy at least 50% of the required setback.
- d. This section applies only to the expansion of structures existing prior to March 1974 and the construction of accessory buildings where the principal structure on the property existed prior to March 1974.

3.12 NON-CONFORMING USES

A non-conforming use may be continued as it exists at the time of the adoption of this Zoning Ordinance subject to the following conditions:

- A. No non-conforming use shall be changed to another non-conforming use.
- B. No non-conforming use shall be altered, enlarged, or extended, with the following exceptions: (1) Internal expansion of a non-conforming use within a preexisting structure is permitted, provided that (a) the expansion reflects the nature and purpose of the existing non-conforming use, (b) is merely a different manner of utilizing the same use, and does not constitute a use different in character, nature and kind, and (c) the use will not have a substantially different effect on the neighborhood.
(2) The Zoning Board of Adjustment by Special Exception may permit an expansion of a non-conforming use.
- C. Expansion of the use shall not be allowed into land located in the Wetland Conservation District or the Floodplain Overlay District.
- D. Discontinuance of a non-conforming use for more than one year shall constitute abandonment and any future use shall be in accordance with the requirements of this Ordinance. In the case of death, bankruptcy, or other incapacity of the owner, the time limit of one year may be extended by the Board of Adjustment to a total period of no more than five years.
- E. Any non-conforming use which exists in contravention of any prior Zoning Ordinance of the Town of Plainfield and which is not permitted by that prior Ordinance, or any non-conforming use which is the subject of abatement or removal proceedings at the time of the adoption of this Ordinance, is not made permissible by the terms of this Section.

3.13 NON-CONFORMING STRUCTURES

- A. Non-conforming structures may receive normal maintenance and repair provided that such action does not increase the degree of non-compliance.
- B. If a nonconforming structure is damaged by fire, explosion, or other catastrophe, the structure may be restored and the non-conforming use may be resumed providing the structure is not greater in volume or floor space than the original structure and the application for zoning permit and initiation of construction to restore the non-conforming use occurs within two years of 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.
- C. The Zoning Board of Adjustment by Special Exception may permit the expansion or alteration of a non-conforming structure.
- D. The expansion of existing non-conforming structures and the construction of accessory buildings either within or into the front, side or rear setback areas established in Section 2.5 Schedule A may be permitted in the VR,RR,RCI and RCII zones by Special Exception as an "Approved Setback Encroachment" subject to the following requirements:
 - a. The proposed addition cannot reasonably be located outside the setback area.
 - b. The request must comply with section 5.6 II of the zoning ordinance.
 - c. The footprint of the proposed encroachment must be located so as to satisfy at least 50% of the required setback.
 - d. This section applies only to the expansion of structures existing prior to March 1974 and the construction of accessory buildings where the principal structure on the property existed prior to March 1974.

3.14 HAZARDOUS PROPERTY

No owner or occupant shall permit fire or other ruins to be left, but shall remove the ruins within one year. All abandoned wells and cellar holes must be filled or permanently covered.

3.15 PLANNED RESIDENTIAL DEVELOPMENT/CONSERVATION DESIGN

- A. In accordance with RSA 674:21, Innovative Land Use Controls the purposes of this section of the ordinance are:

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To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;

To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;

To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;

To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;

To implement adopted town policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Town's Master Plan, including provisions for reasonable incentives to create a green way system for the benefit of present and future residents;

To protect areas of the Town with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations,

To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.

To provide for the conservation and maintenance of open land within the Town to achieve the above-mentioned goals and for active or passive recreational use by residents;

To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls);

To provide standards reflecting the varying circumstances and interests of individual

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landowners, and the individual characteristics of their properties; and

To conserve scenic views and elements of the Town's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

Process: To achieve the above objectives an owner or owners of a tract of land or the duly authorized agent of an owner or owners may, in connection with the submission of a subdivision plan for planning board approval, develop the tract on a Planned Residential Development/Conservation Design (PRD/CD) basis if the plan meets the general intent of the zoning ordinance and complies with the following requirements: only residential uses shall be permitted in the PRD/CD. Accessory uses shall be permitted only on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use and shall be subject to ZBA review/approval. Units shall include single-family, or multiple family type dwellings, whether of traditional construction, of manufactured housing, or of modular construction. Each PRD/CD shall be dedicated exclusively to use and occupancy by either manufactured housing units or site-built dwelling units. Developers of PRD/CD shall submit as part of their plan for development, a proposed declaration of restrictions and covenants which shall so dedicate the use of the lots within the development. Upon approval of the PRD/CD, including the proposed declaration of restrictions and covenants, said declaration shall be recorded in the Sullivan County Registry of Deeds.

- B. Planned Residential Development/Conservation Design May Be Required: In order to conserve environmentally significant areas, the Planning Board may require that proposals for major subdivisions, as defined in the Plainfield Subdivision Regulations, be laid out according to the Planned Residential Development/Conservation Design standards contained in this Section. In determining whether Planned Residential Development/Conservation Design will be required, the Planning Board shall review information provided by the applicant or otherwise available, regarding the significant environmental attributes of the parcel, including wetlands, prime farmland soils, frontage on the Connecticut River or great ponds, and significant wildlife habitat as determined by the New Hampshire Natural Heritage Program or the New Hampshire Fish and Game Department. Planned Residential Development/Conservation Design may be required if 1) the Planning Board finds that a development would result in the elimination or permanent alteration of a) more than 50% of a significant environmental attribute located on the parcel, or b) more than 30% of each of any two attributes, considered individually, and 2) if the Planned Residential Development/Conservation Design would result in preserving those

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features that would be harmed if the development was not grouped in PRD/CD.

- C. Minimum Size: No PRD/CD shall be permitted on tracts of land of less than ten (10) acres in the RR, RC-I or RC-II districts and less than five (5) acres in the VR district.
- D. Density: The maximum number of dwellings within a tract proposed for a PRD/CD shall be determined by the Planning Board and shall be equal to the maximum number of lots that would be created in a conventional subdivision plan for the property. Only the area of developable land shall be considered. Areas that are not developable for physical reasons, such as surface waters, wetlands, areas of slopes over 20% and flood-prone areas, or, areas not developable for legal reasons such as road right-of-ways, utility easements, or other deeded easements, restrictions, and covenants, shall be excluded in the calculation of density. Plans used to demonstrate conventional subdivision layout are not required to be stamped surveyed or engineered documents; however, the quality of the plan must be sufficient to satisfy the Planning Board of its feasibility. Once a maximum density for the Conservation Design project has been established, applicants are not bound by zoning district frontage requirements, lot shape rules or lot size for the various parcels. However, as with all subdivisions once approved all other sections of the zoning ordinance apply to the project and its individual lots.
- E. Location and Screening: No dwelling units shall be constructed or manufactured housing unit placed closer than 150 feet to the center line of any state highway or 100 feet to the center line of any town highway or closer than 50 feet to any side or rear boundary of the PRD/CD. Dwelling units shall be constructed and manufactured housing units shall be located on individual lots so as to comply with the front, side, and rear yard requirements established in the VR district. Trees and shrubbery shall be planted and/or maintained so as to minimize the impact of the PRD/CD on the surrounding neighborhood. Fifty (50) percent of the total area of the tract shall be reserved as open space.
- F. Parking and Roadways: PRD/CDs shall provide, within reasonable proximity to each residential unit, two off-street parking spaces for each such unit. Roadways in PRD/CD's shall comply with the road requirements set forth in the Subdivision Regulations.
- G. Common Areas and Utilities: PRD/CD's will be permitted only subject to the development of a satisfactory solution regarding ownership, use and maintenance of areas proposed for open land, provisions of water, and treatment and disposal of sewage effluent. The water

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supply, sewage and all other sanitary and public health arrangements at manufactured housing parks shall conform with all applicable regulations and standards for manufactured housing PRD/CDs as promulgated by the State of New Hampshire Department of Health and Welfare, and any other state agency having jurisdiction in the premises. All sewage effluent produced on each lot shall be treated and disposed of on that same lot unless the lot is served by a municipal sewage system.

