

# ALTON, NH ZONING ORDINANCE



As Amended  
Through  
*March 10, 2020*

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## Town of Alton, New Hampshire

### ZONING ORDINANCE

As Amended Through March 10, 2020, Inclusive

#### **ARTICLE 100**

#### **PREAMBLE**

#### **SECTION 110 PURPOSE AND AUTHORITY**

(Amended 10 March 2015)

In pursuance of the authority conferred by Title LXIV, as amended, New Hampshire Revised Statutes Annotated, the zoning regulations and districts as hereby set forth are proposed for the purpose of promoting the health, safety and general welfare of the citizens of the Town of Alton. This ordinance was adopted August 29, 1970, and may be amended as provided in Chapters 672- 677, RSA as amended, and as otherwise provided by law.

The Zoning Ordinance is designed to:

- a) lessen congestion in the streets;
- b) secure safety from fires, panic and other dangers;
- c) promote health and the general welfare;
- d) provide adequate light and air;
- e) prevent the overcrowding of land;
- f) avoid undue concentration of population;
- g) facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- h) assure proper use of natural resources and other public requirements;
- i) encourage the preservation of agricultural lands and buildings and the agricultural operations described in RSA 21:34-a supporting the agricultural lands and buildings; and
- j) encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477. Zoning Ordinances may establish buffer zones or additional districts, which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.

#### **SECTION 120 DATE OF EFFECTIVENESS**

This ordinance and any amendments shall become effective on the date of adoption.



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who can otherwise carry on a daily routine. Assisted Living facilities must include room and board (serving a minimum of one meal per day - up to three), provision of personal care assistance, medication assistance, and minimum qualification for employed staff per NH Chapter He-P 805 & He-P-804. The housing component of the facility is located within one building on the site. (Added 14 March 2006)

Automobile, Motorcycle, Light Truck Sales, Leasing or Rental: Sales, leasing, rental, and related servicing of new and used automobiles, light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half (1 1/2) tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers, and similar items; excluding, however, commercial wrecking, dismantling, or junkyard. (Added 14 March 2006)

Automobile Service Station - Any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the servicing of motor vehicles and small engine repair including grease racks, tire repairs, battery changes, hand washing of automobiles and the sale of merchandise and supplies related to the servicing of motor vehicles, but excluding body and fender work, painting, storage of autos not in operating condition or other work involving noise, fumes, glare or smoke.

Automotive and Truck Junk Motor Vehicle Dealer - Every person or firm who has an established place of business at which he is engaged full or part time in the business of buying second hand motor vehicles for the purpose of taking the same apart, or buying and selling parts of second hand motor vehicles, or tires for the assembling of second hand motor vehicle parts, in accordance with RSA 236:112 V (c), as amended.

Automotive and Truck Motor Vehicle Dealer – Every person engaged full or part time in the business of selling or exchanging new and second hand motor vehicles on commission or otherwise having complied in full with the intent and conditions of RSA 236:112 V (a), as amended.

Automotive and Truck Motor Vehicle Washing Facility – A site or structure used for the washing of trucks or automobiles.

Automotive and Truck Repair Garage - A structure, premises and land in which, or upon which, a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Automotive and Truck Used Motor Vehicle Dealer - Every person or firm engaged full or part time in the business of selling or exchanging second hand motor vehicles on commission or otherwise having complied in full with the intent and conditions of RSA 236:112 V (b), as amended.

Barber or Beauty Shop - Establishments engaged in providing services for the cosmetic care of a person, including haircuts, manicures, pedicures, facials, and other cosmetic procedures. Retail sales of related products shall be allowed as incidental uses at Barber or Beauty Shops. (Added 14 March 2017)

Basal Area - The cross sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.

Base Flood – [from FDO] The flood having a one (1%) percent chance of being equaled or exceeded in any given year. (Amended 14 March 2017)

Base Flood Elevation – [from FDO] The computed elevation to which floodwater is anticipated to rise during the base flood. (Added 10 March 2015) (Amended 14 March 2017)

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Basement – [from FDO] Any area of the building having its floor sub-grade (below ground level) on all sides. (Amended 14 March 2017)

Bed and Breakfast - Overnight accommodation and morning meal in a dwelling unit provided to transients for compensation.

Best Management Practice (BMP) - A proven and accepted structural, non-structural, or vegetative measure the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of runoff. (Amended 14 March 2017)

Boat Sales – A facility which displays and sells boats for retail purposes. A boat sales facility may perform only routine tasks necessary to prepare a new boat for use in the water. (Amended 14 March 2006)

Boat Sales and Service – A facility for the sales, servicing, and fueling of new and used boats. The facility may include a retail sales area for boating related accessories. No overnight docking facilities and no all day or overnight parking facilities are provided. (Amended 14 March 2006)

Boat Service – A facility that provides maintenance, repair and upkeep of boats including hull repair, engine repair and routine maintenance. (Added 14 March 2006)

Boat Storage - A location where boats are commercially stored during periods of non-use, such as seasonal storage, or for valet service, within or without a structure.

Breakaway Wall - [from FDO] A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation. (Amended 14 March 2017)

Building - [from FDO] See Structure [from FDO]

Building – Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. (Added 11 March 2014)

Building Envelope - The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations and minimum setbacks. (Added 14 March 2000)

Building Trade or Repair Shop – A structure used for storing, maintaining and supporting a contractor’s operations. The structure is accessory to the contractor’s operations. This is not to be considered a contractor’s storage yard.

Bunkhouse – An accessory building to a principal residential building on the same lot which provides additional living and bedroom space. (Added 11 March 2014)

Campsite – A parcel of land in a recreational campground or camping park rented for the placement of a tent, recreational vehicle, or a recreational camping cabin for the overnight use of its occupants. (Added 12 March 2013)  
(Amended 14 March 2017)

Church - A building or structure or group of buildings or structures that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

Commercial - A use primarily concerned with the sale of goods or services.

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Commercial Function Facility – A facility designed exclusively for the gathering of people for functions or events for commercial purposes including but not limited to, weddings, reunions, birthday parties, and other social, religious, political or meeting events. Such facilities may be located entirely within a building or other enclosed structure, under a tent, outside or in some combination of all three. The owner of a residential property that holds an infrequent event on his/her property that is non-commercial in nature and/or family-related is exempt from the definition of a commercial function facility. Concert venues are not included in the definition of a commercial function facility. A gathering of people for functions or events for commercial purposes including, but not limited to, weddings, reunions, birthday parties, and other social, religious, political or meeting events is permitted as accessory to a lodging use, e.g. hotel, motel, lodging house or bed and breakfast, that is the principal use on the property and shall be permitted as such and not considered a commercial function facility. (Amended 12 March 2013) (Amended 14 March 2017)

Conditional Use Permit - A regulatory tool used by municipalities to implement "innovative land use controls" adopted pursuant to NH RSA 674:21. (Added 14 March 2017)

Conservation – A careful preservation and protection of something; planned management of a natural resource to prevent exploitation, destruction or neglect. (Added 14 March 2006)

Construction Trailer – A boxcar or mobile trailer used at a construction site where a residential or commercial building is being undertaken and utilized for storage, occupancy or warehousing purposes. (Added 13 March 2007)

Continuing Care Retirement Communities (CCRC) – A single retirement community site or campus containing two or more of the following components: 1) Independent Living CCRC facilities, 2) Assisted Living CCRC facilities, 3) Skilled Nursing CCRC facilities, and 4) CCRC Support facilities. (Added 14 March 2006)

Contractor's Yard - A lot or portion of a lot used for the storage and/or maintenance of equipment and material used in contractor's business. Retail and wholesale sales of construction and landscape materials, such as, but not limited to, sand, gravel, crushed stone, nitpack, mulch, soil, and wood chips, and processing of material (crushing, grinding, washing, etc.) may be permitted by Special Exception. (Added 14 March 2000) (Amended 13 March 2018)

Corner Lots – A lot with at least two contiguous sides abutting upon streets. (Added 13 March 2007)

Day Care, Home – (Family day care home) An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to 6 children from one or more unrelated families. The 6 children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays. (Amended 14 March 2017)

Development - [from FDO] Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials. (Amended 10 March 2015; 14 March 2017)

Driveway – Any path of access serving less than three dwelling units that is used by motor vehicles to gain entry upon private property from a public right-of-way. This includes parking pads, private roads and any other means of access to public or private property from a public highway. (Amended 14 March 2017)

Duplex or Two-Family Dwelling – A building containing two single-family dwelling units totally separated from each other by a wall or floor assembly meeting the fire resistance rating requirements in accordance with the applicable Building Code. There shall be separate entrances for each unit. (Amended 14 March 2017; 13 March 2018)

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Dwelling - Single-family - A detached residential building other than a manufactured home, designed for and occupied by one family only. (Amended 14 March 2006)

Dwelling Structure - Any enclosed space wholly or partly; which may contain one or more dwelling units; used or intended to be used for living, sleeping, cooking, and eating.

Dwelling Unit - One room or group of rooms, constituting a separate independent housekeeping establishment for owner occupancy, rental, or lease; located within a dwelling structure and physically separated from any other dwelling unit which may be in the same dwelling structure, forming a single habitable dwelling unit with facilities used or intended to be used by a single family for living, sleeping, sanitation, cooking, and eating. (Amended 14 March 2017.)

Dwelling Unit - CCRC (Continuing Care Retirement Community) – A dwelling unit, with or without kitchen facilities, located within a CCRC site, which provides the required Continuing Care Retirement support services and facilities for seniors or disabled persons. (Added 14 March 2006)

Elderly Housing - Any elderly housing development under this section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 U.S.C. Sec 3601 et seq. The Planning Board may require assurance of compliance with the Act by deed restriction or other instrument as condition of approval. “Such assurance may consist of a written plan submitted by the developer, which shall set forth: (1) the regulations under the Fair Housing Act where by a project may lawfully discriminate in favor of elderly residents, and (2) how the developer proposes to comply with such requirements, including covenants and other deed restrictions and other to-be-recorded agreements”. At least one resident of the household must be 62 years old or older. (Added 14 March 2006)

Energy Facility – A facility, which produces energy to include the following only: methane or hydropower as a small scale (under 100KW). (Amended 14 March 2006; 10 March 2009; 14 March 2017)

Excavation - See Town of Alton Excavation Regulations for definitions. (Added 14 March 2017)

FAA - An acronym that shall mean the Federal Aviation Administration.

FCC - An acronym that shall mean the Federal Communications Commission.

FDO - The definition pertains to the Floodplain Development Overlay Districts SECTION 660. (Amended 14 March 2017)

FEMA - [from FDO] The Federal Emergency Management Agency. (Amended 14 March 2017)

Family Group Child Care Home - A childcare program operated in a home in which the provider resides. In a family group childcare home, one provider and one family childcare worker or assistant may care for 7 to 12 preschool children plus up to 5 children enrolled in a full-day school program. The number of children younger than 36 months of age that may be cared for is limited. (Added 8 March 2016) (Amended 14 March 2017)

Fire Wood Processing Site and/or Facility – A structure and/or site used for the processing of logs into fuel wood. Such site or structures include, but are not limited to, wood splitters, saws and wheeled vehicles used for moving the logs for processing. (Amended 14 March 2017)

Flood or Flooding - [from FDO] 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. (Amended 14 March 2017)

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Flood Elevation Study - [from FDO] An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards. (Amended 14 March 2017)

Flood Insurance Rate Map (FIRM) - [from FDO] An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. (Amended 14 March 2017)

Flood Insurance Study - [from FDO] An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) or flood-related erosion hazards. (Amended 10 March 2015; 14 March 2017)

Flood Proofing - [from FDO] 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 sanitary facilities, structures and their contents. (Amended 14 March 2017)

Floodplain or Flood-prone Area - [from FDO] Any land area susceptible to being inundated by water from any source. (Amended 14 March 2017)

Floodway - [from FDO] see Regulatory Floodway.

Forestry - Timber growing and harvesting, not including processing activities such as sawmills and assembly yards.

Franchise Architecture - A building style, design, or form which can be identified, without use of any other signage, as a specific business entity by name.

Frontage, Shoreland - As defined in NH RSA 483-B:4, as amended. (Amended 10 March 2015; 13 March 2018)

Frontage, Street - The distance along the front lot line or right-of-way line of a Class V Highway or better lawfully existing in the Town of Alton, or as approved by the Planning Board measured in feet. The minimum frontage distance shall be contiguous. Each lot shall meet minimum frontage requirements as specified in Article 400 Zoning District Regulations. (Amended 9 March 2004; 14 March 2006; March 2007; March 2008; 14 March 2017)

Functionally Dependent Use - [from FDO] 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. (Amended 14 March 2017)

Funeral Establishments - Every place or premise, licensed in the State of New Hampshire, devoted to or used in the care and preparation for the funeral and burial of deceased human bodies or maintained for the convenience of the bereaved for viewing or other services in connection with deceased human bodies or as an office or place for carrying on the profession of funeral directing. Crematorium is not considered a funeral establishment under this definition. (Added 14 March 2017)

General Store - Any retail establishment of 2,000 square feet or less in size which offers for sale prepackaged food products, household items, newspapers and magazines, as well as sandwiches and other freshly prepared foods for off-site consumption.

Gift Shop, Antique Shop, Craft Shop - Shops that sell goods that are suitable for giving as presents; artwork, pottery, wood work, metal work and other decorative objects made by hand or the materials and tools used for

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making such objects; items which are highly valued for their rarity or advanced age, including, but not limited to, furniture items, household objects, artwork, tools, toys and clothing. (Added 14 March 2017)

Golf Course - A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter. (Added 14 March 2017)

Golf Driving Range - An area equipped with distance markers, clubs, balls, and tees for practicing golf shots. (Added 14 March 2017)

Governmental Buildings - A building that houses a branch of municipal, county or state government. (Added 14 March 2017)

Greenhouse - (Commercial Greenhouse): A structure in which plants, vegetables, flowers, and similar materials are grown for sale.

Group Child Care Center - A center-based child care program that cares for 1 or more children ages 3 to 6 years of age, up to 4 of whom may be younger than 3 years of age, plus 5 children enrolled in a full-day school program. (Added March 8, 2016) (Amended 14 March 2017)

Habitable Space – A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces or similar areas are not considered habitable spaces. (Added 12 March 2013)

Habitation – A place of residence, dwelling or abode. (Added 11 March 2014)

Health Club/Fitness Center/Gym - A building or unit within a building which is occupied and used exclusively for physical health/fitness programs and to provide facilities for group and individual exercise and physical well-being. (Added March 13 2018)

Heliport – An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment. (Added 12 March 2013)

Highest Adjacent Grade - [from FDO] The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (Amended 14 March 2017)

Historic Structure - [from FDO] 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. (Amended 14 March 2017)

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Home Business – An accessory use of a dwelling unit for a high impact business use which results in a product or service. It is a business which is carried on by a resident or residents who shall have their residence in the dwelling unit, which is clearly subordinate to the residential use of the dwelling unit, and which complies with all of the criteria outlined in SECTION 333. Criteria for a Home Business. If the Home Business does not have an on-premise sign, does not have any non-resident employees, does not have any customer, client or employee traffic, does not have any outside operations, storage, or display of materials or products, then it is allowed by right with no minor site plan review required. Only Home Businesses exceeding these thresholds need a minor site plan review. (Amended 14 March 2017)

Hotel - An establishment which provides transient lodging accommodations to the general public, available on a daily basis, and which may also provide other services such as restaurants, meeting rooms, and recreational facilities. (Added 14 March 2017)

Inclusionary Zoning - See Section 362 for definitions. (Added 14 March 2017)

Independent Living CCRC - Facilities which provide housing and care for residents who have few health care needs that prevent them from carrying on a normal lifestyle. Support facilities must include room and board (serving a minimum of one meal per day - up to three), provision of personal care assistance, medication assistance, and minimum qualification for employed staff per NH Chapter He-P-805 & He-P-804. These facilities typically consist of small multi-family dwellings but can also include some more single-family-oriented living facilities such as townhouses, villas or cottages. The Continuing Care Retirement Community support facilities may be located in a separate building on the same site. (Added 14 March 2006)

Infant/Toddler Program (Child Care Nursery) - A center-based child care program that cares for 5 or more infants and toddlers under three years of age. (Added 8 March 2016) (Amended 14 March 2017)

Kennel – An establishment in which a primary use is housing dogs, cats, or other household pets, and/or grooming, breeding, boarding, training or selling of animals. (Added 8 March 2011)

Laundry or Dry Cleaning includes Self Service - Cleaning of clothing either by water and soap or by chemicals.