H. Procedure Upon Application For Permits: Applicants are encouraged to utilize the design review section of the subdivision regulations (section 4.5) at the earliest possible opportunity. Formal application shall be made in accordance with the procedure established by the Planning Board for the submission of applications for subdivision approval under the Town of Plainfield subdivision regulations, and shall include all plats, sketches, certifications and other documentation required by those regulations, and in addition shall include such other documentation as may be necessary to demonstrate the compliance of the proposed PRD/CD with the terms of this Planned Residential Development/Conservation Design ordinance.

I. Development Requirements: PRD/CDs shall comply with the development requirements for subdivisions set forth in the Town of Plainfield subdivision

regulations, insofar as those requirements are not inconsistent herewith. Where the provisions of this Planned Residential Development/Conservation Design ordinance are inconsistent with the provisions of the subdivision regulations, the more restrictive shall be controlling. The Planning Board may permit deviation of a PRD/CD from a requirement of the subdivision regulations upon a showing by the PRD/CD developer that the requirement in question:

- a. is unsuitable to the development, because of the clustered nature of the PRD/CD, as opposed to a conventional subdivision; or
- b. imposes on the developer a cost which is significantly disproportionate to the benefit to the community as a whole of enforcing the requirement.

J. Permit: No permit shall be issued for a PRD/CD unless the Planning Board shall find that the specific premises proposed for the PRD/CD are well adapted to such use, that such use will not be detrimental to the neighborhood, or to the community at large, and that it is consistent with the spirit of the Town of Plainfield Zoning Ordinance to grant the permit sought.

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- K. Continuing Operation of PRD/CD: Upon completion of development of a PRD/CD and the sale of 75% of the lots therein, the responsibility of the developer for maintenance of the common facilities shall be assigned to an owners' association which shall thereafter become the responsible party for maintaining the development's common facilities in accordance with the terms of the development permit and to assure the health and safety of the residents therein. Until such time, the developer shall remain responsible to comply with the conditions of the permit, the PRD/CD approvals, this ordinance and other state or local regulations applicable thereto.

In the event the developer shall fail to comply herewith, the development permit shall be suspended until such time as the developer shall have corrected those items specified in the notice of suspension. Such permit shall be suspended only upon complaint by the Board of Selectmen to the Planning Board, which may, after hearings, suspend the permit if it finds that the holder thereof has violated any of the provisions of this Ordinance.

A suspension of the development permit shall suspend the right to continue construction in expansion of the PRD/CD and/or the sale or lease of further lots by the developer, but shall not be constructed to prevent the use or resale of lots previously sold by the developer.

Upon assumption of the obligations of the developer by the owners association, the requirements hereof shall be enforced by a fine of \$100.00 per day for each day of violation after notice thereof to the association by the Board of Selectmen.

3.16 WIRELESS COMMUNICATION FACILITIES (INCLUDING PUBLIC TELEVISION BROADCASTING)

No building permit for a wireless communication facility (WCF) shall be issued without the project first having been granted a special exception by the Zoning Board of Adjustment and a site plan review by the Planning Board. However, WCFs that involve the use of existing structures, including towers, are not required to go through the site plan review process if the applicant can demonstrate that the project has little, if any, impact. Any proposed WCF that stands more than 3' above the top of an existing structure or tower or will be illuminated in any way shall be ***deemed to have an impact and will be*** required to go through the site plan review process.

Since the visual impact of WCFs can transcend town lines, communities that may be visually affected shall be formally notified of applications for WCF as projects having regional impact.

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Permitted Zones: WCFs are permitted, by special exception, in the Village Residential, Rural Residential, and Rural Conservation I Zoning Districts.

Prohibited Zones: WCFs are not permitted in the Rural Conservation II and Conservation Zoning Districts.

Co-location: Whenever feasible WCFs shall be located on existing structures provided that such installation preserves the character and integrity of those structures. In particular, applicants are encouraged to consider use of existing telephone and electric utility structures. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.

Scenic Vistas: WCFs shall not be located within open areas that are visible from public roads, recreational areas or residential development, or any area designated as a scenic vista in the town's Master Plan. Any WCF that is to be located within 300 feet of a scenic vista, scenic landscape or scenic road as designated by the town, shall not exceed the height of vegetation at the proposed location.

Standards to be met: In addition to evidence of conformance to all the general performance standards found in section 5.6II of this ordinance, proposals for WCFs must satisfy all of the following:

- a) **Setback-** To insure the safety of the general public, the property line setback for any new WCF that exceeds 35' in height (measured from the lowest point that the facility meets the earth to the highest point on the WCF) shall be a distance equal to 110% of the height of the WCF.
- b) **Height-** Regardless of the type of mount, WCFs shall not be higher than 10' above the tree canopy height measured from ground level at the base of the tower. If an applicant demonstrates that, due to specific site characteristics/location, additional tower height significantly improves the potential for co-location, thus reducing the overall number of towers needed in the area, without violating the spirit of the ordinance, an additional 10' of tower height may be approved by the zoning board.
- c) **Lighting-** No lighting shall be permitted on towers except as may be specifically required by another governmental agency with jurisdiction, or where deemed necessary by the Zoning Board.
- d) **Visual Analysis-** All WCF proposals must include a written plan for minimizing the visual impact of the tower and related tower fixtures. Construction materials, colors, and landscaping shall all be addressed. A determination that the visual impact of the

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tower is significant and adversely impacts the character of the neighborhood shall be grounds to deny the application.

- e) **Co-location Agreement:** The applicant shall submit an agreement to the town that maximizes the possibility of future co-location upon the new structure.
- f) **Test:** Unless specifically waived by the Zoning Board of Adjustment, all applicants for WCFs will be required to raise a three foot diameter balloon for a period of three days at the maximum height of the proposed facility within 50' of the actual WCF location. Dates of test will be set by mutual agreement of the applicant and zoning board. A visual simulation of how the tower will look in its surroundings may be used at the discretion of the Zoning Board in lieu of the balloon test.
- g) **Decommissioning:** All proposals for WCFs will include provisions to insure that once the facility is no longer in use it will be completely removed from the site within ninety (90) days. The landowner shall be responsible for and guarantee the tower removal. The zoning board may require the applicant to post a bond to cover the decommissioning of the tower. Approvals shall run with and place a burden upon the land which is enforceable by the town.

Application Requirements: All applications for WCFs shall include the following items:

- a. Names and addresses of the owners of the property where the WCF is proposed
- b. Abutter list
- c. Written description of the project
- d. To-scale site map of the property and proposed facility including topography, elevations, access roads and accessory structures
- e. An inventory of all existing and proposed WCFs within 20 miles of the site
- f. Average height of vegetation within 100' of the proposed facility
- g. Visual analysis
- h. Proposed dates for the balloon test
- i. Decommissioning plan
- j. Proposed co-location agreement

3.17 WINDPOWERED GENERATING SYSTEMS

The town, through its policies and zoning ordinance in accordance with RSA 672:1 III & 674:62-66, supports and encourages the development of alternative energy systems. However, like telecommunication towers, wind powered generating systems (WPGS) have the potential to impact other properties, including view sheds, because of their height. Therefore, no building permit for a WPGS shall be issued without the project first having been granted a special

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exception by the Zoning Board of Adjustment and, in the case of projects where a single family house is not the primary use on the property, a site plan review by the Planning Board.

For proposed projects that are governed by RSA 162 H, the town's role in the review process shall be as allowed by the statute.

Since the visual impact of WPGS can transcend town lines, communities that may be visually affected shall be formally notified of applications for WPGS as projects having regional impact.