Library - A place in which literary, musical, artistic or reference materials are kept for use and not for sale (except for non-profit sales, by the Library, itself).

Light Duty Truck – A truck with a maximum gross vehicle weight rating (GVWR) of 14,000 pounds. The gross vehicle weight rating (GVWR) is based on the gross vehicle weight of the truck plus the average cargo weight in the truck. It does not include the weight of any towed trailer or recreational vehicle. (Added 12 March 2013) (Amended 14 March 2017)

Light Industry - A use involving the manufacture of a product not requiring heavy, noisy, or otherwise objectionable machinery or transporting equipment.

Lodge or Private Club - A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

Lodging House - A building in which the rooms are rented with or without meals to three (3) or more, but not exceeding ten (10) persons.

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Lot of Record - A lot existing under deed or a lot described by metes and bounds and recorded as a Plan for Record, or a lot which is part of a subdivision approved by the Alton Planning Board and recorded in the Belknap County Registry of Deeds.

Lowest Floor - [from FDO] 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 enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance. (Amended 14 March 2017)

Lumber Yard - An establishment where the general public can purchase building supplies.

Manufactured Home - [from FDO] A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision. (Amended 10 March 2015; 14 March 2017)

Manufactured Home Park - Land upon which two or more manufactured homes are parked and occupied for living purposes, regardless of whether or not a charge is made for such accommodations. A park remains in single ownership with lots offered on a rental basis. (Amended 14 March 2006. Formerly called Mobile Home Park.)

Manufactured Home Park or Subdivision – [from FDO] A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Added 10 March 2015) (Amended 14 March 2017)

Manufactured Housing - As defined by RSA 674:31, as amended, a manufactured home is any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. This definition shall not include pre- site built housing as defined in RSA 674:31A.

Marina - A facility for the storing, servicing, fueling, berthing and securing of boats and that may include eating, sleeping and retail facilities for owners, crews and guests.

Market Gardens, Flowers and Produce - Small-scale production of fruits, vegetables and flowers onsite as cash crops, frequently sold directly to consumers and restaurants. (Added 14 March 2017)

Mean Sea Level - [from FDO] For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (Amended 14 March 2017)

Medical Center, Medical Laboratory – (Medical building) A building that contains establishments dispensing health services.

Motel - An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without necessity of passing through the main lobby of the building.

Multi-Family Structure - A single structure containing a minimum of three (3), and no more than six (6), individual dwelling units. (Amended from "Dwelling - Multi Family" 10 March 2020)

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Museum -An institution devoted to the procurement, care, study and display of objects of lasting interest or value.

Natural Woodland Buffer - A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

New Construction – [from FDO] For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. (Added 10 March 2015) (Amended 14 March 2017)

Night Care Program - A center-based, family, or family group child care program that provides care during the evening or night time hours between 7:00 PM and 6:00 AM. The type of center-based family will determine the limits on ages and numbers of children or family group child care program license issued. (Added March 8, 2016) (Amended 14 March 2017.)

Non-Conforming Lot - Any lot which was lawfully laid out by plan or deed duly recorded in the Belknap County Registry of Deeds prior to the effective date of the ordinance or amendment but that fails by reason of such adoption or amendment to conform to the present requirements of the zoning ordinance. (Added 14 March 2017)

Non-Conforming Structure - A building or structure which was lawfully maintained at the time the ordinance became effective, but which does not conform with the use regulations for the district in which it is located, or the general provisions of the ordinance.

Non-Conforming Use - A use legally existing prior to the adoption or amendment of this ordinance and which is not in compliance with requirements of the district in which it is located.

Non-habitable Structure – Any structure that is not used for habitation such as a private garage, a shed, a workshop, a gazebo and similar non-habitable structures. (Added 11 March 2014)

Nursery - A place where young trees or other plants are raised for transplanting elsewhere or for sale. (Added 14 March 2017)

Nursing Home - An institution for the care of children, or the aged, or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism or narcotics addiction.

Obnoxious - Odiously or disgustingly objectionable; highly offensive. (Added 13 March 2018)

Open Space - A portion of a lot which is open and unobstructed from its lowest level to the sky except by natural vegetation. Said land, or portion thereof, shall not be occupied by buildings, parking lots, driveways, or other structures or manmade impervious surfaces. Open space shall not include right-of-ways or vehicular easements, wetlands or slopes greater than 25%. Septic fields shall be permitted to be installed in open space.

Outdoor Recreation - Commercial recreational uses conducted in a natural or semi-natural setting, such as hunting preserves and paintball games. Outdoor Recreation does not include uses defined in this Ordinance as Amusement Use - Outdoor. (Added 14 March 2000)

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Parking Facility - Any building, structure, land, right-of-way, equipment or facility used for off-street parking of motor vehicles. (Added 14 March 2017)

Parking Space - An off-street space available for the parking of one motor vehicle.

Personal Wireless Service Facilities - See Section 603 for definitions. (Added 14 March 2017)

Pharmacy - A retail store which devotes at least 65% of the useable retail space to the sale of medicines, medical supplies, and personal care products. The intent being to restrict this use to the traditional pharmacy.

Pre-existing Towers or Antennas - Any tower or antenna lawfully constructed or permitted prior to the adoption of this ordinance. (Amended 14 March 2017)

Preschool Program - A center-based child care program that provides care and a structured program for children 3 years of age and older who are not attending a full day school program. Preschool programs can care for children up to 5 hours per day. (Added 8 March 2016) (Amended 14 March 2017)

Pre-site Built Housing - As defined in RSA 674:31-a, a pre-site built house means any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in off-site manufacturing facilities in conformance with the US Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. This definition shall not include manufactured housing as defined in RSA 674:31. (Added by ATM 11 March 1997)

Principal Building – A building in which is conducted the principal use of the lot on which it is located. (Added 11 March 2014)

Printing, Commercial - An establishment that carries out the process of applying images to a variety of surfaces. Some printing processes include: offset lithography, thermography, la gravure, letterpress, silkscreen, digital, laser, dye sub, photographic, desktop publishing and photocopying. Best management practices shall be followed for the proper disposal of any chemicals, dyes, or other hazardous materials. (Added 14 March 2017)

Private Garage – A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles and boats and that has vehicular access provided to it. (Added 11 March 2014)

Private Tent Site – A site for placement of a tent on a private lot where there is no rental fee involved. (Added 12 March 2013) (Amended 14 March 2017)

Professional Office - A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, etc.

Protected Shoreland - As defined in NH RSA 483-B:4, as amended. (Amended March 13, 2018)

Public or Private Educational Institution - A college, university, vocational school, or other postsecondary educational institution, whether public or private. (Added 14 March 2017)

Public Recreation - A public facility for recreation, rest, play, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein, including, but not limited to, parks, beaches, skateboard parks, etc. (Added 14 March 2017)

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Public Waters -

- (a) All fresh water bodies listed in the official list of public waters published by the Department of Environmental Services pursuant to RSA 271:20, II, whether they are great ponds or artificial impoundments.
- (b) Rivers, meaning all year round flowing waters of fourth order or higher, as shown on the current version of the US Geological Survey 7 ½' topographic maps.
- (c) Merrymeeting Marsh – is defined as 520.1 feet above sea level. (Amended 14 March 2006)

Recreational Campground or Camping Park – A parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreation dwelling purposes only, and not for permanent year-round residency, excluding recreation camps. (Added 12 March 2013) (Amended 14 March 2017)

Recreational Camping Cabin – A structure on a campsite, 400 square feet or less, calculated by taking the measurements of the exterior of the cabin, including all siding, corner trim, molding and area enclosed by windows, but not the roof or porch overhang, or log overhang at corners. It shall be designed not for use as a permanent dwelling but as a temporary dwelling for recreational camping and vacation use. (It is not designed for routine travel on roads.) (Added 12 March 2013) (Amended 14 March 2017)

Recreation Camps – As used in this subdivision the word “camp” means any place set apart primarily for recreational purposes for boys and/or girls. A recreation camp may be used by other groups for retreats and conferences when it is not being used for the primary recreational use for boys and/or girls. It shall not be construed as applying to private camps owned or leased for individual or family use, or to any camp operated for a period of less than 10 days in a year.

Recreational Use – Not For Profit: The purpose of which is not for gain and serves the general public, specifically excluding commercial recreation (this section does not preclude rental of single family dwellings).

Recreational Vehicle - Any of the following vehicles: (Amended 12 March 2013; 14 March 2017)

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

Recreational Vehicle - [to be used only with the FDO] is defined as: (Amended 12 March 2013)

- 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 - As defined in NH RSA 483-B:4, as amended. (Amended 13 March 2018)

Regulatory Floodway. - [from FDO] The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation more than a designated height. (Amended 10 March 2015; 14 March 2017)

Removal or Removed, Trees - Cut, sawed, pruned, girdled, felled, pushed over, buried, burned, killed, or otherwise destructively altered. (Amended 14 March 2017)

Repair - Work conducted to restore an existing, legal structure by partial replacement of worn, broken, damaged or unsound parts or to fix a specific defect, during which all of the exterior dimensions are intact and remain so at the conclusion of construction. The foundation shall remain intact or the foundation may be reinforced or repaired to accommodate the new construction or repair work. Repair shall not be used to allow the total demolition of an existing structure.

Repair Shop for Appliances - A commercial establishment, the primary concern of which is the rendering of service and repair activities on equipment and appliances rather than the sale of goods. Such establishments include but are not limited to: watch, clock, radio, television and other home appliance repair. Retail sales shall be allowed as incidental uses in Repair Shops for Appliances. (Added 14 March 2017)

Residential Child Care Program - A residential child care program that provides 24-hour care for 1 or more children unrelated to the operator of the program and apart from the parents. Residential child care programs are required to have a qualified program director and may be licensed as a Group Child Care Home, Child Care Institution, or Independent Living Home. (Added 8 March 2016) (Amended 14 March 2017.)

Restaurant - A building or other structure used principally to provide refreshment or meals to the public for consumption principally on the premises, including cafes, lunchrooms, cafeterias, tea rooms, sandwich shops and the like, but not including fast food restaurants.

Restaurant, Drive-in - Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles including take out and including those establishments where customers may serve themselves and may eat and drink food, refreshments, or beverages in automobiles and including establishments intended for large volume or fast service with on or off-premises consumption, which, because of the nature of sales, operation or market service cause a large volume or frequent turnover of vehicular traffic. (Amended 14 March 2017)

Restaurant, Fast Food - A building used principally to dispense prepared food and/or beverages to the public for consumption on or off the premises, the major attributes of which are assembly line preparation of food and speed of dispensing, self-service to the customer's automobiles and which generates a large volume and rapid turnover of entering and exiting motor vehicle traffic.

Retail Store - An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Riding Stables and/or Riding Academy - An establishment where horses are boarded and cared for and where instruction in riding, jumping, driving and/or showing is offered and where horses may be hired for riding. Horse shows, clinics, trials and other events that may attract more attendance than is customary during normal business operations may be permitted and shall be addressed by the Planning Board during Site Plan Review. (Added 14 March 2017)

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Right-of-way - Any area of land used for, or intended to be used for a street, road, or public use. (Added 14 March 2017)

Riverine - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. (Amended 14 March 2017)

School - Any building or part thereof, which is designed, constructed or used for education or instruction in any branch of knowledge, including business schools, trade schools, schools of dance and the martial arts, as well as academic institutions, including elementary, middle and high schools, both public and private. (Amended 14 March 2017)

School Age Program - A family or family group child care program that elects to care for 6 or more school age children who are enrolled in a full-day school program, or a center-based child care program that cares for 6 or more children ages 4 years and 8 months of age or older who are enrolled in a kindergarten program or full-day school program. School age programs can care for children up to 5 hours before or after school and all day during school vacations. (Added 8 March 2016) (Amended 14 March 2017.)

Seasonal Cabin – A small residential structure that does not have all year round water availability (because of water service, insulation, heating, etc.), and is used for only the spring, summer and fall seasons.

Seasonal Use – A use carried on for the spring (starting May 1), summer, and fall (ending October 31) seasons of the year. (Added 11 March 2014)

Self-Storage Facilities - A structure or group of structures containing separate, individual, and private storage spaces of various sizes leased or rented on an individual basis. (Added 14 March 2017)

Setback - The distance from the extreme limit of a structure to a boundary line.

Sexually Oriented Business - See Section 332 for definitions. (Added 14 March 2017)

Shed – A small single-story building used or intended to be used for storage. A shed may have one or more sides unenclosed. (Added 11 March 2014)

Signs - See Section 340 for definitions. (Added 14 March 2017)

Skilled Nursing CCRC Facilities – Facilities which provide housing and care for those whose health care needs require the constant attention of a medical staff. The housing component of the facility is located within one building on the site. (Added 14 March 2006)

Small Engine Repair - An establishment where lawn mowers, lawn equipment, snow blowers, and similar yard maintenance equipment is serviced. (Sales of such equipment are not considered under this definition).

Small Wind Energy Facility- A structure which produces energy on a small scale not exceeding 100 KW.

Solar Energy Systems - See Section 363 for definitions. (Added 14 March 2017)

Special Exception - A special allowance granted under specific authority of the ordinance when all of the conditions stated in the ordinance are found to exist, permitting a use of land or buildings in a manner that is otherwise prohibited.

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Special Flood Hazard Area -[from FDO] An area having special flood, mudslide (i.e. mudflow) and/or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AO, A1-30, AE, A99, and AH. (Amended 14 March 2017)

Shoreland Frontage – Deleted March 12, 2002. See Frontage, Shoreland.

Start of Construction - [from FDO] Includes substantial improvement, 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 a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a 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 street and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or not part of the main structure.

Storage Containers – Any vehicle or structure so designed and constructed in such manner for transportation and/or storage of goods, equipment and/or materials, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or streets, propelled or drawn by other motive power. This is specifically intended to include storage containers, pods and steel shipping containers. (Added 13 March 2007)

Street/Road/Highway - A thoroughfare, town highway, street, road or avenue, including the full width of its right-of-way, lawfully existing in the Town of Alton whether private or town maintained serving three or more dwelling units. (Added 11 March 2014) (Amended 14 March 2017)

Structure - Anything constructed or erected, or attached to a fixed location on the ground.

Structure - [from FDO] For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. (Amended 14 March 2017)

Studio, Art or Photographers: A place where works of art are created, displayed and sold, or instruction of the arts to students occurs in the fields of painting, drawing, sculpture, etching, craftwork, fine arts, photography, or similar fields. (Added 14 March 2006)

Substantial Damage - [from FDO] 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. (Amended 14 March 2017)

Substantial Improvement - [from FDO] Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty (50%) percent of the market value of the structure. The market value of the structure should be: (1) the appraised value of the structure 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. 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 structure listed on the National Register of Historic Places. (Amended 14 March 2017)

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Tent – A portable canvas or synthetic fiber structure used as a temporary dwelling for vacation or recreation purposes. (Amended 14 March 2017)

Townhouse – A single-family dwelling unit constructed in a minimum group of three (3), but not more than five (5), in which each dwelling unit extends from foundation to roof, is structurally independent of other units, has utility services independent of the other units, and has a yard or public way on at least two sides. (Added 10 March 2020)

Upland – Landforms other than wetlands as defined below and wetlands as defined in RSA 674:55. (Added 13 March 2007) (Amended 14 March 2017)

Utility - A governmental, nonprofit or private organization that provides the public with gas, water, sewage, transportation, communication or similar services.

Variance - A waiving of the strict requirements of the ordinance made under general authority when there is a showing of peculiar conditions inherent in the property which cause a hardship under the terms of this ordinance.

Violation – [from FDO] The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. (Amended 10 March 2015; 14 March 2017)

Warehouse: Facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature for later distribution to wholesalers and retailers. Includes cold storage. Does not include terminal facilities for handling freight. (Amended 14 March 2006)

Waste – Material that is processed for resource conservation such as yard waste, septage, compost, stump grindings, etc. Excluding sludge and hazardous waste as defined under RSA 147-A: 2, as amended, or as identified under RSA 147-A:3, I, as amended, or listed under RSA 147-A: 3, II, as amended.

Waste Facility – A site or structure used for the storage, processing and/or distributing of waste material.

Water Extraction Site and/or Facility - A site or structure used for the commercial extraction of “spring” water. The site or facility can include, but is not limited to, entrance roads, parking, storage tanks, pumping facilities, purification facilities and office space.