Projects that are limited to a single generating unit that is in keeping with the established primary use on the property and whose total height is less than or equal to 100' will be granted an expedited review. By example, these applications are not required to provide engineered stamped drawings.

In the case of an application involving more than one generating unit and or a height greater than 100', engineer stamped drawings and specifications are required. In addition, an applicant-funded peer review by a WPGS expert of the town's choosing may be required. The standard used for this review will consist of current industry best management practices. As part of developing the peer review scope of services, the applicant will be provided a copy of the BMP benchmark document to be used.

Standards to be met: In addition to evidence of conformance to all the general performance standards found in section 5.6II of this ordinance, proposals for WPGS must satisfy all of the following:

- a. **Setback:** To insure the safety of the general public, the property line setback for any new WPGS that exceeds 35' in height (measured from ground level at the base of the tower to the tip of one of the blades when in the vertical position) shall be a distance equal to 110% of the height of the WPGS. If the fronting street for the project is a designated scenic road the setback shall be 150% of the height of the WPGS.
- b. **Height:** Regardless of the type of mount, WPGS shall not be higher than 30' above the tree canopy height measured from ground level at the base of the tower to the tip of one of the blades when in the vertical position. If an applicant demonstrates that, due to specific site characteristics additional tower height significantly improves the proposed unit(s) performance without adversely impacting the local view shed, an additional 10' of height may be approved by the zoning board.

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- c. **Signs:** The tower structure may not be used for any other purpose or to display any signs or banners other than those necessary for safety without specific written approval of the Zoning Board.
- d. **Lighting:** No lighting shall be permitted on towers except as may be specifically required by another governmental agency with jurisdiction, or where deemed necessary by the Zoning Board.
- e. **Sound Level:** The WPGS shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.
- f. **Vibrations:** WPGS units must not cause vibrations through the ground that are perceptible beyond the property line of the parcel on which it is located.
- g. **Reception Interference:** WPGS units shall not cause interference with television, microwave, navigational or radio reception in neighboring areas.
- h. **Visual Analysis:** All WPGS proposals must include a written plan for minimizing the visual impact of the tower, blades and related tower fixtures. Construction materials, colors, and landscaping shall all be addressed. The units must not cause shadow flicker upon any structure on a neighboring property.
- i. **Code Compliance:** All WPGS shall be required to demonstrate that they have been designed and built to satisfy local codes and nationally accepted design standards.
- j. **Blade Clearance:** Minimum clearance from blade tip to ground is twenty (20) feet.
- k. **Guy Wires:** If used to support the tower, these wires must be covered with a high visibility material to height of at least six (6) above the ground.
- l. **Access:** All towers will be fenced, have lowering mechanisms locked, or have bottom steps removed in a manner, which prevents unauthorized access.
- m. **Connections:** When a WPGS is not immediately adjacent to the structure, all power lines, control lines or other connections between the WPGS and any other structure shall be underground.
- n. **Visual Test:** Unless specifically waived by the Zoning Board of Adjustment, all applicants for WPGS will be required to raise a three foot diameter balloon for a period of three days at

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the maximum height of the proposed facility within 50' of the proposed location. Dates of test will be set by mutual agreement of the applicant and zoning board. A visual simulation of how the tower will look in its surroundings may be used at the discretion of the Zoning Board in lieu of the balloon test. Temporary towers used to position wind data gathering instrumentation may be used, without review, for up to a six month period.

o. Decommissioning: All proposals for WPGS will include provisions to insure that once the facility is no longer in use, it will be completely removed from the site within ninety (90) days. The Selectboard may declare any WPGS which remains unused for more than one year as abandoned and require its immediate removal. The landowner shall be responsible for and guarantee the tower removal. The zoning board may require the applicant to post a bond to cover the decommissioning of the unit(s). Approvals shall run with and place a burden upon the land, which is enforceable by the town. See "Expiration of Permit "(currently section 6.5 of the Zoning Ordinance) for more information.

p. Enforcement: See RSA 676:17.

Application Requirements: All applications for WPGS shall include the following items:

- a. Names and addresses of the owners of the property where the WPGS is proposed.
- b. Abutter list.
- c. Written description of the project which includes the specifications of the proposed generating unit (s).
- d. Site map of the property and proposed facility including topography, elevations, access roads and accessory structures.
- e. Average height of vegetation within 100' of the proposed facility.
- f. Visual analysis.
- g. Decommissioning plan.
- h. Hazard mitigation plan, to include fire prevention and security measures to be taken.

3.18 SOLAR ENERGY SYSTEMS

The town, through its policies and zoning ordinance in accordance with RSA 672:1 III & 674:62-66, supports and encourages the development of alternative energy systems. However, like telecommunication towers and wind powered generating systems (WPGS) solar energy systems (SES) have the potential to impact other properties, including view sheds. Therefore, no building permit for a SES shall be issued without the project first having been granted a special exception by the Zoning Board of Adjustment unless the SES meets the following criteria:

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- 1) Roof top mounted or wall mounted system, in all zones, that does not extend beyond the exterior perimeter of the building on which the system is mounted and does not rise up more than 5' from the exterior surface of the roof.
- 2) Ground mounted systems in the Rural Residential (RR), Rural Conservation I (RCI) and Rural Conservation II (RCII) zones that do not rise more than 14' from the ground measured from the surface of the existing grade to the top of collector at its highest point and are not more than 7kw in size.

For SES that do not require a special exception the arrays will be considered an accessory use and will be permitted with a building permit in all zones except the Conservation Zone.

All ground mounted systems proposed in the Village Residential Zone (VR) shall require a special exception.

All ground mounted solar installations which are connected to a commercial metering system shall require a site plan review by the Planning Board.

Application Requirements for Solar Energy System (SES) requiring a special exception and or site plan review:

- a. Names and addresses of the owners of the property where the SES is proposed
- b. Abutter list
- c. Written description of the project
- d. Site map of the property and proposed facility design
- e. Visual analysis
- f. Decommissioning plan (if applicable)

Standards to be met: In addition to evidence of conformance to all the general performance standards found in section 5.6II of this ordinance, proposals for SES must satisfy all of the following:

Location: Systems will be located and or screened so as to minimize the visual impact from abutting properties. For the purpose of this ordinance a ground mounted solar array shall be considered a structure.

Fencing: While generally not required in cases where the town/Es land use boards deem it necessary to protect public safety, perimeter fencing may be required around all or some of the system components.

Utilities: Unless specifically waived by the Zoning Board all distribution lines associated with the system will be underground.

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Approved Solar Components: All electric solar components must have UL listing or equivalent.

Utility Company Approval: The applicant, as part of the application process must show a letter of acceptance from any utility company which will receive the electric power from the system.

Decommissioning: All proposals for SES, which require either a special exception or a site plan review, will include provisions, acceptable to the town, to insure that once the facility is no longer in use, it will be completely removed from the site.

3.19 AIRCRAFT TAKE OFFS AND LANDINGS

As outlined in RSA 674:16 V private aircraft take offs and landings and the construction of related facilities shall require a special exception in the Village Residential, Rural Residential, Rural Conservation I and Rural Conservation II Zoning Districts. Such take offs and landings, along with related facilities shall not be permitted either as an accessory use or by special exception in the Conservation Zoning District.

3.20 ELDERLY HOUSING:

Providing Elderly Housing is in the public interest and general welfare of the Town of Plainfield. In addition to the general conditions for granting of special exceptions, all elderly housing projects must satisfy the following conditions:

- a. The review of any site proposed for elderly housing shall recognize the desirability of locating such developments as close as possible to those areas of the community where support services for the elderly are usually available. These services include shopping, especially food stores, medical facilities and supplies, places of worship, public transportation, and library.
- b. Any site proposed for elderly housing under this subsection shall be used only in conformity with the regulations of the U.S. Department of Housing and Urban Development. No elderly housing unit shall have a total livable floor area that is less than the minimum floor area required by the U.S. Dept. of Housing and Urban Development for elderly housing units. All new elderly housing developments must meet the requirements of the Americans with Disabilities Act (ADA) for handicap access.
- c. Single and two story facilities are permitted. Any "building" in an elderly housing project shall be separated from any other "building" in that project by at least twenty (20) feet. Single-story "building" that are part of an elderly housing project shall not contain more than eight (8) dwelling units. Two (2) story buildings that are part of any elderly housing project shall contain no more than twenty (20) dwelling units.
- d. No elderly housing project shall contain more than twenty (20) dwelling units. A community building or room is not considered a dwelling unit and may be attached to, or incorporated in, a building containing dwelling units.
- e. A minimum of one (1) parking space per dwelling unit shall be provided. All parking spaces shall be off the street right-of-way, but with direct access thereto, except that no parking spaces shall be located within the front yard setback from the street.
- f. A vehicular drop-off area to a building may be permitted within the required setback or front yard area of the project to facilitate the needs of the elderly.

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- g. Each elderly housing project shall conform to the following density limitation requirement:
 - i. not more than two persons shall reside in a dwelling unit.
 - ii. in an elderly housing development the maximum number of dwelling units shall not exceed 5 dwelling units per acre unless the proposed site is served by both public water and waste water system in which case the density may be increased to up to 10 dwelling units per acre.
- h. The architectural design of buildings shall be of such character as to harmonize with the neighborhood.
- i. The site plan and arrangement of buildings including landscaping, grading, storm drainage, sanitary sewers, outdoor illumination, vehicular access, and parking spaces shall be of such character as to harmonize with the neighborhood. To accomplish a transition between areas of unlike character, screening/hedges/buffers may be required to protect property values in the neighborhood, to preserve the appearance and beauty of the community.
- j. If a "subdivision", as defined in the Town of Plainfield Subdivision Regulations, is involved, the applicant must obtain subdivision approval from the Plainfield Planning Board.

**ARTICLE IV
GENERAL PROVISIONS**

Section 4.1 DIVISION OF LOTS

No division of any lot shall result in the creation of any nonconforming lot.

4.2 COMBINATION OF NON-CONFORMING CONTIGUOUS LOTS

When two or more lots or parcels of land, either of which lacks adequate area and/or dimension to satisfy the requirements of the zoning district in which they are located, are contiguous, and are held in common ownership, they shall be considered to be one zoning lot or parcel for the purposes of the Ordinance. Lots under common ownership on either side of the road shall be deemed contiguous.

4.3 PRINCIPAL USE OF LOT

Except as otherwise provided for in this ordinance, only one principal use, together with its accessory uses, shall be permitted on a single lot.

- A. A second use may be permitted as an "approved secondary use" as a special exception by the Zoning Board of Adjustment provided the following conditions are met: (1) one of the uses shall be a single-family dwelling, (2) the second use is incidental and subordinate to the residential uses and listed in Schedule A as a permitted use or a special exception, (3) a non-residential use is owned and operated by an inhabitant of the dwelling unit on the lot and (4) the use complies with the requirements for special

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exceptions.

- B. In order to encourage the preservation and use of our existing buildings, and promote the consolidation of essential services within the Village Residential Zones the Zoning Board of Adjustment, by Special Exception, may approve a mix of compatible uses on one lot, as an **Approved Combination of Related Uses**, under the following conditions.

1) The proposed uses will utilize the building or buildings existing on the lot as of **April 1, 1995**.

2) Each of the uses in the mix is listed as either a permitted use or a special exception for that zone.

3) No more than one single family home shall be permitted on a lot. Otherwise, however, more intensive residential use may be permitted under this special exception by the ZBA.

4) Applications must be made in sufficient detail to allow the ZBA to accurately assess the impact of the *entire* project.

5) In order to allow an Approved Combination of Related Uses, the ZBA must find that the proposed uses satisfy, individually and in combination, the special exception provisions listed in the ordinance.

In addition, the ZBA must find that the proposed uses are compatible. Criteria for determining compatibility may include (but are not limited to) the following:

- * the nature of the proposed uses is similar
- * the hours of operation of the proposed uses are similar
- * the parking and traffic impact of the proposed uses is similar
- * the noise of the proposed uses is similar
- * the degree of potential risk of the proposed uses to the public health and safety is similar
- * the uses are commonly found together in a building or buildings as proposed

As an example, although they may meet all the individual criteria for special exceptions, it is unlikely that a dwelling unit would be judged to be a use compatible with a retail gasoline operation or an industrial use.

- 6) In granting approval under this section, the ZBA must document what would

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constitute a substantive change in the use, and must render its decision in sufficient detail to allow the abutters, applicant, and monitoring authorities to anticipate what would necessitate an additional review of the *entire* project.

7) Every substantive change in the mix or intensity of the uses in an Approved Combination of Related Uses must be approved by the ZBA. At the discretion of the ZBA, an additional special exception application and hearing may not be required if the ZBA shall make a determination that the proposed change is not substantive in nature and is within the parameters described in the previous approval.

8) Expansion of a building or buildings as part of an Approved Combination of Related Uses shall only be allowed if it does not alter the essential character thereof. Any subsequent expansion to the building or buildings will be considered a substantive change and will be reviewed by the ZBA according to the provisions of this section.

9) This special exception is not intended to supersede the Site Plan Review Regulations of the Town of Plainfield. No action taken by the ZBA under this section shall limit the authority or responsibility of the Planning Board in its procedure under site plan review.

C. ACCESSORY DWELLING UNIT (ADU):

Accessory dwelling units are allowed in certain situations to:

- * Create new housing units while respecting the look and scale of single-dwelling development;
- * Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- * Allow more efficient use of existing housing stock and infrastructure;
- * Provide a mix of housing that responds to changing family needs and smaller households;
- * Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods;
- * Provide a broader range of accessible and more affordable housing

A property may have only one ADU whether attached or detached. For attached accessory dwelling units, where no prior zoning board approval exists, no Zoning Board of Adjustment approval is necessary prior to obtaining a building permit. For all detached ADU's (where the relationship to the principle dwelling unit is less than enclosed by weather tight space including a continuous roof and continuous foundation), Zoning Board approval is required. In cases where a property has an existing zoning board approval the Zoning Board shall review the entire property and approved uses when determining whether or not an ADU (attached or detached) is

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allowable on the site. The ADU will be considered as an accessory use to the primary residential use.

Criteria which apply to all ADUs whether attached or detached:

1. The property owner must occupy the primary unit or the ADU as their permanent residence. Prior to occupancy the owner shall record at the Sullivan County Registry of Deeds an acknowledgement of the owner occupancy requirement in a form acceptable to the town.
2. ADU's are not intended for individual ownership. An approved ADU shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing primary dwelling unit.
3. ADU's may be no larger than 800 sq feet and may not exceed 50% of the gross living area of the primary residence.
4. The ADU shall contain no more than one bathroom and two bedrooms.
5. The parcel on which the ADU is built must be conforming in lot size and road frontage for the zone in which it is located. The ADU, whether a new or an existing structure, must satisfy the front, side, and rear yard setbacks for the zone.
6. If applicable, the owner must seek a permit from the State of NH Department of Environmental Services Subsurface Systems Bureau in accordance with RSA 485-A:38.
7. At least one parking space must be designated for the ADU.
8. The ADU must use an existing curb cut on the property.
9. Utilities may be shared between the primary residence and the ADU, however, they must be configured in such a way to satisfy current life safety code requirements.
10. The local fire department shall be considered an abutter for the purposes of noticing ADU applications.