Water Surface Elevation - [from FDO] 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 of coastal or riverine areas. (Amended 14 March 2017)

Wetland - As defined by RSA 482-A:2, X, is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Added 14 March 2006)

Wholesale Marketing: Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; stores primarily selling electrical, plumbing, heating and air conditioning supplies. (Added 14 March 2006)

**ARTICLE 300 GENERAL PROVISIONS**

**SECTION 310 CLASSES OF ZONES**

For the purpose of this ordinance, the Town is hereby divided into the following zoning districts:

Lake Shore Residential Zone	(L-R)
Recreation Service Zone	(R-S)
Residential Zone	(R) (10 March 1981)
Residential Commercial Zone	(R-C) (9 March 1971)
Rural Zone	(RU) (7 March 1972)
Residential Rural Zone	(RR) (14 March 1978)

**SECTION 311 ZONING MAPS**

(As amended to 10 March 1981)

The zoning districts in this ordinance are bounded as shown on the maps entitled "Zoning Map of the Town of Alton, New Hampshire" dated August 29, 1970, as amended, which accompany this ordinance and are on file in the office of the Town Clerk. All maps and explanatory matter thereon are hereby adopted and made a part of this ordinance.

**SECTION 318 AGRICULTURE FOR PERSONAL, NON-COMMERCIAL USE**

(Added 13 March 2018)

The Town of Alton permits agriculture, as defined by NH RSA 21:34-a (with the exception of septage) in the Residential Rural and Rural zoning districts. In all other districts, agriculture as so defined is prohibited (except as per RSA 674:32-c, the tilling of soil and growing and harvesting of crops and horticultural commodities). This is due to the wide range of possible agricultural uses and the desire of the Town of Alton to encourage full-blown agricultural uses to take place on land of sufficient size and in appropriate locations to accommodate such usage and to limit agricultural uses in the Town's residential districts, recognizing the proximity of neighbors, smaller lot sizes and potential for conflicts to arise.

In order to allow the small scale raising of chickens for personal, non-commercial use and the keeping of bees for personal, non-commercial use, the following regulations shall apply:

Chickens

1. The keeping of chickens as pets and for egg production in the Residential, Lakeshore Residential, and Residential Commercial zoning districts shall be for personal, non-commercial use.
2. No roosters or crowing chickens shall be allowed.
3. The keeping of chickens or on-site slaughtering of chickens for meat production is prohibited.
4. Chickens shall be kept within a coop and chicken run at all times. Building permits may be required depending on the size of the building - consult the Town of Alton Building Department.
  - a. Coops shall provide a minimum of three (3) square feet of coop space per animal.
  - b. Coops shall be bedded with clean, dry bedding, e.g. hay, straw, shavings, sawdust.
  - c. Coops shall be draft free but provide sufficient ventilation.
  - d. Coops and runs shall provide adequate light, shade, and protection from adverse weather.
  - e. Chicken runs shall provide a minimum of ten (10) square feet per animal.
  - f. Coops and runs shall comply with all building setbacks in the underlying zoning district and are not permitted within the front yard.
  - g. Coops and runs shall provide adequate protection from wild or domestic animals.
  - h. Coops and runs shall be kept clean, dry and odor free and in a sanitary condition at all times to prevent accumulation of mud or manure. Fencing shall be maintained to prevent the chickens from escaping.

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5. The number of chickens kept under this regulation shall be limited to no more than six (6) animals.
6. If the applicant is not the owner of the property, the applicant must provide written permission from the owner for the intended use.
7. Feed shall be stored indoors in secured containers to prevent the intrusion of rodents and other non-household animals.
8. Manure shall not be stockpiled so as to create a nuisance or health hazard. All manure not used for composting or fertilizing shall be removed from the property.
9. Chicken coops and runs shall be maintained in such a manner as to not disturb the use or enjoyment of adjoining property due to noise, odor or any other adverse impact.

Bees

1. The keeping of bees in the Residential, Lakeshore Residential, and Residential Commercial zoning districts shall be for personal, non-commercial use.
2. There shall be no commercial transactions with regard to the beekeeping on the property.
3. Beehives shall comply with all building setbacks in the underlying zoning district and are not permitted within the front yard.
4. If the applicant is not the owner of the property, the applicant must provide written permission from the owner for the intended use. If a beehive belongs to a beekeeper that is not the owner of the property on which it is located, the name, mailing address, and phone number of the beekeeper maintaining the beehive shall be clearly displayed on each beehive using letters not less than one (1) inch in height.
5. Beehives shall be maintained in such a manner as to not disturb the use or enjoyment of adjoining property due to noise, odor or any other adverse impact.
6. Flyway Barriers. When a beehive is located within thirty (30) feet of a property line, as measured from the nearest point of a beehive to the property line, the beekeeper shall establish and maintain a flyway barrier in the following manner so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary:
  - a. Height: shall be no less than six (6) feet in height;
  - b. Material: shall consist of a solid wall, fence, dense vegetation or combination thereof;
  - c. Location: shall be parallel to the property line, within fifteen (15) feet of the colony and extending at least ten (10) feet beyond the colony in each direction.
7. All beehives shall be of the movable frame type, as accepted by the State of NH, Department of Agriculture, Markets and Food, Division of Plant Industry.
8. Each beekeeper shall ensure that a convenient and consistent source of fresh water is available to the bees at all times during the year. Water shall be located within twenty (20) feet of all beehives or no more than half the distance to the nearest property line, whichever is less.

Enforcement

The Code Official of the Town of Alton shall have the authority to inspect any property to confirm compliance with the regulations of this section regarding the construction and placement of chicken coops and runs and beehives and shall have the authority to enforce the regulations of this section as they apply to such matters.

**SECTION 319 STANDARDS FOR ACCESSORY DWELLING UNITS**

(As amended 14 March 2017; 13 March 2018)

A. Purpose: The purpose and intent of allowing accessory dwelling units is to provide the opportunity and encouragement for the development of small rental housing units. These units will help improve Alton's inventory of affordable housing, without significantly altering the rural one-family residential character of the community. Furthermore, it is the purpose and intent of this provision to allow more efficient use of the

Town's existing housing stock and to provide economic support for present resident families of limited income.

B. Standards: Accessory dwelling units are permitted as identified in ARTICLE 400 SECTION 401 PERMITTED USES – TABLE OF USES provided they meet the standards outlined below:

1. An accessory dwelling unit shall be clearly subordinate to the principal residence on the property and shall maintain the aesthetic continuity with the primary dwelling unit as a single family dwelling.
2. Only one accessory dwelling unit shall be allowed per lot.
3. An accessory dwelling unit shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size and density.
4. An accessory dwelling unit is permitted only within or attached to a single family dwelling or within an accessory structure on the same property as the primary single family dwelling. An accessory dwelling unit shall not be permitted on any lot with more than one dwelling unit.
5. In the Lakeshore Residential District an accessory dwelling unit is permitted only within or attached to a single family dwelling and shall require a Special Exception from the Zoning Board of Adjustment pursuant to the criteria in Section 520 in addition to the requirements of Section 319. The additional Special Exception criteria contained in Section 413 shall not apply to accessory dwelling units in the Lakeshore Residential District.
6. An accessory dwelling unit shall have no more than two bedrooms.
7. An accessory dwelling unit:
  - a. shall have no more than 1,500 sq. ft. of gross total floor area;
  - b. shall not exceed 35% of the total finished floor space of the principal dwelling unit;
  - c. shall not exceed 50% of the total floor space of an accessory structure or up to 35% of the total finished floor space of the principal dwelling unit, whichever is less;
  - d. in no case shall the Town of Alton require that an accessory dwelling unit be less than 750 square feet.
8. If any entrances or exits must be added to accommodate an accessory dwelling unit to be located in a single family dwelling, they shall be located to the side or rear of the dwelling.
9. The owner of the property shall provide a minimum of four off-street parking spaces for the primary single family dwelling and an accessory dwelling unit.
10. Pursuant to RSA 674:72, V., prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.
11. Either the primary single family dwelling or the accessory dwelling unit must be the residence of the owner of the property.
12. An interior door shall be provided between the primary single family dwelling and an accessory dwelling unit that is within or attached to the primary single family dwelling unit.
13. Pursuant to RSA 674:72, I., the single family dwelling (and detached accessory structure, where applicable) and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the single family dwelling.
14. Accessory dwelling units shall not be permitted with multiple single-family dwellings attached to each other such as townhouses, nor with manufactured housing as defined in RSA 674:31.

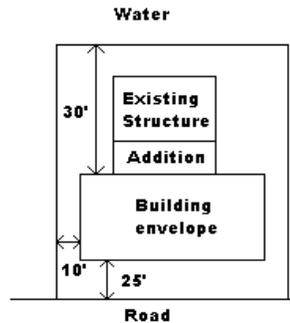
**SECTION 320 NON-CONFORMING USES, STRUCTURES AND LOTS**

(As amended 8 March 1983; 11 March 1992) [Sec A moved from Sec 221 by ATM 11 March 1997] (As amended 11 March 1998; 14 March 2000; 11 March 2003; 10 March 2015; 8 March 2016; 12 March 2019)

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- A. Continuation: Any lawful use of land, buildings, or structures which existed prior to the effective date of the ordinance or amendment which made the use nonconforming shall be allowed to continue, subject to the provisions of this Article.
- B. Abandonment: Any nonconforming use which is abandoned shall not be reestablished or resumed. Abandonment occurs when the nonconforming use is changed to a conforming use, or when the nonconforming use has been discontinued for a period of eighteen months (18 months) with no proven intent on the part of the owner to continue its operation.
- C. Change of use: A legally existing nonconforming use may not be changed to another nonconforming use.
- D. Expansion of nonconforming use: Nonconforming uses shall not be altered, expanded or changed, except that minor changes that meet the criteria below, may be permitted by Special Exception. The applicant shall demonstrate that the conditions applicable to Special Exceptions in Section 520 below have been met. In addition to the general Special Exception criteria, the applicant shall demonstrate that the proposed expansion/alteration/change:
  - (1) does not substantially change the nature and purpose of the original use;
  - (2) the expansion/alteration/change does not have a substantially different effect on the neighborhood;
  - (3) the expansion/alteration/change does not make any existing conforming building nonconforming within the terms of this ordinance; and,
  - (4) the expansion/alteration/change does not render the premises proportionally less adequate for the use in terms of the requirements of this ordinance.Non-residential Site Plan Review shall be required in any event for any non-residential use.
- E. Destruction by Fire or Natural Disaster: Nothing herein shall prevent the restoration, reconstruction and/or replacement by the landowner within 3 years of a nonconforming structure or use destroyed in whole or in part by fire or natural disaster so long as the restoration, reconstruction and/or replacement does not result in a new or expanded nonconforming structure or use and provided the restoration, reconstruction or replacement complies with all current life safety and building codes through adequate separations, and/or building materials.
- F. Replacement of Structures for Nonconforming Uses that are Voluntarily Removed: “In kind replacement” of structures for nonconforming uses that are voluntarily removed may be permitted if a Special Exception is approved by the Zoning Board of Adjustment if replacement complies with the following in addition to the criteria outlined in Section 520. “In kind replacement” means keeping the same square footage of building area while allowing the building footprint to be realigned so long as the new structure complies with all setback requirements. If a change from seasonal to year round use is proposed, then approval of a Special Exception is needed from the Zoning Board of Adjustment under Section 320 A. 4. Expansion of Use.
- G. Expansion of Structures for Nonconforming uses beyond existing elevations: A structure which is part of a nonconforming use may not be expanded or above the existing roofline or below the existing foundation, without first being granted a Special Exception from the Zoning Board of Adjustment. The Zoning Board of Adjustment shall not grant such a Special Exception unless it finds that the proposed expansion will not have an adverse impact on abutters or other property owners, and that any expansion of the structure for the nonconforming use (such as an increase in the number of bedrooms) will be accommodated by a water supply and sewage disposal system approved by the NHDES Subsurface Systems Bureau.
- H. Expansion of nonconforming structure:
  - a. Alteration. No nonconforming structure may be enlarged or altered in a way which increases nonconformity, except as provided for by this Ordinance.

- b. Expansion of footprint. In cases where an entire structure is nonconforming and all of the nonconforming structure is located within the setbacks, the structure may be expanded provided the addition is built towards the building envelope if a Special Exception is approved by the Zoning Board of Adjustment. For clarification, see the figure below:



- c. Expansion of building beyond existing elevations. A structure which is nonconforming due to a violation of setbacks may not be expanded above the existing roofline, or below the existing foundation, without first being granted a Special Exception from the Zoning Board of Adjustment. The Zoning Board of Adjustment shall not grant such a Special Exception unless it finds that the proposed expansion will not have an adverse impact on abutters, and that any expansion of the structure (such as an increase in the number of bedrooms) will be accommodated by an approved water supply and a sewage disposal system approved by the NHDES Subsurface Systems Bureau.
- d. A deck, porch or patio shall not be converted to living space if same is located partially or wholly within any setback area.
- I. Repairs. Any nonconforming structure may be repaired within the confines of the existing foundation, exterior walls, and roofline to ensure the safe condition of the structure in accordance with existing building regulations.
- J. Replacement of Nonconforming Structures that are Voluntarily Removed: Replacement of nonconforming structures that are voluntarily removed may be permitted if a Special Exception is approved by the Zoning Board of Adjustment if replacement complies with the following, in addition to the criteria outlined in Section 520:
- a. There is no increase in the number of bedrooms;
  - b. There is no increase in the nonconforming aspect of the structure;
  - c. The replacement structure shall not create a new nonconforming aspect to the structure;
  - d. The replacement structure shall be allowed to expand only within the building envelope as defined in Section 200 of this ordinance;
  - e. The replacement of a nonconforming structure voluntarily removed shall be relocated, to the extent feasible, to reduce the nonconforming aspect of the structure; and
  - f. "In kind replacement" shall not permit conversion from seasonal use to year-round use without installation of a year round domestic water supply and installation of a septic system approved by the NH Department of Environmental Services.
- K. Nonconforming Lots:
1. Continuation. Any lot which was lawfully laid out by plan or deed duly recorded in

the Belknap County Registry of Deeds prior to the effective date of the ordinance or amendment which made the lot nonconforming shall be allowed to continue, subject to the provision of this Section 320 K.

2. Use of nonconforming lots. A single family residence may be erected on any legally existing nonconforming lot provided all necessary state and local permits can be obtained, and the lot has adequate access to a Town approved road. Any other use must also first obtain a Special Exception from the Zoning Board of Adjustment.

#### **SECTION 321 OBNOXIOUS, HAZARDOUS OR UNSAFE CONDITIONS**

(Section added 13 March 2018)

Any use that may result in an obnoxious or injurious condition by reason of production or emission of odor, dust, smoke, glare, refuse matter, fumes, pests, noise, vibration or similar conditions, and that is dangerous or injurious to the public health and safety or the reasonable expectation of comfort, peace and quiet enjoyment of the community or neighborhood, is prohibited.

#### **SECTION 326 COMMONLY USED WATER FRONT PARCELS OR LOTS**

(Formally Article 600 Section 601: J AS AMENDED 10 March 2009)

Shorefront lots/parcels, which are intended for common access by the non-shoreland property owners within the development or subdivision which owns or has control over the common land, shall:

- A. Contain a minimum of one acre.
- B. Have a minimum shoreland frontage of 150 feet for the first ten residential units and an additional 10 feet for each additional unit.
- C. Have no structures other than toilet facilities, picnic shelters and/or recreational facilities.
- D. Swimming areas shall be separated from boating areas by ropes and appropriate marks, subject to the approval of the Safety Services Division of the NH Department of Safety.
- E. Off street parking shall be provided on the basis of 300 square feet for each residential unit 1/4 mile or more from the common area which has use of the area.
- F. Toilet facilities shall be provided on the basis of one facility each for men and women for each 25 residential units or One facility each for males and females for each 200 persons for whom the facility is proposed in the case of clubs, etc.
- G. Impervious cover for roof area, parking lots, access roads, sidewalks and any other similar cover over or on the parcel or lot shall not exceed 10% of the area of the parcel or lot.

#### **SECTION 327 SETBACK REQUIREMENTS**

(As amended 2 March 1976; 8 March 1983; 14 March 1990; 14 March 2000; 11 March 2003; 8 March 2005; 14 March 2006; 10 March 2009; 8 March 2016)

- A. Buildings and structures, excluding septic systems, water wells and fences shall be setback a minimum of:
  1. 50' feet (30' on lots created before March 14, 1995), from the shore of any river, perennial stream, lake, pond, impoundment, excluding boathouses and wharves. Reference RSA 483:B
  2. 25 feet from the right of way line of any street or highway, whether public or private.

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3. 10 feet from all property lines not regulated by subsections 1 or 2 above, in all zones except the Rural zone.
  4. 20 feet from the property line (10' on lots created prior to March 11, 2003) in the Rural zone.
- B. Well Release: If the protective radius for a new well overlaps an abutting property, then the property owner shall record a well release at the Belknap County Registry of Deeds.
- C. For lots created after March 14, 2006, buildings, driveways and structures, excluding septic systems shall conform to the following wetland buffer requirements:
1. A 25' foot natural vegetative buffer shall be maintained from all wetlands, >10,000 sq. ft. in size.
  2. Relief from the 25' natural vegetative buffer may be granted by the planning board when the following circumstances exist:
    - a. The natural vegetative buffer has been removed previously.
    - b. A dredge-and-fill application for wetland impact has been applied for by the applicant to the NH DES Wetlands Bureau.
    - c. An applicant can present a plan that shows environmental mitigation for any proposed buffer impacts.
    - d. In all the above cases, a soundly designed planting plan using a combination of native trees, shrubs and herbaceous species shall be submitted in order for consideration of relief.

**SECTION 328 HEIGHT RESTRICTIONS**

(As amended 2 March 1976; 14 March 1990; 11 March 1992; 11 March 1999; 12 March 2013)

- A. Boathouses/canopied boat slips - a maximum of 15 feet above the reference line for the water body.
- B. All other buildings and structures - a maximum height of thirty-five (35) feet except as provided in C. below. The height is the distance measured above grade to the top of the structure. Grade is the average of the finished ground level of all sides of a building or structure.
- C. The Board of Adjustment may grant a Special Exception to the thirty-five foot height restrictions in any zone provided the structure is any of the following, and does not constitute a hazard to any established public or private airport or heliport; these structures would be: church towers, belfries, monuments, tanks, water and fire towers, silos, cooling towers, ornamental towers and spires, chimney, elevators, bulkheads, smoke stacks, conveyors, flagpoles, and cupolas. Structures regulated under RSA 674:30 are not subject to this ordinance.

**SECTION 329 CONDOMINIUMS**

(As amended 9 March 1982; 15 March 1989; 11 March 2003; 9 March 2004; 13 March 2007; 12 March 2019)

Condominium ownership of property when permitted by this ordinance shall conform to the following procedures and standards:

- A. Conversions:

Condominium Conversions of existing structures and uses as regulated under RSA 356-B: 5, as amended, is permitted in any district and requires subdivision approval by the Planning Board.

  1. The site and subdivision plans shall contain all the required information as described in RSA 356-B:20, "Contents of the Site Plans and Floor Plans", of the RSA 356-B of the Condominium Act.

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B. New Construction for Condominium Conveyance:

In all zones where multi-family dwellings are permitted uses, the construction of new multi-family dwellings to be conveyed as condominiums shall require Planning Board approval. Construction shall not exceed five units per building for all multi-family structures built after 2004. The Alton Planning Board's power to approve specifically includes the power to minimize impact on the town services by requiring phasing in appropriate circumstances (RSA 674:36).

1. The applicant shall be required to obtain Planning Board approval of the following:
  - a. The subdivision;
  - b. The site plan; (*Only required if the application is considered under the definition of Authority for Site Plan Review (RSA 674:43)*)
  - c. The form of ownership, including condominium instruments.
  - d. The site and subdivision plans shall contain all the required information as described in RSA 356-B: 20, Contents of the Site Plans and Floor Plans, of the RSA 356-B of the Condominium Act
  - e. The Town's Attorney shall review all documents of the Condominium submission and provide the Planning Board with an opinion.

Before the condominium instruments may be recorded, the proposed condominium must conform to all current ordinances, subdivision regulations, codes or covenants of the Town of Alton or the State of New Hampshire. In the case of conflict, the more restrictive shall apply. No local permits shall be issued until final approval has been granted by the Planning Board.

**SECTION 330 ELDERLY HOUSING**

(Formerly Section 230. As amended 8 March 1983; 9 March 1999 deleted and added new Section 330 Elderly Housing, Amended 10 March 2009; 9 March 2010)

A. Purpose

The purpose is to provide design standards to ensure development of Elderly Housing Facilities which protect:

1. General health and welfare
2. Alton's rural character
3. Character of existing neighborhoods
4. Provide housing alternatives for the elderly

B. Definition Elderly Housing

Any elderly housing development under this section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 U.S.C. Sec 3601 et seq. The Planning Board may require assurance of compliance with the Act by deed restriction or other instrument as condition of approval. "Such assurance may consist of a written plan submitted by the developer, which shall set forth: (1) the regulations under the Fair Housing Act where by a project may lawfully discriminate in favor of elderly residents, and (2) how the developer proposes to comply with such requirements, including covenants and other deed restrictions and other to-be-recorded agreements". At least one resident of the household must be 62 years old or older.

C. Permitted Uses Elderly Housing

The following uses shall be permitted with elderly housing developments.

1. Elderly Housing Dwelling Units

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2. Elderly Housing support facilities

D. Permitted Districts Elderly Housing

Elderly Housing developments shall be permitted uses in the Residential, Residential-Commercial, Residential Rural, and Rural Zones.

E. Design Criteria for Elderly Housing

1. Minimum size tract for Elderly Housing shall be as follows:

ZONING DISTRICT	MIN LAND REQUIRED <u>excluding wetlands &amp; steep slopes</u>	% LOT OPEN SPACE <u>see definition Section 200</u>
Residential	1 acre	30%
Residential/Commercial	1 acre	30%
Rural	5 acres	30%
Residential Rural	5 Acres	30%

2. Parcels where an elderly housing development is proposed must have at least 50 feet of usable frontage (access) on a Class 5 Road, or better. Private roads or private rights-of-way frontage shall not be considered usable frontage (access).
3. No structure shall contain more than 3 dwelling units with no more than 2 bedrooms per dwelling unit
4. Overall density of elderly housing developments shall not exceed 3 dwelling structures per acre excluding wetlands and steep slopes, and roadways.
5. All interior roadways shall be at least 18 feet wide (traveled way) for two way traffic, or 12 feet wide (traveled way) for 1 way traffic. Interior roadways shall be maintained by the applicant or subsequent organization and/or owner(s).
6. 1.5 parking spaces per unit shall be provided.
7. Allowed support facilities shall also be permitted in elderly housing developments:
  - a. Chapels
  - b. General Store (servicing staff, residents, and their guests)
  - c. Recreational facilities (i.e. card rooms, swimming pools, meeting rooms, video/media rooms, etc.)
  - d. Central dining facilities (serving staff, residents, and their guests only)
  - e. Postal sub-station
  - f. Libraries
  - g. Medical sub-stations -i.e. pharmacies, circuit health care, circuit dental care, first aid, etc. (servicing residents only)
  - h. Circuit veterinary care.

**SECTION 331 CONTINUING CARE RETIREMENT COMMUNITIES**  
(Amended 10 March 2009)

A. Purpose

The purpose is to provide design standards to ensure development of Continuing Care Retirement Community housing facilities, which protect:

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1. General health and welfare
2. Alton’s rural character
3. Character of existing neighborhoods
4. Provide housing alternatives for the seniors
5. Provide supported care and security for seniors or disabled persons

B. Definitions for Continuing Care Retirement Communities (CCRC)

The CCRC represents the response of the private sector to the demand for facilities which allow retirees to “age in place” at a single location offering a variety of levels of medical attention, but which also provide for an active lifestyle with a broad range of activities and services. The CCRC can accomplish this through the economies of scale if a properly sized and planned project is designed. A CCRC ideally appeals to retirees before their health begins to fail and contains two or more of the following components on a single campus:

1. Independent Living CCRC facilities are provided for residents who have few health care needs that prevent them from carrying on a normal lifestyle. These facilities typically consist of small multi-family dwellings but can also include some more single-family-oriented living facilities such as townhouses, villas or cottages. The Continuing Care Retirement Community support facilities may be located in a separate building on the same site.
2. Assisted Living CCRC facilities are provided for residents who are no longer medically self-sufficient but who are not yet in need of the more expensive (and more institutional) skilled nursing care. An example would be an arthritis patient who needs assistance with dressing and the like but who can otherwise carry on a daily routine. The housing component of the facility is located within one building or more on the site.
3. Skilled Nursing CCRC facilities are provided for those whose health care needs require the constant attention of a medical staff. The housing component of the facility is located within one building or more on the site.
4. Continuing Care Retirement Community support facilities and amenities are also necessary in order to satisfy the lifestyles of the residents in a CCRC. These include a variety of dining facilities and meal plans; additional facilities such as arts-and-crafts rooms, music studios, gardens and health clubs; on-site small commercial facilities such as small shops, ATMs and offices; shuttle bus services; and regular programs that take advantage of local cultural activities.

C. Permitted Uses

The following uses shall be permitted with Continuing Care Retirement Communities:

1. Continuing Care Retirement Community Dwelling Units
2. Continuing Care Retirement Community support facilities
3. Independent Living CCRC facilities
4. Assisted Living CCRC facilities
5. Skilled Nursing CCRC facilities

D. Permitted Districts

Continuing Care Retirement Communities shall be permitted uses in the Residential, Residential-Commercial, Residential Rural, and Rural Zones.

E. Design Criteria

1. Minimum size tract for Continuing Care Retirement Communities shall be as follows:

ZONING DISTRICT	MIN LAND REQUIRED <u>excluding wetlands &amp; steep slopes</u>	% LOT OPEN SPACE <u>see definition Section 200</u>

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Residential	2.5 acre	30%
Residential/Commercial	2.5 acre	30%
Rural	5 acres	30%
Residential Rural	5 Acres	30%

2. Parcels where a Continuing Care Retirement Community development is proposed must have at least 50 feet of usable frontage (access) on a Class 5 Road, or better. Private roads or private rights-of-way frontage shall not be considered usable frontage (access).
3. No structure shall contain more than 4 dwelling units with the exception of Assisted Living CCRC facilities and Skilled Nursing CCRC facilities; however, structures may be interconnected.
4. Overall density of a Continuing Care Retirement Community development shall not exceed:
  - a. Independent Living CCRC: 3 dwelling units per acre excluding wetlands and steep slopes no more than 2 bedrooms per dwelling unit.
  - b. Assisted Living CCRC: 10 dwelling units per acre
  - c. Skilled Nursing CCRC: 10 dwelling units per acre
  - d. Continuing Care Retirement support facilities: included in acreage above
5. All interior roadways shall be at least 18 feet wide (traveled way) for two way traffic, or 12 feet wide (traveled way) for 1 way traffic. Interior roadways shall be maintained by the applicant or subsequent organization and/or owner(s).
6. 1.5 parking spaces per unit shall be provided.
7. Required support to the CCRC residents shall include:
  - a. Room and board
  - b. Serving a minimum of one meal per day (may be up to three)
  - c. Provision of personal care assistance
  - d. Medication assistance
  - e. Minimum qualification for employed staff per NH Chapter He-P-805 & He-P-804
8. Other services may include:
  - a. Transportation to medical care, shopping
  - b. Housekeeping and linen services
  - c. Social and recreational activities
9. Allowed support facilities shall also be permitted in Continuing Care Retirement Community developments:
  - a. Chapels
  - b. General Store (to service staff and residents only)
  - c. Recreational facilities (i.e. card rooms, swimming pools, meeting rooms, video/media rooms, etc.)
  - d. Hair salon
  - e. Postal sub-station
  - f. Libraries
  - g. Medical sub-stations -i.e. pharmacies, circuit health care, circuit dental care, first aid, etc. (to service residents)
  - h. Circuit veterinary care.

**SECTION 332 SEXUALLY ORIENTED BUSINESS**

(Section added 9 March 2010) (Amended 14 March 2017)

**A. Purpose & Intent**

It is the purpose of this Ordinance to regulate Sexually Oriented Businesses and related activities in order to promote the health, safety, and general welfare of the citizens of the Town of Alton and to establish reasonable and uniform regulations to prevent the deleterious effects of Sexually Oriented Businesses within the Town of Alton. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor the effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene materials.

**B. Definitions**

**1. Adult Bookstore or Adult Video Store:**

- a. A commercial establishment which, as one of the principal business purpose, offers for sale or rental or any forms of consideration any one or more of the following:
  - (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion picture, videocassettes or video reproduction, slides or other visual presentation which depicts or describes specific sexual activities or specific anatomical areas.
  - (2) Instruments, devices or paraphernalia which are designed for the use in connection with specified sexual activities.
- b. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an “adult bookstore” or “adult video store” so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

**2. Adult Cabaret:**

- a. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
  - (1) Persons who appear in a state of nudity or semi-nudity;
  - (2) Live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities; or
  - (3) Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by depiction or description of specified sexual activities or specified anatomical areas.

**3. Adult Theater:**

- a. A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by the exposure of specified sexual anatomical areas or by specified sexual activities.

**4. Nudity or A State of Nudity:**

- a. The appearance of; in part or totality, a human bare buttock, male genitals, female genitals or full breast.

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5. Semi-Nude:
    - a. A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions covered by supporting straps or devices.
  6. Sexually Oriented Business:
    - a. Any adult book store, adult video store, adult cabaret, or adult theater in which any patron, employee or the like are in any state of nudity, semi-nudity, or specified sexual activity.
  7. Specified Anatomical Areas:
    - a. The male or female genitals in any state.
  8. Specified Sexual Activities:
    - a. The fondling or touching of human genitals, pubic region, buttocks or female breast.
    - b. Sex acts, normal, actual or simulated.
- C. Permitted Districts  
A sexually oriented business may only be allowed in the Recreation Service Zone by Special Exception.
- D. Procedure
1. For a use to be established under the Article, the applicant must demonstrate to the Planning Board and Zoning Board of Adjustment, that the proposed site satisfies all the site requirements as described in this Ordinance. In addition, the proposed site must meet all of the general requirements of Article 500, Section 520 to the extent that they are not inconsistent with this Section.
- E. Site Requirements
1. A sexually oriented business' use, in addition to all other requirements of this chapter, shall demonstrate compliance within the following requirements.
  2. A sexually oriented business use shall not be located within 500 feet from any property line of the following uses:
    - a. A public, religious or private nursery school, kindergarten school, elementary school, middle school, junior high school, high school, or similar education facility.
    - b. Licensed group day-care facility (no age restriction), family group child care home, group child care center, home day care, preschool program, infant/toddler program (child care nursery), night care program, residential child care program, school age program, nursery.
    - c. A public park, public recreational field, or similar publicly owned facility.
    - d. A religious institution or place of worship.
    - e. Any residential use of property.
  3. The proposed site shall be screened by a natural, native, vegetative buffer as required within site plan approval. This visual buffer shall be placed no closer than three feet to any adjacent lot line and shall be maintained by the party to whom the Certificate of Occupancy has been issued.
- F. Operational Requirements
1. The hours of operation shall only be between 10:00am and 11:00p Monday through Saturday and 12:00 noon to 9:00pm Sundays.
  2. The site shall be maintained daily in a condition that is free and clear of any sexual paraphernalia or packaging.
  3. The site, the building and any sign whether permanent or temporary shall not visually depict any person in a state of nudity or semi-nudity.

**SECTION 333 CRITERIA FOR A HOME BUSINESS**

(Amended 14 March 2017)

The Planning Board must determine, through the Minor Site Plan Review process that any proposed Home Business complies with all of the criteria outlined below:

- A. A Home Business must be conducted within the dwelling unit or in an enclosed, accessory structure.
- B. The area within the structure(s) used by a Home Business shall not exceed 35% of the total finished floor area of the dwelling unit or a maximum of 1,000 square feet, whichever is less.
- C. There will be no more than two non-resident employees or subcontractors associated with the business that are permitted to use the site of the Home Business as their base of operations. Non-resident employees or subcontractors who do not come and go from the site are permitted.
- D. One on-premise sign no more than 6 square feet shall be permitted to advertise the home business, or as limited by the zoning district in which the Home Business is located, whichever is more restrictive.
- E. A Home Business shall not generate customer or client traffic which is excessive for the road(s) providing access. As a guideline, the Home Business will generate no more than an average of 10 customer/client/delivery/service visits per day.
- F. Adequate off-street parking shall be provided for a Home Business as determined by the Planning Board. As a guideline, a permissible Home Business should need no more than four (4) off-street parking spaces in addition to the off-street parking for the principal residential use.
- G. No more than three (3) company vehicles may be parked outside at the site of the Home Business.
- H. A Home Business shall not be permitted out-of-doors on the property. There shall be no outside operations, storage, or display of materials or products.
- I. A Home Business shall not involve the on-premises use and visible storage of heavy vehicles or equipment used in the business such as, but not limited to, back-hoes, graders, dump trucks, etc.
- J. If a Home Business is the type in which classes are held or instruction is given, there shall be no more than six (6) students or pupils at any one time.
- K. A Bed & Breakfast that meets all the criteria outlined above is included and defined as a Home Business.
- L. The applicant may only continue the Home Business on an on-going basis as presented to and approved by the Planning Board.