Criteria which apply to detached ADUs:

1. If a new structure, the ADU must be constructed and located, in the judgment of the Zoning Board, so that it does not detract from the character of the neighborhood.
 - a. The ADU should be subordinate in scale, size and placement to the primary residence.
 - b. The ADU's exterior should be similar in design and quality to the primary residence.
2. For buildings constructed after January 1st 2015 maximum building height is 25' for ADUs. Ornamental cupolas measuring less than 30" in width and 30" in depth and that are no higher than 48" may be excluded from the 25' building height limit.
3. When located in an outbuilding such as a barn or garage built before January 1st 2015, the maximum height restriction does not apply. However the ADU portion must conform to all other dimensional requirements for ADUs as listed in this ordinance.
4. Detached ADUs in the VR zone which are constructed after the adoption of this regulation shall require 20,000 square feet in addition to the minimum lot size. An

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ADU incorporated into a structure existing prior to the adoption of this regulation shall be exempt from this requirement.

4.4 LOCATION OF REQUIRED OPEN SPACE

All yards, courts, and other open spaces allocated to a building or group of buildings shall be located on the same lot as such building or group of buildings unless otherwise specifically provided for herein.

4.5 MAINTENANCE OF REQUIRED OPEN SPACES

The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

4.6 REDUCTION OF REQUIRED OPEN SPACES

No spaces allocated to a building or group of buildings for the purpose of complying with the yard, frontage or other open space requirements of this Ordinance shall thereafter, for any reason, be used to satisfy the open space requirement of any other building or group of buildings.

4.7 REQUIRED OPEN SPACE FOR EXISTING BUILDINGS

No yards or other required open space now or hereafter provided for a building existing on the effective date of this Ordinance shall subsequently be reduced below, or further reduced below if already less than the minimum yard requirements of this Ordinance for equivalent new construction.

4.8 GENERAL PERFORMANCE STANDARDS

Any uses of property that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes, noise, effluent, vibrations, or similar conditions, or that are dangerous to the comfort, peace, enjoyment, health or safety of the community or leading to its disturbance or annoyance are prohibited.

Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises, due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses. No toxic, corrosive matter, septic wastes, smoke, fumes or gases or other forms of environmental pollution shall be discharged across the boundaries of any lot or into public waters in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or to cause injury or damage to property or business.

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Uses which are recognized as part of the industry of the neighborhood such as lumbering or farm operations, shall not be interpreted as obnoxious or offensive under the terms of this ordinance.

4.9 ON-SITE SEWAGE SYSTEMS

Where on-site sewage systems are used in place of central off-site sewage facilities, and when the findings of the NH Water Supply and Pollution Control Commission show that a lot is inadequate to properly accommodate an on-site sewage system, the Board of Selectmen may require a minimum lot area in excess of the minimum requirements for that district in which the lot is located. On-site sewage systems shall be constructed and maintained in strict accordance with the law and regulations, standards and procedures of the NH Water Supply and Pollution Control Commission. All sewage effluent produced on each lot shall be treated and disposed of on that same lot unless the lot is served by a municipal sewage system.

4.10 EXISTING SMALL LOTS

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence prior to February 1971 (adoption date of subdivision regulations) may be developed for any of the permitted uses and special exceptions listed in the district in which it is located, even though not conforming to minimum lot size requirements, provided that the use proposed for said lot will comply with all health and sanitary regulations for water and sewage systems as required by the State of New Hampshire. The one exception to the above being that special exception #20 "Multifamily housing" and special exception #37 "" and Permitted Use #10 "" shall not be allowed on these types of lots except as expressly permitted under section 4.3.

As is the case with all appeals, requests for Special Exceptions will be reviewed under the criteria found in Section 5.6 II, by the Zoning Board of Adjustment.

4.11 SITE PLANS

In all instances where site plans are required, no buildings or structures shall be erected and no parking area shall be established or changed except in conformity with a site plan approved by the Planning Board. Site plans shall be submitted according to the procedures and standards set forth in the Town of Plainfield Site Plan Review Regulations. Site Plan Review is required for the development, change or expansion of use of tracts for non-residential developments and all multifamily developments.

4.12 HEIGHT RESTRICTIONS

No structure shall exceed the 35 foot height limitation without approval of the Zoning Board of Adjustment. Approval for structures over 35 feet in height shall not be granted unless they are found to be in conformance with the conditions set forth for the granting of a special exception and shall be set back from all property lines a distance equal to their height. Portions of structures not meant for human occupation such as steeples and cupolas, and silos are

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exempted from this height limitation.

4.13 LOT SIZE

For the purpose of determining the acreage of lots in conventional subdivisions, contiguous developable land shall comprise no less than 50% of the minimum lot area specified in the VR and RR Zones and 2 acres in RCI and RCII Zones in the Plainfield Zoning Ordinance.

4.14 RULES OF PROPORTIONALITY

In that the road frontage and acreage requirements are based on existing patterns of use and the soil carrying capability in those zones, a rule of proportionality is to be applied where a parcel lies in more than one zone. The acreage required to create a conforming parcel shall be such that the following mathematical formula is satisfied.

$$\frac{\text{Lot Acreage in Zone 1}}{\text{Minimum Lot Size in Zone 1}} + \frac{\text{Lot Acreage in Zone 2}}{\text{Minimum Lot Size in Zone 2}} + \frac{\text{Lot Acreage in Zone 3}}{\text{Minimum Lot Size in Zone 3}} \geq 1$$

(In words, the lot acreage in Zone 1 divided by the minimum lot size in Zone 1, plus the lot acreage in Zone 2 divided by the minimum lot size in Zone 2, plus the lot acreage in Zone 3 divided by the minimum lot size in Zone 3 must be equal to or greater than 1.)

In the case where the frontage for a parcel lies all in one zone, the frontage requirements for that zone shall apply. In the case where frontage lies in more than one zone, the same rule of proportionality as applies to acreage shall apply.

**ARTICLE V
BOARD OF ADJUSTMENT**

Section 5.1 AUTHORIZATION

A Zoning Board of Adjustment shall be authorized and established in accordance with the laws of the State of New Hampshire, Chapter 673 & 674, Revised Statutes Annotated and amendments thereto.

5.2 POWERS

The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance or of any amendment thereto.

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(2) To hear and decide special exceptions to the terms of this Ordinance.

(3) To hear and grant requests for variances from the provisions of this Ordinance after a finding that special or unique conditions or circumstances exist and that a strict or literal enforcement of this Ordinance will result in unnecessary or undue hardship.

5.3 APPLICATIONS: APPEAL, VARIANCE OR SPECIAL EXCEPTION

Application for a variance or special exception permit shall be made in accordance with procedures established by the Board of Adjustment and on a form recommended by the Planning Board. A Site Plan, as specified in Section 4.11 of this Ordinance, shall accompany all applications for a variance or a special exception.

5.4 PROCEDURES & PUBLIC NOTICE REQUIREMENTS

The Board of Adjustment shall establish rules of procedure with respect to meetings; filings for notices of appeal; minutes of proceedings; and records of examinations, finding, and official actions. Hearings on appeals, proposals and requests shall be conducted as follows:

Prior to exercising its power to grant an administrative appeal, special exception or variance, the Zoning Board of Adjustment shall hold a public hearing. The public hearing shall be held within 30 days of the receipt of the application requesting consideration by the Board.

Notice must be sent by certified mail to all abutters not less than 5 days before the date of the hearing. "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For the purpose of receiving testimony only, and not for purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration.

Notice shall be published in a newspaper of general circulation not less than 5 days before the date of the hearing and shall indicate time and place of meeting and shall indicate what relief is being sought. Where possible, there should be reference to the Ordinance sections under which a special exception is being sought or from which a variance is being sought or under which an administrative appeal is being taken.