**SECTION 334 COMMERCIAL FUNCTION FACILITY REVIEW CRITERIA**

The Zoning Board of Adjustment may grant a Special Exception for a commercial function facility upon review and consideration of the following criteria based upon the proposed location and proximity to other uses in addition to finding that all the conditions outlined in Section 520 Special Exceptions, Paragraph A. are met.

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- A. Mitigation of noise, including but not limited to music, through implementation of none or more of the following:
1. Establishment and enforcement of Quiet Hours: 10:00 pm – 10:00 am – No music from 10:00 pm to 10:00 am
  2. Separation of sound source from neighboring abutters: Separate the sound source a reasonable distance to property lines and residences on abutting properties.
  3. Indoor Music: Locate sound source indoors when feasible.
  4. Sound Barriers: When feasible locate sound source behind sound barriers such as buildings, walls, solid fences, earth berms or landscaping materials/tree cover
  5. Orientation of Sound Source: When feasible orient sound source to face away from homes on abutting properties.
- B. Mitigation of vehicle headlights in the parking lot through implementation of one or more of the following:
1. Separate the vehicle headlights a reasonable distance to property lines and residence on abutting properties.
  2. When feasible, locate parking lot behind visual barriers such as buildings, walls, solid fences, earth berms or landscaping/tree cover.
  3. When feasible, orient parking to face away from homes on abutting properties.
- C. Development of an acceptable and safe plan for traffic access, traffic circulation and off-street parking.
- D. Development of an acceptable and safe plan for pedestrian access and circulation from the parking lot to the function facility.

**SECTION 335 APPEARANCE REVIEW**

(Section added 12 March 1996) (Amended 11 March 1998; 9 March 2004; 14 March 2006; 13 March 2018)

- A. Purpose  
The Town finds it desirable to protect, enhance, and perpetuate areas of historical, cultural, architectural, artistic or geographic significance located within the Town of Alton; to protect and enhance the Town's economic base by attracting tourists, visitors and residents; to stabilize and improve property values; to foster civic pride by protecting the Town's unique cultural heritage by prohibiting the unnecessary destruction and defacement of its cultural assets; to preserve historic architectural design and integrity; to protect significant viewsheds and vistas, and to ensure the harmonious, orderly and efficient growth and development of the Town.
- B. Review Process  
As part of its site review and subdivision process, the Planning Board shall review each proposal for conformance with the intent of this ordinance and the Master Plan. The Board shall take into account the location within the community, surrounding properties and proposed use of any proposed development in making its decision.  
As part of its review of applications, the Zoning Board of Adjustment may review each proposal for conformance with the intent of this ordinance as outlined in Section A., Purpose, above.
- C. Provisions  
Franchise Architecture is considered excessive signage and is, therefore, not allowed.

**SECTION 336 STRUCTURES DESTROYED BY FIRE OR OTHER NATURAL DISASTER**

(Section added 8 March 2016)

- A. In order to protect public safety, minimize impacts on abutters and minimize adverse visual impacts, the property owner of a structure destroyed by a fire or natural disaster shall remove, rebuild, or replace the structure.
- B. The property owner must remove, rebuild, or replace a structure destroyed by a fire or natural disaster within six months unless a time extension is granted by the Code Official for good cause shown. One factor for the Code Official to use in determining whether or not to grant a time extension is a request in writing submitted by an insurance company representative, homeowner or attorney for an extension beyond the six months.
- C. If a structure destroyed by fire or other natural disaster is not removed, rebuilt, or replaced within six months or within any time extension approved by the Code Official, then the Town shall place a lien on the property and file the lien with the Town Clerk in addition to all other legal remedies.

**SECTION 340 SIGN REGULATIONS**

(As amended 12 March 1996; 13 March 1984; 13 March 1991; replaced 11 March 2003; new section added 9 March 2004; amended 12 March 2013; 14 March 2017)

A. Purpose

Signs serve many purposes. Signs promote safety and prevent hazards to vehicular and pedestrian traffic by providing warning or safety instructions and directional information in a format that makes their message known quickly; signs allow business owners to advertise their products and services; signs publicize community events; signs identify locations of facilities and services; signs communicate information and ideas; signs may be temporary, seasonal or permanent. Careless design and siting of signs can create confusion and distraction for drivers, pedestrians and other road users.

The Town of Alton Master Plan encourages physically and visually attractive development that uses complementary architectural styles to the rural village character of the community. Franchise architecture is considered excessive signage and is not permitted. The Master Plan strongly encourages the use of materials and treatment for signs that reflect the architecture of the structure with which they are associated and are also incorporated into the site landscaping.

This ordinance is intended to provide uniform regulations for the installation and use of signs in Alton: to protect the health, safety and welfare of the public by avoiding traffic hazards and reducing visual distractions and obstructions; to maintain a safe and orderly pedestrian and vehicular environment; to provide adequate business identification and advertising to foster successful businesses; to ensure that the constitutionally guaranteed right of free speech is protected; and, to maintain and enhance the appearance, aesthetics and traditional character of Alton to preserve and maintain a rural quality of life.

B. General Provisions

- 1. Each new business sign must receive a permit from the Building Inspector. Signs erected prior to March 1984 shall be exempted from the provisions of this ordinance, provided they are properly maintained.

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2. The owner of any sign that is, or becomes, in disrepair in the opinion of the Building Inspector shall be notified. Such sign, if not repaired or removed within thirty (30) days of notice, shall be removed upon order of the Building Inspector.
3. Signs which are animated, flashing or with scrolling intermittent illumination are expressly prohibited. Included are technological signs that give the impression of flashing, or contain traveling lights, display video images like TV or plasma screens, digital flat screens, LED screens, holographs and liquid display signs or fiber optic signs. This includes prohibition on neon tubes or neon like illumination. Illuminated signs shall be shielded so as to produce no glare, undue distraction, confusion or hazard to pedestrian or vehicular traffic or to the surrounding area. Time and temperature signs should abide by the above rules, and have letters and numbers in only one color with lighting with the sign shielded. The size of the overall sign size, and the numbers should not exceed 25% of the overall sign size, and the numbers should remain static until responding to change in the time or temperature at a regular and relevant interval.

Temporary signs used for the express purpose of public safety and or traffic control are exempt. (Amended March 11, 2008)

4. It shall be unlawful for any person to erect or install a sign (including painting on rocks or the use of other natural or man-made features as a sign), for commercial advertisement purposes upon any public right-of-way without the express written permission of the Board of Selectmen.
5. The overall height of any free-standing sign shall not exceed sixteen (16) feet. Any free-standing sign shall be set back a minimum of five (5) feet from any lot line.
6. Parked vehicles: Any vehicle or other holding device that is allowed to remain on site both during and after business hours and upon which advertising is placed shall be considered a sign and conform to the provisions of this ordinance. Such signs shall not be allowed in addition to the signs herein permitted. Decals, magnetic signs or signs painted upon the body of motor vehicles actively used in the transportation of workers, goods, or equipment during the normal course of business are exempt from these provisions.
7. Any sign not in conformance with the requirements of this section shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the town shall have the right to recover from the owner or person placing such sign the full cost of removal and disposal of such sign.
8. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.
9. Official town, state or federal signs and traffic control devices are considered government speech and shall be exempt from these regulations.

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C. District Provisions

Zoning District	Number of signs permitted		Size of signs permitted	Height of signs permitted	Temporary signs - size permitted**
	Individual business on a lot	Multiple businesses on a lot			
<b>Residential-Commercial</b>	Each business on an individual lot shall be allowed two (2) signs on the lot where the business is located		Not to exceed twenty-four (24) square feet	Free-standing signs - sixteen (16) feet	Not to exceed thirty-two (32) square feet
		Where two or more businesses are in one building or on one lot, two (2) signs may be erected jointly on the property	No one sign shall exceed twenty-four (24) square feet		Not to exceed thirty-two (32) square feet
		Each business may erect a sign not to exceed ten (10) square feet on a building structure. For public safety, no privately owned sign shall extend more than two (2) feet from the wall plane of the building and shall be a minimum of seven (7) feet above the public way	Not to exceed ten (10) square feet		Not to exceed sixteen (16) square feet
<b>Recreation Service</b>	Each business on an individual lot shall be allowed two (2) signs on the lot where the business is located		Not to exceed twenty-four (24) square feet	Free-standing signs - sixteen (16) feet	Not to exceed thirty-two (32) square feet
		Where two or more businesses are in one building or on one lot, two (2) signs may be erected jointly on the property	No one sign shall exceed twenty-four (24) square feet		Not to exceed thirty-two (32) square feet

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		Each business may erect a sign not to exceed ten (10) square feet on a building structure. For public safety, no privately owned sign shall extend more than two (2) feet from the wall plane of the building and shall be a minimum of seven (7) feet above the public way	Not to exceed ten (10) square feet		Not to exceed sixteen (16) square feet
<b>Lakeshore Residential</b>	Each business on an individual lot shall be allowed no more than one (1) sign		Not to exceed four (4) square feet		Not to exceed six (6) square feet
<b>Residential Rural</b>	Each business on an individual lot shall be allowed no more than one sign		Not to exceed twelve (12) square feet; no more than six (6) feet wide		Not to exceed thirty-two (32) square feet
<b>Rural</b>	Each business on an individual lot shall be allowed no more than one (1) sign		Not to exceed twelve (12) square feet; no more than six (6) feet wide		Not to exceed thirty-two (32) square feet
<b>Residential</b>	No signs shall be permitted unless directly related to a lawful use of the property.		Not to exceed three (3) square feet		Not to exceed six (6) square feet

\*\* See Section D. below for further requirements for Temporary Signs.

D. Temporary Signs

The Town of Alton desires to minimize as much as possible, the visual clutter, distraction and safety hazards that can be created by a proliferation of temporary signs, while in no way impinging on the rights of freedom of speech provided by the United States and New Hampshire Constitutions. To this end, temporary signs are permitted on any individual lot with the size restrictions listed by zoning district in Section C. above and under the following requirements:

1. Each individual lot is allowed, without a permit, in addition to any permitted business signs, temporary signage of a size as detailed in Section C. above.
2. Temporary signs shall only be located on property that is owned by the person whose sign it is and shall not be placed on any utility pole, street light, similar object or on public property.

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3. Temporary signs may be placed seven (7) days prior to, and shall be removed within seven (7) days after the conclusion of, the event which is the basis of the sign.
4. All temporary signs shall be securely constructed and properly secured and shall be placed in such a location as to not endanger vehicular or pedestrian traffic by obscuring a clear view or by creating confusion with official street signs or signals.
5. Temporary signs shall not be illuminated.

E. Off Premises Signs

1. Off premises signs are allowed only with a permit from the Building Inspector.
2. Off premises signs shall count towards the overall signage allowed for each lot upon which the sign is located.
3. Off premises signs shall not be located within any right-of-way and permission for the sign shall be granted in writing by the owner of the property upon which the off premises sign is to be placed.
4. Off premises signs shall not exceed the size permitted for the lot upon which the sign is located and shall otherwise comply with the general provisions of Section B. above.

F. Definitions

Off premises sign: A sign which pertains to a business, industry or activity which is not located on the premises upon which the sign is located.

Sign: Any device having a display surface on one or both sides designed to inform or attract the attention of persons not on the premises on which the sign is located.

Temporary sign: A sign, banner, pennant, poster or display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials, either standing alone or temporarily affixed to a building structure, that appears to be intended to be displayed for a limited period of time, that is used for a specific circumstance, situation or event intended or expected to take place or be completed within a short or definite period of time. Examples of event include, but are not limited to, craft fairs, old home week, auctions, political campaigns and yard sales. If the sign display area is permanent but the message displayed is subject to periodic manual change, that sign shall not be regarded as a temporary sign.

G. Enforcement, Notification and Removal

It shall be the duty of the Code Enforcement Officer to notify the violator and/or building owner of any violation in writing and if condition or violation is not corrected in five (5) business days from the date of notification, the Code Enforcement Officer is authorized to impose a fine as specified by the Board of Selectmen.

H. Severability

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding will not affect or impair any other section, clause, provision or portion of this ordinance.

**SECTION 350 MANUFACTURED HOUSING**

(As amended 13 March 1984, 13 March 1991, amended 14 March 2006)

A. **Manufactured Home**

For health, safety and welfare, manufactured homes not certified as meeting HUD standards are not permitted.

Manufactured homes under fourteen (14) feet in width, with flat or rounded roof, and exterior walls not of traditional site-built appearance to be permitted only in Manufactured Home Parks.

B. **Modular - Sectional Home**

1. Residential and Lake Shore Residential Zones - minimum width of twenty (20) feet.
2. All other zones - minimum width of fourteen (14) feet.

In all zones exterior walls and roofs must have traditional site-built appearance.

C. **Manufactured Home Park Performance Standards**

1. These standards are intended to promote the health, safety, economic and social well-being, convenience and general welfare of the public. They are further intended to secure safety from fire and other dangers, to provide adequate light and air, to prevent overcrowding on the land and to facilitate the adequate provision of water, sewerage, parks and recreation.
2. Manufactured Home Parks shall meet the following general site standards:
  - a) The minimum site area associated with each manufactured home shall be ten thousand (10,000) square feet.
  - b) Each site shall have a minimum road frontage of seventy-five (75) feet on the interior park road. No portion of the abutting off-site road may be utilized to satisfy the frontage requirement.
  - c) Each manufactured housing unit shall be located on individual sites, a minimum of thirty (30) feet from the right of way of the interior road and at least twenty-five (25) feet from any other interior lot line of the site. Accessory structures or buildings whether attached or detached shall also meet these setbacks.
3. A Manufactured Home Park shall be located on a tract with a minimum of five (5) acres, excluding poorly and very poorly drained soils.
4. The overall park density shall not exceed the density allowed in that zone.
5. A planted buffer strip of seventy-five (75) feet shall be provided along all abutting off site road, side, and rear boundaries of the park. This buffer strip will provide a visual buffer sufficient to minimize any adverse impact on abutting land use.
6. A developed recreation area of no less than one thousand (1000) square feet per manufactured housing unit shall be set aside and maintained for the joint use of all occupants of the park.
7. All manufactured housing units installed after the passage of this ordinance shall meet the most recent specifications and standards established by the U.S. Department of Housing and Urban Development.
8. The Manufactured Home Park grounds and facilities shall be under single ownership, but may be under such management to carry out the provisions of these standards.
9. The Manufactured Home Park shall have facilities for sewage disposal meeting all provisions of the State of New Hampshire Division of Public Health Services and of the New Hampshire Water Supply and Pollution Control Division and the Town of Alton Health Regulations.

**SECTION 351 ACCESSORY MANUFACTURED HOME FOR A RELATIVE WITH A HEALTH ISSUE**

(Added 10 March 2015)

A manufactured home may be brought to the property and occupied on a temporary basis by a relative of the property owner who has a health issue as an accessory use to the principal residence on the property provided:

- A. The property owner has notified the Town by submitting a signed and notarized letter indicating the name of the relative with the health issue requiring assisted living and the nature of the health issue accompanied by a letter from a qualified health care provider. The letter shall also acknowledge that the property owner will discontinue occupancy of the manufactured home when the relative with the health issue is no longer present and that the property owner agrees to remove the manufactured home within two (2) months of the relative no longer residing on the property. Upon application by the property owner, the time period may be extended by the Code Enforcement Officer for good cause shown.
- B. There is an approved domestic water supply for the manufactured home.
- C. There is an approved wastewater treatment system adequate to serve the manufactured home.
- D. A permit for the manufactured home shall be issued by the Building Code Official and shall be renewed annually with a letter from a qualified health care provider that the need still exists for assisted living.

**SECTION 352 TEMPORARY USE OF A MANUFACTURED HOME**

(Section added 13 March 2018)

A manufactured home may be brought to the property and occupied for up to one (1) year in the following circumstances:

- a. as a residence during the construction, reconstruction and/or repair of a permanent residence on the same lot; or,
- b. as office space, storeroom or shop in connection with the construction, reconstruction and/or repair of the permanent residence.

In either circumstance, the following shall be required:

- a. The temporary manufactured home shall be connected to an approved and usable domestic water system and an approved and usable sewage disposal system in accordance with State and local requirements;
- b. A building permit shall be approved for the new residence to be built on the lot; and,
- c. The property owner shall submit an acknowledgement that he/she will discontinue occupancy of the manufactured home upon the issuance of the certificate of occupancy for the permanent residence and shall remove the manufactured home within two (2) months of the issuance of the certificate of occupancy.

The Code Official shall be authorized to grant a time extension for good cause shown.

**SECTION 355 RECREATIONAL CAMPGROUND OR CAMPING PARKS**

(Section added 14 March 1995) (Amended 12 March 2013)

**Recreational Campground or Camping Parks Performance Standards**

- A. A recreational campground or camping park shall be an approved lot on which five (5) or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year round residency.
  - 1. The seasonal nature of a recreational campground or camping park needs to be reviewed and approved by the Planning Board during the site plan review process. (Added 12 March 2013)
  - 2. In establishing the seasonal nature of the recreational campground or camping park, the

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Planning Board will ensure that it is not for year-round residency. (Added 12 March 2013)

3. Campsites in a recreational campground or camping park can be used by tents, recreational vehicles, and/or recreational camping cabins. The areas proposed for any of these uses shall be approved by the Planning Board during the site plan review process. (Added 12 March 2013)
- B. Recreational campground or camping parks shall meet the following general campsite standards:
1. The recreational campground or camping park shall have a site minimum of one thousand (1,000) square feet for each tent, tent/camper, or pick up camper- coach- converted bus, motor home or van; a minimum of one thousand five hundred (1,500) square feet shall be required for each travel trailer. Total lot density shall not exceed fifteen (15) campsites per acre.
  2. Each camping park site shall have a minimum road frontage of twenty-five (25) feet on the interior park road. No portion of the abutting off site road may be utilized to satisfy the frontage requirement.
  3. No site shall be used as a permanent or primary residence.
- C. Each site shall be provided with two off street parking spaces.
1. A recreational campground or camping park shall have an area of not less than ten (10) acres, excluding poorly and very poorly drained soils and slopes exceeding twenty-five percent (25%) grades.
  2. A planted buffer strip of seventy-five (75) feet shall be provided along all abutting off site road, side, and rear boundaries of the park in which no camping may take place. This buffer strip will provide a visual buffer sufficient to minimize any adverse impact on abutting land use.
- D. Each park must maintain at least fifteen percent (15%) of its area as common land, exclusive of individual campsites, roadways, buffer strips and sanitation areas. This area shall be set aside and developed as common use areas for open space or enclosed recreation facilities.
- E. Within each recreational campground or camping park there shall be provided one or more service buildings containing flush type toilets. Separate toilet and shower areas shall be provided for males and females in accordance with all applicable state laws and the following general standards:
1. Toilet rooms shall contain one lavatory with running water for every two (2) toilets, but in no case shall any toilet room be without at least one (1) lavatory with running water.
  2. One (1) shower shall be provided for each sex with hot and cold running water for every thirty (30) campsites or fraction thereof.
- F. A recreational campground or camping park shall have facilities for sewage disposal meeting all provisions of the applicable State Laws and the Town of Alton Health Regulations.
- G. All roads within a recreational campground or camping park shall be well-drained, graveled or paved, and maintained in good condition by the park owner or manager. One-way roads shall be a minimum of twelve (12) feet in width. All other roads shall have a minimum travel surface of eighteen (18) feet. Parking shall be prohibited on both sides of all roads within the park.
- H. The recreational campground or camping park grounds and facilities shall be under single ownership but may be under such management as needed to carry out the provisions of these standards.
- I. There shall be no overflow camping areas or over-night parking except in approved sites.

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- J. The following accessory structures may be added to a Recreational Vehicle including, but not limited to: decks, platforms, sheds, gazebos, porches, and screened houses. Site improvements may be made including; walkways, patios, and landscaping such as flowers, ground cover, shrubs and trees. (Added 12 March 2013)

**SECTION 356 RECREATIONAL VEHICLES**

(Added 11 March 2014)

- A. No more than one (1) Recreational Vehicle is permitted to be occupied on a lot with an existing dwelling unit provided it is for a period of less than six (6) months in a calendar year. If a Recreational Vehicle is occupied on a lot with an existing dwelling unit for more than ten (10) consecutive days, then the property owner shall obtain a permit from the Building Department. Such occupied Recreational Vehicle must have a domestic water supply and adequate provision for wastewater disposal, including sewerage, septage and gray water. Such Recreational Vehicle shall not be rented for commercial gain.
- B. No Recreational Vehicle is permitted as a principal use on a lot other than on a campsite within a recreational campground or camping park.

**SECTION 357 RECREATIONAL CAMPING CABIN STANDARDS**

(Added 12 March 2013)

- A. Recreational Camping Cabins must be installed on a slab foundation;
- B. Recreational Camping Cabins must be tied-down;
- C. Accessory structures may be added to a Recreational Camping Cabin including; decks, platforms, sheds, gazebos, porches, and screened houses. Site improvements may be made including, but not limited to: walkways, patios, and landscaping such as flowers, ground cover, shrubs and trees.
- D. Recreational Camping Cabins shall be taxed as real property;
- E. Recreational Camping Cabins require the water to be shut-off during the off-season; and
- F. Recreational Camping Cabins which have water plumbed shall be connected to an approved septic system.

**SECTION 358 PRIVATE TENT SITES**

(Added 12 March 2013)

- A. Private tent sites are permitted for no more than ten (10) consecutive days on an individual lot as an accessory use to an existing dwelling unit in all zones.
- B. The use for a longer duration may be permitted by Special Exception by the Zoning Board of Adjustment in all zones.

**SECTION 359 STORMWATER MANAGEMENT**

(Added 10 March 2015) (Amended 12 March 2019)

- A. Purpose and Intent  
To protect public health, safety, and general welfare managing stormwater generated by the development of land in Alton. The "Guide to Erosion Control & Stormwater Management for

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Homeowners & Contractors" (Guide) is available in the Planning Department to assist in preparing stormwater management plans. It is the intent of this article to:

1. Prevent or reduce non-point source pollution resulting from development.
2. Encourage use of practices to enhance ground water recharge and decrease surface water flows.
3. Reduce velocity of stormwater flows in the watershed.
4. Prevent off-site stormwater impacts from development.
5. Minimize impact of development on existing hydrology and water quality by controlling runoff, soil erosion and sedimentation resulting from site development.
6. Support adequate drinking water supplies by facilitating ground water recharge.
7. Protect town, state roads and private driveways from erosion caused by rain and snowmelt peak water flows.
8. Protect dams and associated impoundment structures from peak rain and snowmelt water flows.
9. Protect water bodies and wetlands from siltation and pollution caused by stormwater runoff.

B. Authority

The provisions of this Article are adopted pursuant to RSA 674:16, Grant of Power; RSA 674:17, Purposes of Zoning Ordinance; and RSA 674:21, Innovative Land Use Controls.

C. Applicability

The requirements of this article shall apply for building construction or lot development on any tract of land of any size where:

1. slope of land before or after development is 15% or greater; or
2. slope of land is less than 15%, and disturbed area is 20 feet or less from the top of a slope of 15% or greater.

All slopes are measured over a horizontal run of 50 feet.

No construction or lot development of any size is permitted to divert or direct additional runoff from the subject property onto any other property. The measures described in this ordinance for stormwater management shall be utilized as needed to collect and treat stormwater runoff. Any construction or lot development of any size that is determined by the Code Enforcement Officer to be allowing runoff to leave the subject property shall be required to follow the application procedures contained herein and to submit such plans and install such permanent stormwater management measures as are necessary.

The following are exempt from the requirements of this article as they are otherwise regulated:

1. Developments subject to Site Plan Review application process;
2. Developments subject to Subdivision application process;
3. Timber harvesting operations;
4. Earth excavations covered by RSA 155-E; and
5. Shoreland Impact Permits under the Shoreland Water Quality Protection Act (RSA 483-B). Shoreland Permits by Notification may be subject to requirements of this article as determined by the Code Official.

D. Landowner's or his/her Agent(s) Responsibilities

Under New Hampshire law, the land owner is responsible for compliance with local land use regulations. Contractors are responsible only for complying with the codes and licenses of their specialties. In this article, actions required of the owner may be performed by his/her agent(s), but the owner will ensure compliance by the agent(s). The owner or his/her agent(s) shall:

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1. submit an application as specified in Section E. to the Board of Selectmen or their agent for any work meeting the criteria above.
2. be responsible for erecting temporary erosion control measures before development begins.
3. be responsible for erecting permanent Stormwater Management measures if impervious surfaces are added or terrain is altered.
4. comply with all plans submitted and approved by the Board of Selectmen or their agent.
5. notify the Code Enforcement Officer after temporary erosion control measures are in place and before work begins and is ready for inspection.
6. notify the Code Enforcement Officer after work is complete and work is ready for inspection.
7. be responsible for obtaining all required federal, state and local permits.

The owner, and subsequent owners, shall be responsible for maintaining permanent stormwater management measures in accordance with the submitted and approved plan.

E. Application Requirements

Application shall be made on a form provided by the Board of Selectmen or their agent. A complete application shall consist of the following:

1. A completed application form.
2. A site drawing of existing and proposed conditions drawn to a scale of 1"=20' or an alternative scale acceptable to the Board of Selectmen or their agent. The following information shall be included:
  - a. A title block in the lower right-hand corner containing tax map and lot numbers, name and address of owner of record, name and address of person preparing the plan, date of last revision, and scale.
  - b. A location map, shown as an inset on the Site Drawing, showing site in relation to major roads, bodies of water, and other landmarks of the town.
  - c. True north point, graphic scale.
  - d. Property lines if working within setbacks or otherwise approximate property lines.
  - e. Easements.
  - f. Location, shape, and size of all existing structures, utilities, roads and paved areas.
  - g. Existing and proposed grades with topographic contours at intervals not exceeding two (2) feet within proposed impact area.
  - h. Location of all existing on-site surface water, wetlands and drainage patterns.
  - i. Location of existing watershed boundaries serving the work site, both on-site and off-site, as determined from USGS topographic mapping.
  - j. Delineate existing wooded and open space areas in proposed plan.
  - k. Soils information is determined from a National Cooperative Soil Survey (NCSS) soil series map. This information is used for design purposes or determining highly erodible soils.
  - l. Location and type of best management practices for temporary erosion and sediment controls.
  - m. Location and type of permanent stormwater management measures.
  - n. Show areas of soil disturbance.
3. Narrative section shall include a discussion of each measure, its purpose, construction sequence, installation timing, and timing of soil disturbance.
4. Schedule for ongoing inspection and maintenance by the landowner of all permanent stormwater management measures after completion of construction.

F. Temporary Erosion and Sedimentation Controls

1. Temporary erosion and sedimentation control plans are prepared and designed in accordance with standards and specifications outlined in the Stormwater Manual (See Section G.1.).

2. Appropriate temporary erosion and sedimentation control measures shall be installed prior to soil disturbance.
3. Temporary erosion and sedimentation control measures shall be inspected by the Code Enforcement Officer prior to the commencement of work.

G. Design Standards for Permanent Stormwater Management and Erosion Control

The following standards shall be applied in planning for permanent stormwater management and erosion control:

1. Stormwater Manual refers to: NH Stormwater Manual, 3 Volumes, NH DES, 2008, as amended.
2. Best Management Practices (BMPs – See Stormwater Manual) shall be used to control runoff from impervious surfaces and other areas such that runoff water from a ten-year storm event will not directly enter water bodies, streams or wetlands. All measures in the plan shall meet as a minimum the standards and specifications set forth in the Stormwater Manual, available in Code Enforcement office.
3. Area of disturbance shall be kept to a minimum. If a construction site remains idle for more than 14 days, then disturbed areas shall be stabilized.
4. Sediment in runoff water shall be trapped and retained within the project area using BMPs.
5. Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried through the project area without picking up pollution or sediment. Integrity of downstream drainage systems shall be maintained. A permit from NHDES Wetlands Bureau may be required for this activity.
6. Measures shall be taken to control post-development peak rate of runoff to not exceed pre-development runoff specified in design criteria of Stormwater Manual (See Section G.1.) by using techniques described therein.
7. Priority is given to preserving natural drainage systems including perennial and intermittent streams, wetlands, swales, and drainage ditches for conveyance of runoff leaving project area. Natural drainage systems shall not be altered and shall be protected from excessive volume and velocity of flow.
8. All temporary erosion and sedimentation control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from removal of temporary measures shall be permanently stabilized within 7 days.
9. Soil compaction shall be minimized by using the smallest (lightest) equipment possible and minimizing travel over areas to be revegetated or used to infiltrate stormwater (e.g., bioretention areas). In no case shall excavation equipment be placed in any portion of an infiltration area during construction.
10. No ground disturbed due to construction and development shall be left as exposed bare soil. All areas exposed by construction, with exception of finished structure and pavement footprints, shall be scarified and aerated to the depth of compaction, and covered with 4 or more inches of non-compacted topsoil. 6 inches of non-compacted topsoil is recommended for lawns. All topsoil shall be planted with a combination of living vegetation such as grass, groundcovers, trees, shrubs, and landscaping materials 3 inches thick (mulch, loose rock, gravel, and stone).

H. Implementation Guidelines for Permanent Control

1. The preferred approach to handling stormwater from impervious surfaces is to break up stormwater collection into small areas, as opposed to concentrating the runoff from many large surface areas. Collection of runoff with impervious surfaces segregated into small collection areas can allow for stormwater dispersal as described in the Stormwater Manual to reduce the volume and velocity of flow in any given area.

2. Use of nontraditional and/or nonstructural stormwater management measures, such as Low Impact Development (LID) including site design to reduce runoff rates, volumes, and pollutant loads, are preferred and shall be implemented to the maximum extent practical. Such techniques include, but are not limited to, minimization and/or disconnection of impervious surfaces; development design reducing rate and volume of runoff; reforestation or enhancement of natural riparian areas, wetlands, and forests and use of practices to intercept, treat, and infiltrate runoff from developed areas disturbed throughout the site with methods described in the Stormwater Manual.
3. Site development should follow the natural contours of the landscape to the maximum extent possible to minimize grading.
4. Cut and fill should be minimized, with maximum height of any fill or depth of any cut area, as measured from natural grade, not greater than 10 feet and preferably limited to 4 to 6 feet.
5. Natural vegetation should be retained, protected or supplemented. Stripping of vegetation will be limited to the extent necessary and done in a manner minimizing soil erosion.
6. Please refer to Paragraph A. for the Guide.

I. Administration

The Code Enforcement Officer is the primary agent to administer this ordinance.

The Board of Selectmen and or their agents:

1. shall review and approve or deny all plans before issuing a building permit and before the start of any earth disturbance and shall require the applicant to post a bond or other security in an amount commensurate with cost of remediation to assure conformance with approved plans. The security will be returned if work is completed in conformance with the approved plans.
2. will certify completion of the required improvements in accordance with the plan before the security is released.
3. may request the Conservation Commission to review the plan for recommendations.
4. may require routine inspections to verify on-going maintenance of water quality protection measures.
5. may contract with consultants as deemed necessary to assess applications and establish fees for the administration of this ordinance. Approval of an application as described above shall be construed as granting a permit. Fee schedule established by the Board of Selectmen shall defray cost of administration, review of applications, inspections and enforcement.

The Code Enforcement Officer shall inspect temporary erosion and sedimentation control measures for compliance with plan before commencement of work.

The Code Enforcement Officer shall inspect permanent stormwater measures for compliance with plan when work is complete.

Failure of temporary erosion and siltation control measures or permanent stormwater management measures is considered a violation of this ordinance and may be prosecuted under Section 550 ENFORCEMENT.