5.5 APPEALS TO THE ZONING BOARD OF ADJUSTMENT If it is alleged that an error has been made by any decision of a town administrative official, any aggrieved person, department, or board affected may appeal to the Zoning Board. Such appeals must occur within fifteen days of the decision or the granting or denial of a zoning permit. Such appeal shall be made by filing with the Zoning Board of Adjustment a notice of appeal specifying all the grounds for the appeal.

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Any activity or work may not continue during an appeal unless the town administrative official certifies to the Zoning Board of Adjustment that work stoppage would cause imminent peril to life and property.

5.6 CONDITIONS TO BE MET

I. Administrative Appeal

To grant an administrative appeal, the Zoning Board of Adjustment must apply the strict letter of the law. It must find that the administrative official correctly or incorrectly interpreted a particular provision of the Ordinance. If it finds that the ordinance was properly interpreted, it cannot grant relief (unless a request has been made for a variance or special exception) even if it feels relief might be in order. The Zoning Board may reverse, or affirm, completely or in part, any administrative decision from which an appeal is sought.

II. Special Exceptions

A special exception as specified in this ordinance may be permitted only if the Board of Adjustment makes the following findings of fact:

1. The use is specifically allowed as a special exception under the terms of the Ordinance.
2. That the use will not be detrimental to the character or enjoyment of the neighborhood.
3. The proposed use will comply with the applicable regulations of the district in which it is to be located.
4. The granting of a special exception must include remedy for any existing zoning violations on the property.
5. The capacity of existing or planned community services or facilities, including streets and utilities will not be adversely affected.
6. Traffic on roads and highways in the vicinity shall not be adversely affected.
7. The use will not be contrary to the public health, safety or welfare by reason of traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, or similar adverse conditions.
8. Appropriate and adequate facilities will be provided for the proper operation of the proposed use.
9. No undue municipal expense will be created.

III. Variance

The Board of Adjustment may, on an appeal, grant a variance from the provisions of this Ordinance, if ALL the following facts are found by the Board of Adjustment and such finding is specified in its decision:

- I. The variance will not be contrary to the public interest.

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II. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.

A. For an applicant seeking a use variance the applicant shall demonstrate that:

- i. The zoning restriction as applied interferes with a landowner's reasonable use of the property, considering the unique setting of the property in its environment.
- ii. No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the applicant's property.
- iii. The variance would not injure the public or private rights of others.

B. For an applicant seeking an area variance the applicant shall demonstrate that:

- i. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property.
- ii. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

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

IV. Substantial justice is done.

V. The value of surrounding properties will not be diminished.

VI. That the variance, if authorized, will represent the minimum variance that will afford reasonable relief.

5.7 ACTION BY THE BOARD OF ADJUSTMENT

After a public hearing, the Board of Adjustment may (1) grant the application (2) deny the application or (3) refer the application back to the applicant for modification.

Any action taken by the Board of Adjustment on an application for variance or special exception permit must be accompanied by a written statement as to how the variance or special exception requested fulfills or fails to fulfill the requirements and conditions specified in Section 5.6.

The concurring vote of a majority of the Zoning Board of Adjustment shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on a request for a

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special exception or variance.

The Planning Board may recommend and the Board of Adjustment may impose such conditions and restrictions as deemed necessary to meet the objectives of this Ordinance on any permit for a variance or special exception granted under the terms of this Ordinance.

Any variance or special exception permit issued by the Board of Adjustment in conflict with the provisions of this Ordinance shall be considered null and void.

The Board shall issue a final written decision which either approves or disapproves an application. This decision shall be filed in the Town Office within seventy-two (72) hours after the decision has been made. If the application is approved, the decision should state that the conditions of the special exception or variance were found to exist and indicate any conditions attached to the approval. If the application is denied, all reasons for denial shall be indicated in the denial letter and on the record. If any application is denied, the applicant may not re-apply for a permit for substantially the same request unless there has occurred a substantial change of circumstances, otherwise not earlier than 120 days after the date of denial.

ARTICLE VI
ADMINISTRATION

Section 6.1 ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by the Plainfield Board of Selectmen. The Zoning Administrator shall administer and enforce literally the provisions of this Ordinance. In fulfilling his duties and responsibilities, the Zoning Administrator shall receive applications, inspect premises, maintain records, issue permits and perform other necessary tasks as may be necessary to carry out the provisions of this Ordinance.

The Zoning Administrator shall have the right to enter upon any premises at any reasonable time prior to, during or upon completion of construction of buildings and other improvements for the purpose of making inspections to carry out his duties in the enforcement of this Ordinance. Whenever any building work is being done, or use is established, altered or otherwise changed, in a manner contrary to the provisions of this Ordinance, the Board of Selectmen upon their own initiative or upon notification by the Zoning Administrator shall take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the superior court or by any other legal action. If any uncertainty exists with respect to the exact location of any district boundary, the Zoning Administrator or Zoning Board of Adjustment in the case of the Wetland Conservation District or Floodplain Overlay District shall make a determination of the location of such district boundary.

The administrative duties and responsibilities of the Zoning Administrator may be vested with the Building Official if such official has been appointed to administer building regulations for the Town of Plainfield.

6.2 ZONING PERMIT

No building construction, land development, or citing of manufactured housing may commence and no land or structure may be devoted to a new or changed use within the Town unless permitted under this Ordinance or approved by the Zoning Board and until a Zoning Permit has been issued by the Zoning Administrator.

All applications for a zoning permit shall be accompanied by two copies of a development plan drawn to scale showing the dimensions of the lot to be built upon, the size and location on the lot of the building or manufactured housing with accessory buildings, to be erected and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. The fee for a zoning permit shall be established by the Board of Selectmen.

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A zoning permit shall be issued by the Zoning Administrator only if the application, development plan and other requirements of this Ordinance have been properly met. A zoning permit shall be issued or denied by the Zoning Administrator within 60 days of the submission of an application.

If a zoning permit is denied, the Zoning Administrator shall so notify the applicant in writing, stating the reasons for denial. If a zoning permit is approved, the Zoning Administrator shall certify that all requirements of this Ordinance have been met. All activities authorized by the issuance of a zoning permit shall be completed within two years of its date of issuance, or the permit shall become null and void and reapplication and reissuance of another zoning permit shall be required to complete the activities begun under the original permit.

6.3 VIOLATIONS

Upon determination of the Selectmen or Administrator that this Ordinance is being violated, the Selectmen and Administrator shall take immediate steps to enforce the provisions of this Ordinance. If necessary, the Board of Selectmen shall seek an injunction in the Superior Court or by any other legal action enforce the provisions of this Ordinance.

6.4 PENALTIES

Any violations of the provisions of this Ordinance shall subject the violator to a fine of not more than one hundred dollars (\$100.00) for each day such violations are found by a court to continue after the conviction date or after the date on which the violator receives written notice from the Town that he or she is in violation of this Ordinance.

6.5 EXPIRATION OF PERMIT

A zoning permit shall expire two years after the date of issuance if work on the project has not been initiated, or it shall expire if it has been discontinued for a period of two years. In the case of death, bankruptcy or other incapacity of the owner, the time limit may be extended by the Board of Adjustment to a total period of no more than five years.

ARTICLE VII

MISCELLANEOUS PROVISIONS

Section 7.1 AMENDMENTS

This Ordinance may be amended in accordance with the requirements and procedures established in Chapter 675 of NH Revised Statutes Annotated and amendments thereto.

7.2 CONFLICT WITH OTHER REGULATIONS

If any section is more restrictive with respect to the use of structures or land than other statute, ordinance, regulation, rule, easement, or agreement, the provisions of the more restrictive shall apply.

7.3 EFFECTIVE DATE

This Ordinance shall take effect on the date of its adoption.