**SECTION 360 NON-HABITABLE STRUCTURE AS PRINCIPAL BUILDING ON A LOT**

(Added 11 March 2014) (Amended 13 March 2018)

See Table of Uses, Section 401

A non-habitable structure may be permitted as the principal building on a lot provided:

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1. A shed is a permitted use in all districts provided:
  - a. a shed includes no more than two hundred forty (240) sq. ft. (for example 12' x 20'); and
  - b. a shed is limited to one floor.
2. A private garage, workshop or shed larger than provided above may be permitted, per Section 401 Permitted Uses - Table of Uses, if a Special Exception is approved by the Zoning Board of Adjustment. The Zoning Board of Adjustment may grant the Special Exception if they determine the following criteria are met in addition to the Special Exception criteria specified in Section 520:
  - a. the architectural style, building size, building height, and exterior building materials of a private garage or workshop shall be visually compatible with other buildings in the neighborhood; and
  - b. an attic in a private garage or workshop is restricted to storage or workshop use only, must be unfinished floor space, and not used for habitation.
3. A private garage, workshop or shed larger than provided in 1., above, is not permitted in the Recreation Service (RS) Zone.

**SECTION 361 BUNKHOUSE REGULATIONS**

(Added 11 March 2014)

A Bunkhouse is permitted as follows:

1. A Bunkhouse is permitted on a lot accessory to a residential use.
2. A Bunkhouse is not permitted to have any of the following:
  - a. A Bathroom;
  - b. A Kitchen; or
  - c. Pressurized potable water.
3. A Bunkhouse must comply with the setback requirements.
4. A Bunkhouse cannot be leased, rented or used as a dwelling unit.
5. A Bunkhouse is counted as an additional bedroom for septic system loading. The following must be met to provide adequate wastewater treatment for a Bunkhouse:
  - a. The septic system for the principal building must be constructed to accommodate the number of bedrooms in both the principal building and the Bunkhouse.
6. A Bunkhouse shall not exceed 260 sq. ft. in area
7. A Bunkhouse shall not exceed a single story in height with walls not exceeding eight feet (8') in height.
8. A Bunkhouse shall not have attic storage.
9. A Bunkhouse shall not have lofts.
10. A Bunkhouse shall not have a basement.
11. Bunkhouse pier foundations must be fully enclosed, screened or skirted.
12. A Bunkhouse is permitted on a lot only if the lot is a conforming lot that meets the minimum lot size, minimum shore frontage and minimum road frontage requirements.
13. No more than one (1) Bunkhouse is permitted on any lot.
14. A document, with the notarized signature of the landowner, must be recorded at the Belknap County Registry of Deeds specifying and acknowledging the Bunkhouse use restrictions outlined above.

**SECTION 362 INCLUSIONARY ZONING**

(Added 11 March 2014)

**Purpose**

The purpose of this article is to provide for the development of a range of housing types within Alton including units that are affordable to working households. This ordinance is intended to ensure the continued

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availability of a diverse supply of housing for ownership and rental opportunities for all income groups. This article relates directly to the housing goals set forth in the Alton Master Plan, and meets the State of New Hampshire requirement that all communities provide opportunities for the development of housing for working households. New units should be located close to jobs and services when possible while ensuring high-quality design and energy-efficient construction. The intent of this regulation is to comply with the provisions of NH RSA 674:58, et Seq.

Statutory Authority

This innovative land use control is adopted under the authority of RSA 674:21 and is intended as an inclusionary zoning provision, as defined in RSA 674:21 and 674:21, IV(a).

Applicability

- A. Applicants are encouraged to participate in a conceptual review phase (RSA 676:4, II(a)) with the Planning Board to discuss a proposal in conceptual form and in general terms. Such pre-application consultation shall be informal and directed toward:
  - 1. Reviewing the basic concepts of the proposal.
  - 2. Reviewing the proposal with regard to the Master Plan and Zoning Ordinance, and the need for workforce housing as identified by the developer.
  - 3. Explaining the local regulations that may apply to the proposal.
- B. The following items are required during Design Review (RSA 676:4, II(b)).
  - 1. Documentation of the workforce housing inventory in Alton and the identified need for additional units. This must be supplied by the applicant to ensure that relief from Alton's Zoning Ordinance is necessary.
  - 2. Review of the yield plan for the site.
  - 3. Review of pro forma information to ensure that relief from Alton's Zoning Ordinance is necessary.
  - 4. The Planning Board will also guide the applicant relative to state and local requirements.
- C. Development in accordance with the provisions of this Article is permitted as a conditional use within the Rural Zone and Residential Rural Zone as defined in this Zoning Ordinance. This may include: single-family, duplex, multi-family, pre-site built, and manufactured housing based on the uses permitted by the underlying zoning. Once the Planning Board has designated a proposed project as workforce housing eligible and indicated that the same is satisfactory and compliant with the standards below, that project may be located on any suitable property in these districts as determined by the Planning Board.

Definitions

*Affordable* - means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed thirty percent (30%) of a household's gross annual income.

*Conditional use permit* - a regulatory tool used by municipalities to implement "innovative land use controls" adopted pursuant to NH RSA 674:21.

*Inclusionary zoning* - a regulatory tool used by municipalities to encourage workforce housing development within the private market. This voluntary tool is enabled as an "innovative land use control" adopted pursuant to NH RSA 674:21.

*Pro forma* - financial statements prepared in advance of a planned capital investment that models the anticipated results of the transaction, with particular emphasis on the projected cash flows and net revenues.

*Workforce housing* - means housing which is intended for sale and which is affordable to a household with an income of no more than one hundred percent (100%) of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is

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affordable to a household with an income of no more than sixty percent (60%) of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

Yield plan - a plan or plan set that shows the maximum number of conforming building lots that is reasonably achievable under a conventional subdivision following the requirements of the zoning ordinance and subdivision regulations.

#### Incentives

A subdivision plan that will guarantee a minimum of twenty percent (20%) and a maximum of fifty percent (50%) of the units are reserved as workforce housing, may be approved with an increase in the density of the site and a reduction of the minimum dimensional requirements for the workforce housing units. The Planning Board may allow a reduction of the minimum lot size and road frontage to accommodate the increased site density provided however, that the following limitations shall apply:

1. Permits can be obtained from the NH Department of Environmental Services for individual septic systems or community systems, and for the drinking water supply if a community system is desired.
2. Setbacks along the exterior boundary of the project shall be maintained with vegetation to buffer and protect adjacent properties and the street when the proposed density is greater than the density on adjacent sites.

#### Conditional Use Permit

- A. Conditional use approval for relief from the dimensional standards found within the Zoning Ordinance may be granted by the Planning Board (RSA 674:21 II) after proper public notice and public hearing provided that the proposed workforce housing development complies with the following standards:
1. That the development reinforces the housing goals set forth in the Alton Master Plan.
  2. The project shall not detract from either the ecological or visual qualities of the environment.
  3. There will be no significant adverse impacts resulting from the proposed use upon the public health, safety, and general welfare of the neighborhood and the Town of Alton.
  4. That the proposed development is located on an existing paved Town road that meets the Alton Class V Road Specifications, or will include a road upgrade that meets Alton's Class V Road Specifications as an off-site improvement.
  5. That the applicant supplies a yield plan and pro forma to demonstrate the inability to create housing units for working families in compliance with existing dimensional requirements in the zoning ordinance. All applicants under this article must submit the following data to ensure project affordability:
    - a. Calculation of the number of units provided under this Article and how it relates to its provisions.
    - b. A Pro Forma that includes project cost estimates including land, development and construction costs; financing, profit, and sales costs; and income specific cost factors based on the target population.
    - c. Description of each unit's size, type, estimated cost and other relevant data.
    - d. A plan for the documentation of household eligibility.
    - e. List of other required variances, conditional use permits, and special exceptions including justification of their necessity and effectiveness in contributing to affordability.
  6. That the dwellings qualifying as workforce housing shall be compatible in architectural style and appearance with the market rate dwellings in the proposed development. The workforce housing units should be interspersed throughout the overall development.
  7. That the dwellings qualifying as workforce housing shall be made available for occupancy on the same schedule as a project's market units, except that the certificates of occupancy for the

last ten percent (10%) of the market rate units shall be withheld until certificates of occupancy have been issued for all the workforce housing units. A schedule setting forth the phasing of the total number of units in a development under this article, along with a schedule setting forth the phasing of the workforce housing units shall be established as part of the Conditional Use Permit process.

8. The project shall comply with all subdivision regulations that apply, other than those waived by the Planning Board.
  
- B. Conditional use approval shall be subject to the completion of a Conditional Use Permit and supporting documents as required by the Planning Board. Said permit and materials shall be recorded at the Belknap County Registry of Deeds.
  
- C. Any person aggrieved by a Planning Board decision that constitutes a denial of a Conditional Use Permit due to noncompliance with one or more of the provisions of this ordinance may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment (RSA 676:5 III).

**Assurance of Continued Affordability**

In order to qualify as workforce housing under this article, the developer must make a binding commitment that the workforce housing units will remain affordable as long as NH RSA 674:58 (as amended or changed) remains in effect. This shall be enforced through a deed restriction, restrictive covenant, or a contractual arrangement through a local, state or other nonprofit housing trust or agency. Income verification for home buyers or renters will be provided by the identified trust or agency charged with enforcement of the binding commitment to affordability. The standard to use for calculating affordability shall be the workforce housing income as published annually by the New Hampshire Housing Finance Authority or whatever entity is charged with supplying this data. Deed restrictions, restrictive covenants, or contractual arrangements related to the primary dwelling units created under this article must be documented on all plans filed with the Alton Planning Board and the Belknap County Registry of Deeds.

**Administration; Compliance; Monitoring**

- A. This article shall be administered by the Alton Planning Board. Applications for the provisions provided under this article shall be made to the Planning Board and shall be part of the submission of an application for subdivision or site plan approval.
- B. No certificate of occupancy shall be issued for a workforce housing unit without written confirmation of the income eligibility of the tenant or buyer of the workforce housing, and confirmation of the rent or sale price of the workforce housing unit as documented by an executed lease or purchase and sale agreement unit from the contracted housing agency.
- C. On-going responsibility for monitoring the compliance with resale and rental restrictions on affordable units shall be the responsibility of the contracted housing agent identified by the Planning Board. At the time of resale, the new owner shall execute a Subsidy Lien and Restrictive Covenant, substantively similar to that executed by the prior owner, and the seller shall pay the administrative fee for oversight as determined in the contract with the contracted housing agent.

**SECTION 363 SOLAR ENERGY SYSTEMS**

(Added 14 March 2017)

**A. Authority and Purpose**

This ordinance is enacted in accordance with RSA 674:17 (I) (j), 674:62-66, and the purposes outlined in RSA 672:1, III, a, as amended.

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The purpose of this ordinance is to accommodate Solar Energy Systems in appropriate locations, while protecting the public's health, safety and welfare; to encourage the safe, efficient use of active Solar Energy Systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy; to encourage the development of renewable energy business in accordance with the Town's development standards.

B. Goals

1. To allow for the use of Solar Energy Systems in the community while maintaining Alton's scenic vistas and protecting property values.
2. To preserve the community's rural character, particularly as seen from public roads.
3. To minimize potential adverse impacts of Solar Energy Systems in the community by ensuring that such facilities are properly screened and are properly sited within existing topographic features of the property.
4. To ensure maintenance and safety procedures are in place to protect public health.
5. To encourage use of local renewable energy resources and to promote environmental sustainability and energy self-sufficiency.
6. To clearly define the different types of Solar Energy System.
7. To offer opportunities for residents to become more energy independent, reduce electricity costs, and meet clean energy goals.

C. Definitions

Accessory or Residential Solar Energy System - A Solar Energy System, building-mounted or freestanding, accessory to the primary use of the land, designed to supply energy for onsite residential use; excess energy may flow back to the grid for credits or for sale under net metering or other similar program under state law allowing for the disposition of excess energy for use by the residence.

Building Integrated Solar Energy System - An active Solar Energy System that is an integral part of a principal or accessory building or structure, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building Integrated Solar Energy Systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights and awnings.

Building Mounted Solar Energy System - A Solar Energy System attached to any part or type of roof on a building or structure that is either the principal structure or an accessory structure on a lot of record.

Commercial Solar Energy System - A Solar Energy System, building-mounted or freestanding, accessory to a permitted commercial, business, industrial, farm or agricultural use of the land, designed to generate energy to offset onsite utility costs or as an additional revenue stream.

Grid-Tie Solar Energy System - A photovoltaic (PV) Solar Energy System that is connected to an electric circuit served by an electric utility company.

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Freestanding Solar Energy System - A ground- or pole-mounted Solar Energy System that delivers electricity primarily to a building or structure that is either the principal structure or an accessory structure on a lot of record.

Passive Solar Energy System - A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic (PV) - A semi-conductor based device that converts solar energy directly into electricity.

Photovoltaic (PV) Solar Energy System - An active Solar Energy System that converts solar energy directly into electricity.

Solar Access - Unobstructed access to the solar resource on a lot or building for the purpose of capturing direct sunlight to operate a Solar Energy System.

Solar Collector - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System - A device or set of devices or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, water heating and so on.

Solar Mounting Devices - Racking, frames or other devices that allow the mounting of solar collectors to a roof surface or the ground.

Solar Resource - A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object between the hours of 9 a.m. to 3 p.m. Eastern Standard Time, on any day of the year.

Solar Skyspace - Pursuant to RSA 477:49, III, as amended, the space between a solar energy collector and the sun which must remain unobstructed to permit sufficient solar energy to the collector for thermally efficient operation.

Solar Skyspace Easement - Pursuant to RSA 477:49, IV, as amended, a limitation, whether or not stated in the form of a restrictive easement, covenant, or condition, in any deed or other instrument executed by or on behalf of the landowner described in the deed or instrument creating and preserving a right to unobstructed access to solar energy; provided, however, the easement shall be exempt from the frontage and area requirements of local zoning ordinances.

Solar Thermal System - A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs including residential domestic hot water and hot water for commercial processes.

Utility Scale Solar Energy System/Solar Farm - A Solar Energy System that converts sunlight into electricity whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, that may be sited with other permitted uses on the land on which it is located for the primary purpose of wholesale sales of generated electricity. Some electricity may be used by an onsite building or structure.

D. General Provisions

All Solar Energy Systems shall comply with the following standards:

1. All Solar Energy Systems shall be designed and operated in a manner that protects public safety.
2. All Solar Energy Systems shall comply with all State and local building, electrical, plumbing and fire codes, as applicable.
3. Building Mounted Solar Energy Systems shall not exceed the maximum height allowed in the zoning district in which the system is located.
4. Commercial Building Mounted Solar Energy Systems shall be placed so as to limit visibility from the public right-of-way or to blend into the roof design.
5. Freestanding Solar Energy Systems shall have natural ground cover under and between the collectors and surrounding the system's foundation or mounting devices.
6. All Solar Energy Systems that are connected to the electric distribution or transmission system through the existing service of the primary use on the site shall obtain an interconnection agreement with the electric utility in whose service territory the system is located.
7. All Solar Energy Systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

E. Solar Energy System Standards

1. Accessory or Residential Solar Energy Systems  
Building mounted or freestanding Accessory or Residential Solar Energy Systems are permitted accessory uses in all zoning districts, subject to setback and height requirements in the district in which the system is located, and the general provisions in Section D. above.
2. Building Integrated Solar Energy Systems, Passive Solar Energy Systems, and Solar Thermal Systems  
Building Integrated Solar Energy Systems, Passive Solar Energy Systems, and Solar Thermal Systems are permitted accessory uses in all zoning districts, subject to the general provisions in Section D. above.
3. Commercial Solar Energy Systems  
Commercial Solar Energy Systems are permitted accessory uses to a permitted commercial, business, industrial, farm or agricultural use of the land, in all zoning districts, subject to setback and height requirements in the district in which the system is located, and the general provisions in Section D. above.
4. Utility Scale Solar Energy Systems/Solar Farms  
Utility Scale Solar Energy Systems/Solar Farms are permitted in the Residential, Residential-Commercial, Rural Residential, Rural and Recreation Service districts, subject to setback and height requirements in the district in which the system is located, the general provisions in

Section D. above, a Special Exception from the Zoning Board of Adjustment as described in Section G. below, and Major Site Plan Review from the Planning Board.

5. Solar Energy Systems over 25kW

Any Solar Energy System over 25kW requires a Special Exception from the Zoning Board of Adjustment as described in Section F. below.