7.4 INTERPRETATION

In the interpretation and application of this Ordinance, the provisions of this Ordinance shall, unless stated otherwise, be construed as minimum requirements adopted for provisions of the public health, safety and general welfare.

7.5 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance.

ARTICLE VIII DEFINITIONS

ACCESSORY DWELLING UNIT (ADU): An attached or free standing residential unit, in addition to the primary residence on a single lot, which contains no more than one bathroom and two bedrooms and is no larger than 800 Sq feet.

ACCESSORY USE: A use customarily associated with the principal use of the premises, which is incidental and subordinate to the principal use and does not change the basic character thereof.

AGRICULTURE: Customary operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, greenhouse operations; the production, cultivation, growing and harvesting of any agricultural, floricultural, sod or horticultural commodities; the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry, or other practices on the farm incidental to, or in conjunction with, such farming operations. They might include the following: preparation for market; delivery to storage or to market, or to carriers for transportation to market, of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; forestry or lumbering operations; the marketing or selling at wholesale or retail or in any other manner any products from the farm.

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APPROVED SECONDARY USE: A use, listed in Schedule A, which might otherwise stand alone as a principal use, but in the present case has been reviewed by the Zoning Board of Adjustment, under Section 4.3, A, and determined to be secondary in nature to the principal use and accessory uses of the property in question.

AREAS OF SPECIAL FLOOD HAZARD is the land in the flood plain within the Town of Plainfield subject to a 1 percent or greater chance of flooding in any given year. The areas are designated as Zone A and AE on the Flood Insurance Rate Map.

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

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

BOX TRAILER: means any trailer or similar container without motive power designed for carrying property wholly in its own structure and for being drawn by or placed upon some mode of transportation, including so called "sea boxes" and the like. For the purpose of this ordinance, recreational use box trailers like snowmobile carriers, horse carriers etc. maintained in condition for over the road use are not considered box trailers.

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

BUILDING LINE: The line, parallel to the front lot line, measured between side lot lines through that part of the building structure or construction site where the lot is narrowest.

BUILDING, PRINCIPAL: A building on a lot in which the principal use of the lot is conducted.

BUSINESS USES(S): A corporation, partnership or proprietorship concerned with the production or sale of products or services. Each organizational entity (corporation, partnership, or proprietorship) shall be considered a separate business use. A particular business use may manufacture or offer for sale multiple products or services.

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CEMETERY: a tract of land available for use by the public for the interment of human remains.

COMMUNITY WATER SYSTEM: Community water system means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least twenty-five individuals at least 60 days out of the year.

COUNTRY INN/BED & BREAKFAST: A permanent structure of residential character which, as distinguished from a hotel, is small having not more than 10 guest rooms and having dining facilities seating not more than 20 diners.

DEVELOPABLE LAND: All land not defined as "undevelopable land".

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

DRAINAGE WAY: A channel, culvert, path or other course used to carry water from one area to another.

DWELLING UNIT: Any building or portion thereof, including manufactured housing, with one or more rooms arranged for the use of one or more individuals living as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

ELDERLY: As used in this Ordinance is as defined by the regulations of the U.S. Department of Housing and Urban Development, 24 CFR891.505.

ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities of underground or overhead gas, communication and electrical distribution systems, including poles, wire, mains, pipes, conduit, cables, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or commissions for the public health or safety or general welfare but not including buildings.

FAMILY: (1) A single individual, doing his own cooking and living upon the premises as a separate

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housekeeping unit; or (2) a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or (3) a group of not more than ten (10) unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement.

FEMA: means the Federal Emergency Management Agency.

FLOOD or FLOODING: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

FLOOD INSURANCE STUDY: see "Flood elevation study".

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

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

FLOODWAY: see "Regulatory Floodway".

FRONTAGE: Shall mean the length of the lot bordering on the public right-of-way.

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FUNCTIONALLY DEPENDENT USE: means a use which 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.

GASOLINE SERVICE STATION: A building or premises or portion thereof used for the retail sale of gasoline, oil or other fuel, automotive parts, supplies or accessories for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but not including liquified petroleum and gas distribution facilities.

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

HISTORIC STRUCTURE: means any structure that is:

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

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1) By an approved state program as determined by the Secretary of the Interior,

or

2) Directly by the Secretary of the Interior in states without approved programs.

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HOME OCCUPATION: An accessory use of a service character that is incidental and secondary to the use of the single family residence, or homestead, for residential purposes and does not change the residential character thereof. Home occupations shall include the production and sale of home grown agricultural products and such customary uses as an office, workrooms for craftsmen, artists, tutors, beauticians, dressmakers, milliners, photographers, cabinetmakers, radio repairmen, as well as incidental work and storage areas in connection with off premises trades such as those of a builder, carpenter, electrician, painter, blacksmith, plumber, tree surgeon, or landscape gardener. The business of selling merchandise, supplies or products other than incidental retail sales in connection with other permitted uses shall not be considered a home occupational use.

HOME PRODUCE AND PRODUCTS: Means and includes everything of an agricultural nature grown, produced, conditioned, or otherwise carried on the property of the resident; also such articles as are manufactured or altered by members of the household of the 'bonafied' resident of any property.

IMPERVIOUS SURFACE: Surfaces that cannot effectively absorb and infiltrate water and therefore increase both the amount and rate of storm water run off. Examples of impervious surfaces include, but are not limited to driveways, parking areas, sidewalks, roofs, decks and patios. Vegetative surfaces are not considered impervious.

JUNK: Means any old metals, old bottles, cotton or woolen mill waste, unfinished cloth, unfinished cotton or woolen mill yards, old paper products, old rubber products, two or more unregistered motor vehicles not in running condition, and other second-hand articles the accumulation of which is detrimental or injurious to the neighborhood.

LOT: A portion or parcel of land occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this Ordinance, having not less than the minimum area, width and depth required by this Ordinance, for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as permitted in accordance with the provisions of this Ordinance. The minimum area of a lot as defined herein must be an integral unit of land under unified ownership in fee or in tenancy or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building or buildings permitted to be situated on the lot.

LOT AREA: The total area within the property lines of the lot, excluding public streets, and meeting the district requirements of this Ordinance.

LOT COVERAGE: The area of a lot occupied by the principal building or buildings and accessory buildings and impervious surfaces, and expressed as a percent of the total lot area.

LOT LINE: Property lines bounding a lot.

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LOT LINE (Front): That boundary of a lot abutting on a street or way and ordinarily regarded as the front of a lot; but it shall not be considered as the ordinary side of a corner lot.

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

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

MANUFACTURED HOUSING PARK: Any tract of land (a) subdivided to provide prepared locations and accommodations for manufactured housing units under single ownership, and where sites are rented or leased to tenants for the location of a manufactured housing unit or where sites together with a manufactured housing unit are rented or leased to tenants; or (b) subdivided and developed for the sale of lots for the location of manufactured housing units exclusively. Only manufactured housing units together with their accessory buildings shall be allowed within a manufactured housing park. Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

MULTIPLE FAMILY DWELLING: A permanent structure used as a residence consisting of two or more dwelling units, except in cases where the criteria are met.

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

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start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NON-CONFORMING BUILDINGS: A building or structure or portion thereof not in compliance with the provisions of this Ordinance applicable to the district in which it is situated.

NON-CONFORMING USE: A use of a building or land legally existing at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which it is located.

OBNOXIOUS: For the purpose of this Ordinance shall be taken to mean objectionable or injurious to the community.

100-year flood: see "base flood"

OWNER: The person in charge of, apparently in charge of, the manager or the director of, any mobile home park, whether it be owned by an individual, corporation, partnership, or other person as defined herein.

PERMIT: A written authorization by the appropriate zoning authority under this Ordinance allowing a restricted or regulated activity or use of land subject to such conditions as the authority having jurisdiction may prescribe.

PRINCIPAL USE: The use which constitutes the predominant activity on the premises.

PUBLIC OUTDOOR RECREATION: An outdoor activity owned, operated or subsidized by a public, semi-public or non-profit organization solely for public recreation.

RECREATIONAL VEHICLE: means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel or seasonal use.

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REFERENCE LINE: means the ordinary high water mark of the river

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

REMOVAL OF NATURAL MATERIAL: The removal of natural materials is the removal of loam, sand, gravel, stone, clay, borrow, fill or other like material. The process by which such natural material is removed is referred to as "excavation".

RIGHT-OF-WAY: Means and includes all town, state and federal highways and the land on either side of same as covered by statutes to determine the width of rights of way.

SEASONAL STRUCTURE: A wood framed and wood sided building, not more than two stories high with a total area of not more than 800 sq ft. Structure may not be served by off site generated electricity or be served by a drilled well or by an in the ground septic system. Concrete foundations or slabs are not allowed. The use of the building is restricted to camping or other occasional uses which require no town services.

SPECIAL EXCEPTION: A use which may be permitted by the Zoning Board of Adjustment after a hearing and a favorable decision based on the standardized procedures set up by this ordinance. More properly termed "Conditional Uses"; specific special exceptions can be only considered as are listed for each district in Schedule A.

SPECIAL FLOOD AREA see "area of special flood hazard".

START OF CONSTRUCTION: includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling ; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the

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property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attachment to something located on the ground, including towers and underground storage tanks but not including walls or fences on an operating farm. For floodplain management purposes, structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

TRAILER OR HOUSE TRAILER: A mobile home which does not have a toilet and a bathtub or shower.

TRAVEL TRAILER: Refer to RECREATIONAL VEHICLE.

UNDEVELOPABLE LAND: For the purposes of calculating lot size, undevelopable lands include surface water, road right-of-way, flood prone areas, wetlands and areas with slopes over 20%.

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

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

WINDPOWERED GENERATOR SYSTEMS (WPGS): A wind energy conversion system which converts wind energy into power. A system includes a tower, pylon, or other structure, including all accessory facilities, on which one or more of the following are mounted:

1. A wind vane, blade or series of wind vanes or blades or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, or belt or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

WIRELESS COMMUNICATION FACILITY: A tower, pole, antenna, guy wire, or related fixture intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum based transmission/reception. In addition, any project for which a license is sought or has been granted by the FCC shall be considered a Wireless Communication Facility.

YARD: An open space on a lot not occupied or obstructed by any structure or portion of a structure.

YARD FRONT: The yard extending across the full width of the yard between the front lot line and the nearest line or point at the principal building.

YARD REAR: A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

YARD SIDE: A yard extending across from the front yard to the rear yard between the side lot lines and the nearest line or point of building.

BUILDING CONSTRUCTION ORDINANCE

BUILDING PROVISIONS: Residential and Accessory Buildings

1. Residence and seasonal dwelling units, including manufactured housing units, shall have a ground floor area not less than 320 square feet.
2. **Exterior finish, siding:** Residence and seasonal dwelling finishes may be of stone, brick, shingle, clapboards, vertical siding matched or battened or double-sheathed, concrete or cinder block, asbestos or rolled siding, or any other recognized permanent siding properly and permanently finished. This section shall not prevent so-called log cabin construction.
3. **Exterior finish, roofing:** Roofing may be of asbestos or asphalt or wood shingles, metal, slate or rolled roofing, properly and permanently finished.
4. **Chimney construction:** No chimney shall be built, erected, or altered below the roof unless containing a tile or brick lining, and with an iron clean-out door at or near its base; and all new chimneys shall extend at least 3 feet above the roof. All new chimneys shall be erected only upon solidly grounded foundations. Prefabricated chimneys installed to the manufacturer's specifications are acceptable.
5. **Smoke pipes:** No smoke pipes shall be installed or erected so as to be within 12 inches of any combustible floor or ceiling unless amply protected with noncombustible material. No smoke pipes shall be installed or erected which pass into or through partitions or walls of combustible material except when guarded by a commercial wall thimble, or by at least 5 inches of brick or other noncombustible material between the pipe and the combustible material.
6. **Foundations:** All residential structures, including manufactured housing units, shall be set on permanent foundations or piers of cement, brick, stone or other masonry except that manufactured housing units located in MHP's may be situated on structural carriers designed for the support of such units. All spaces beneath residential structures built on piers shall be closed off with latticework, skirting, or other appropriate material. In the case of structures to be used only for accessory use or as seasonal dwellings, the building inspector may permit the use of foundations or piers made of wood, metal, or other less permanent material. A permanent foundation includes a poured concrete slab, mortared cement block, brick, stone or other comparable materials and poured concrete or mortared piers, which extend below the frostline.
7. **Electric Wiring:** All electric wiring shall conform with codes as described in RSA 155:A
8. **Sewage:** All permits for new residence construction, including the citing of

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manufactured housing units, shall be granted only upon provision of acceptable sanitary systems of sewage disposal.

9. **Construction:** New construction shall conform to the standards recommended in RSA 155:A

Exceptions to this standard shall be as follows:

*All modular buildings will be required to demonstrate compliance with RSA 205-C:2.

*All manufactured housing units moved into Plainfield after April 1st 1998 must have been manufactured after June 15, 1976. Evidence of Housing and Urban Development (HUD) certification of code compliance is required.

10. **Code Updates:** As approved by the Plainfield voters at the March 1998 annual meeting, the Planning Board is authorized to adopt updates to previously approved national codes following the simplified adoption of updates procedure described in RSA 674:52 VI.

11. **Enforcement:**

A. It shall be the duty of the Board of Selectmen, and the Board is hereby given power and authority therefore, to enforce the provisions of this Ordinance.

B. The Board of Selectmen, or their duly appointed agent, shall serve as Building Inspectors to administer the provisions of this Ordinance and shall issue any and all building permits requested when such permits are in accordance with the provisions of this Ordinance. The fee for such permits shall be established by the Board of Selectmen on an annual basis.

Complete records of all applications shall be recorded by the Board of Selectmen and all fees collected under this Ordinance shall be deposited with the Town Treasurer.

C. Permits: After passage of this Ordinance, it shall be unlawful to erect any building or alter any building, other than normal maintenance, without first obtaining a building permit from the Board of Selectmen.

D. No permit, however, shall be issued if the proposed structure may have a detrimental effect on the property values and the neighborhood character, without a public hearing prior to the issuance of the permit. The Board of Selectmen shall hold a public hearing to receive the evidence on both sides and shall have the authority to decide whether the permit shall be issued or not.

E. Upon any well-founded information that this Ordinance is being violated the

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Selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by other appropriate legal action.

12. **Building Code Board of Appeals:** The building code board of appeals shall have the power, upon an appeal filed with it by any person aggrieved by a decision of the building inspector dealing with the building code, to vary the application of any provision of the building code to any particular case when, in its opinion, the enforcement of the building code would do manifest injustice and would be contrary to the spirit and purpose of the building code and the public interest. Pursuant to RSA 673:1, the Building Code Board of Appeals shall be the Zoning Board of Adjustment.
13. **Amendments:** This Ordinance may be amended by a majority vote of any legal town meeting when such proposed amendment is published in the warrant calling for the meeting and has received a public hearing, which hearing has been given a legal 15 day notice.
14. **Penalty:** Any violations of the provisions of this Ordinance shall subject the violator to a fine of not more than one hundred (\$100.00) for each day such violations are found by a court to continue after the conviction date or after the date on which the violator receives written notice from the Town that she/he is in violation of the Ordinance.
15. The definitions contained in the Town of Plainfield Zoning Ordinance shall be used in the administration of this Ordinance.
16. **Saving Clause:** The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.
17. **When Effective:** This Ordinance shall take effect upon its passage.

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