F. Special Exception for Solar Energy Systems Over 25kW

A Special Exception may be granted by the Board of Adjustment if, in addition to the Special Exception criteria contained in Section 520 of the Town of Alton Zoning Ordinance, the following conditions can be met:

1. The Solar Energy System Over 25kW shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways to the maximum extent possible while still allowing the system to be mounted for efficient performance.
2. The Solar Energy System Over 25kW shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent streets and shall not create a safety hazard.

G. Special Exception for Utility Scale Solar Energy Systems / Solar Farms

A Special Exception may be granted by the Board of Adjustment if, in addition to the Special Exception criteria contained in Section 520 of the Town of Alton Zoning Ordinance, the following conditions can be met:

1. Adequate land shall be provided to safely and effectively accommodate the proposed Solar Energy System.
2. The Utility Scale Solar Energy System/Solar Farm shall be enclosed by perimeter fencing to restrict unauthorized access at a height of 6 feet, unless it is demonstrated to the Zoning Board of Adjustment's satisfaction that the Solar Energy System is adequately protected in a different fashion.
3. Clearly visible warning signs shall be posted at every entrance to the facility and at the base of all pad mounted transformers and substations.
4. All onsite utility and transmission lines shall, to the extent feasible, be placed underground.
5. The applicant shall minimize the disruption of the natural environment, retain existing vegetation and native plant species to the maximum extent feasible and replant with native vegetation if existing vegetation is disturbed during construction.
6. The Utility Scale Solar Energy System/Solar Farm shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent streets and shall not create a safety hazard.
7. Utility Scale Solar Energy Systems/Solar Farms shall be constructed with evergreen vegetative screening to obscure solar energy system perimeters year round from adjacent parcels where existing buffers do not exist to ensure that such Solar Energy Systems do not adversely affect the view of adjacent parcels or have an adverse impact on the use of the abutting property.
8. A decommissioning plan shall be submitted for the anticipated life of the Utility Scale Solar Energy System/Solar Farm or in the event that the facility is abandoned or has reached the end of its useful life.

H. Abandonment, Removal, and Decommissioning

1. If a freestanding Solar Energy System is removed, the ground shall be restored to its natural condition.

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2. A decommissioning plan for a Utility Scale Solar Energy System/Solar Farm shall consist of:
  - a. A description of the conditions upon which decommissioning will be initiated, for example, abandonment, end of lease, safety hazard, and so on.
  - b. A description of how the decommissioning will take place. Decommissioning shall consist of:
    - i. Physical removal of all solar collectors and components, reflectors, ground- or pole-mounted panels and mounting devices, structures, conduits, fencing, roads, equipment, security barriers, and transmission lines to the site.
    - ii. Physical removal of all foundations, pads and underground electrical wires and reclamation of the site to include stabilization and revegetation of the site as necessary to minimize erosion.
    - iii. Disposal of all solid or hazardous waste in accordance with local, state and federal waste disposal regulations.
  - c. A cost estimate for the decommissioning of the facility prepared by a professional engineer.
  - d. A restoration plan for the site.
  - e. The timeframe for completion of removal and decommissioning activities.
  - f. A signed statement from the party responsible for completing the decommissioning plan acknowledging such responsibility.
3. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, if a Utility Scale Solar Energy System/Solar Farm is out of service or not producing electrical energy for a period of twelve (12) months, it shall be deemed abandoned and decommissioning and removal of that facility shall commence in accordance with the decommissioning plan provided and approved.
4. Financial security shall be submitted in an amount equal to one hundred twenty five (125) percent of the amount approved in the cost estimate submitted as part of the decommissioning plan and in an acceptable form of security as listed in the Town of Alton Subdivision Regulations. If the owner or operator of the Utility Scale Solar Energy System/Solar Farm fails to remove the facility in accordance with the requirements of this section within ninety (90) days of the abandonment or the proposed date of decommissioning, the town may use the security to undertake the removal work required. The Code Official in his discretion, for good cause shown, may extend this deadline for up to an additional ninety (90) days.

I. Severability

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

**ARTICLE 400 ZONING DISTRICTS REGULATIONS**

**SECTION 401 PERMITTED USES - TABLE OF USES**

(Section added 12 March 1996) (Amended 14 March 2000; 12 March 2002; 11 March 2003; 9 March 2004; 14 March 2006; 9 March 2010)

Land may be used and buildings may be erected, altered or used for only those uses listed in the following *Table of Uses*. This table does not prohibit those uses which are considered accessory and customarily associated with the primary use.

Zones:

LR	Lakeshore Residential Zone	(Sec. 410)
RS	Recreation Service Zone	(Sec. 420)
R	Residential Zone	(Sec. 430)
RC	Residential - Commercial Zone	(Sec. 440)
RU	Rural Zone	(Sec. 450)
RR	Residential Rural Zone	(Sec. 460)

Key to Table:

Y	= allowed in zone
N	= not allowed in zone
E	= allowed by special exception (see Sec. 520)
*	= additional requirements required (see notes)

**TABLE OF USES**

A.	Residential Uses	R	LR	RC	RR	RU	RS	Notes
1.	Single-family Dwelling	Y	Y	Y	Y	Y	N	
2.	Duplex or Two Family Dwelling	Y	N	Y	Y	N	N	
3.	Accessory Dwelling Unit	Y	E**	Y	Y	Y	N	Refer to Section 319 **Section 520 criteria only. The additional criteria in Section 413 shall not apply to ADU in the LR District. (Amended 14 March 2017)
4.	Multi-Family Structure	N	N	Y	Y	E	N	Not more than 6 dwelling units per structure (Amended 10 March 2020)
5.	Townhouse	N	N	Y	Y	E	N	Not more than 5 dwelling units per group (Added to Table 10 March 2020)
6.	Manufactured Home Parks	N	N	N	E	E	N	Section 350 and Section 451
7.	Manufactured Homes	Y*	N	Y*	Y*	Y*	N*	Section 350 a. & b.
8.	Pre-site Built Housing	Y	Y	Y	Y	Y	N	Section 350 a. & b. and Sec 200, definitions (Added by ATM 11 March 1997)
9.	Elderly Housing	Y	N	Y	Y	Y	N	*Section 330 (Added 11 March 1999; Amended 14 March 2017)
10.	Home Business	Y	N	Y	Y	Y	Y	
11.	Garage, workshop or shed larger than 240 s.f., as principal building on lot	E	E	E	E	E	N	See Section 360 (Added 11 March 2014; Amended 13 March 2018)
12.	Shed, less than 240 s.f., as principal building on lot	Y	Y	Y	Y	Y	Y	See Section 360 (Added 11 March 2014; Amended 13 March 2018)
13.	Continuing Care Retirement Communities, including Independent Living CCRC, Assisted Living CCRC, Skilled Nursing CCRC	Y	N	Y	Y	Y	N	See Section 331 (Added to Table 14 March 2017)
B.	Institutional Uses	R	LR	RC	RR	RU	RS	Notes
1.	Church	N	N	Y	N	Y	N	
2.	Kindergarten, Home Day Care, Preschool Program, Infant/Toddler Program (Child Care Nursery) or Nursery	Y	N	Y	Y	Y	N	(Amended 8 March 2016)

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	Institutional Uses	R	LR	RC	RR	RU	RS	Notes
3.	Lodge or Private Club	N	N	Y	N	Y	N	
4.	Nursing Home	N	N	Y	Y	Y	N	
5.	Public or Private Educational Institutions	N	N	Y	N	Y	N	
6.	All other Child Care Uses as defined in Ordinance	E	N	E	E	E	N	(Added 8 March 2016)
7.	School	E	N	Y	E	Y	N	(Added to Table 14 March 2017)
C.	Governmental and Public Service	R	LR	RC	RR	RU	RS	Notes
1.	Governmental Buildings	N	N	Y	N	Y	N	
2.	Library or Museum	N	N	Y	N	Y	N	
3.	Public Recreation	N	N	Y	N	Y	N	
4.	Personal Wireless Service Facilities	N	N	N	N	Y*	N	*Section 603 (Added 11 March 1999; Amended 14 March 2017)
5.	Utilities	N	N	Y	N	Y	N	
D.	Retail Business and Service	R	LR	RC	RR	RU	RS	Notes
1.	Amusement Use: Indoor	N	N	E	N	N	N	See definition in Sec. 200 [500] (Added by ATM 11 March 1997)
2.	Amusement Use: Outdoor	N	N	E	N	N	N	See definition in Sec. 200 [500] (Added by ATM 11 March 1997)
3.	Automobile, Motorcycle, Light Truck Sales, Leasing or Rental	N	N	E	N	E	N	(Added to Table 14 March 2017)
4.	Automobile Service Station	N	N	E	N	E	Y*	*Incidental to another permitted use in the district (Amended 14 March 2017)
5.	Automotive and Truck Repair Garages	N	N	E	N	E	N	(Amended 14 March 2017)
6.	Automotive And Truck Motor Vehicle Dealer	N	N	E	N	E	N	(Added by ATM 11 March 2003; Amended 14 March 2017)
7.	Automotive and Truck Used Motor Vehicle Dealer	N	N	E	N	E	N	(Added by ATM 11 March 2003; Amended 14 March 2017)
8.	Automotive and Truck Junk Motor Vehicle Dealer	N	N	E	N	E	N	(Added by ATM 11 March 2003; Amended 14 March 2017)
9.	Automotive and Truck Vehicle Washing Facilities	N	N	E	E	E	N	(Added by ATM 11 March 2003; Amended 14 March 2017)
10.	Barber or Beauty Shop	N	N	Y	N	Y	N	(Amended 14 March 2017)
11.	Boat Sales	N	N	Y	N	E	Y	(Amended 14 March 2017)
12.	Boat Services	N	N	Y	N	E	Y	(Amended 14 March 2017)
13.	Boat Storage	N	N	N	N	E	Y	(Amended 14 March 2017)
14.	Building Trade or Repair Shop (Excluding barge loading associated with building trade use)	N	N	Y	N	E	N	(Amended 14 March 2017)

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	Retail Business and Service	R	LR	RC	RR	RU	RS	Notes
15.	Commercial Function Facility	N	N	E	E	E	E	As defined in Article 200 (Amended 14 March 2017; 13 March 2018)
16.	Contractor's Yard	N	N	E	E	E	N	See Special Exception requirements in each district (Amended 14 March 2017; 13 March 2018)
17.	Energy Facility	N	N	N	E	Y	N	(Added by ATM 11 March 2003; Amended 14 March 2017)
18.	Firewood Processing	N	N	E	E	E	N	(Added by ATM 11 March 2003)
19.	Funeral Establishments	N	N	Y	Y	E	N	
20.	General Stores	N	N	Y	Y	E	Y*	*For users of recreational facilities
21.	Gift Shops, Antique Shops, Craft Shops	N	N	Y	Y	Y	Y	
22.	Golf Courses, Golf Driving Ranges (excluding Miniature Golf Courses)	N	N	N	Y	E	N	
23.	Greenhouses	N	N	Y	Y	Y	N	
24.	Hotel and/or Motel	N	N	Y	N	Y	Y	
25.	Laundry or Dry Cleaning, including Self Service	N	N	Y	N	E	Y*	*For users of recreational facilities
26.	Lodging House and/or Bed and Breakfast	N	E	Y	Y	Y	Y	Section 413
27.	Lumber Yard	N	N	N	N	Y	N	
28.	Marinas	N	N	Y	N	Y	Y	
29.	Market Gardens, Flowers and Produce	E	N	Y	Y	Y	N	All Grown on Site
30.	Medical Center, Medical Laboratory	N	N	Y	N	E	N	
31.	Self-Storage Facilities, and Warehouses (Indoor only)	N	N	N	Y	Y	N	
32.	Nursery	N	N	Y	Y	Y	N	(Amended 14 March 2017)
33.	Parking Facility	N	N	Y	N	E	N	
34.	Pharmacy	N	N	Y	N	N	N	
35.	Printing, Commercial	N	N	Y	N	E	N	
36.	Professional Office	N	N	Y	Y	E	N	
37.	Recreation Camps	N	E	N	E	Y	E	(Added 12 March 2013)
38.	Recreational Uses – Not For Profit	Y	Y	N	Y	Y	N	
39.	Outdoor Recreation	E	N	N	E	E	N	Min. 20 acres
40.	Repair Shop for Appliances	N	N	Y	Y	E	N	

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	Retail Business and Service	R	LR	RC	RR	RU	RS	Notes
41.	Restaurant and/or Drive-in Restaurant and/or Fast Food Restaurant	N	N	Y	Y*	E	Y	*Only on parcels that have frontage on and access directly from a Class I, II, III or IIIa highway as defined by NHDOT. (Amended 14 March 2017)
42.	Retail Store	N	N	Y	N	E	N	
43.	Riding Stables and/or Riding Academy	N	N	N	Y	Y	N	
44.	Sexually Oriented Business	N	N	N	N	N	E	Special Exception must first be obtained through the Zoning Board of Adjustment followed by Site Plan approval through the Planning Board. (Amended 14 March 2017)
45.	Small Engine Repair	N	N	E	E	E	N	(Amended 14 March 2017; 10 March 2020)
46.	Studio, Art or Photographers	N	N	Y	Y	Y	N	(Amended 14 March 2017)
47.	Travel Trailer Parks/ Recreational Campgrounds or Camping Parks	N	N	N	E	E	Y	Section 355 (Amended 14 March 2017)
48.	Seasonal Cabins	N	E	N	N	N	Y	Section 413 (Amended 14 March 2017)
49.	Warehouse and Wholesale Marketing	N	N	N	N	E	N	(Amended 14 March 2017)
50.	Waste Facilities	N	N	N	N	E	N	(Added by ATM 11 March 2003; Amended 14 March 2017)
51.	Water Extraction Site and Facility	N	N	E	E	E	N	(Added by ATM 11 March 2003; Amended 14 March 2017; 10 March 2020)
52.	Health Club/Fitness Center/Gym	N	N	Y	E	E	Y	(Added 13 March 2018)
E.	Open Space Uses	R	LR	RC	RR	RU	RS	Notes
1.	Agriculture	N	N	N	Y	Y	N	
1 a.	Agriculture for Personal, Non-Commercial Use	Y	Y	Y	Y	Y	N	* See Section 318 (Added 13 March 2018)
2.	Agritourism	N	N	N	Y	Y	N	As defined in Article 200 (Added 08 March 2011)
3.	Conservation	Y	Y	Y	Y	Y	N	
4.	Forestry	Y	Y	Y	Y	Y	N	
F.	Other Uses	R	LR	RC	RR	RU	RS	Notes
1.	Excavation	N	N	N	N	E	N	Section 451
2.	Kennel	N	N	E	E	E	N	As defined in Article 200 (Added 08 March 2011)
3.	Light Industry	N	N	N	E	E	N	Section 451
4.	Small Wind Energy Facilities	Y	Y	Y	Y	Y	Y	A unit exceeding a pole height of 50 feet or more than one (1) unit per lot requires a Special Exception from the Zoning Board of Adjustment & Site Plan approval from Planning Board. (Added 10 March 2009)

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	Other Uses	R	LR	RC	RR	RU	RS	Notes
5.	Accessory or Residential Solar Energy Systems	Y	Y	Y	Y	Y	Y	See Section 363 (Added 14 March 2017)
6.	Building Integrated Solar Energy Systems, Passive Solar Energy Systems and Solar Thermal Systems	Y	Y	Y	Y	Y	Y	See Section 363 (Added 14 March 2017)
7.	Commercial Solar Energy Systems	Y	Y	Y	Y	Y	Y	See Section 363 (Added 14 March 2017)
8.	Utility Scale Solar Energy Systems/Solar Farms	N	N	N	E	E	E	See Section 363 (Added 14 March 2017; Amended 10 March 2020)
9.	Solar Energy Systems Over 25Kw	E	E	E	E	E	E	See Section 363 (Added 14 March 2017)

**SECTION 410 LAKESHORE RESIDENTIAL ZONE (L/R)**

**SECTION 411 PERMITTED USES SECTION**

(As amended 12 March 1996; 8 March 1983)

See Section 401 (Table of Uses)

**SECTION 412 RESTRICTIONS GOVERNING USE**

(As amended 8 March 1983; 13 March 1991; 14 March 2000; 13 March 2007; 2017 format error section B, 13 March 2018)

The following shall govern permitted and all other uses:

- A. The minimum lot area shall be thirty thousand (30,000) square feet.
- B. Each lot shall have minimum frontage requirements of:
  - 1. Lakefront lots:
    - a. Lots created prior to March 14, 1995 - Mainland one hundred (100) feet at the shore line with road access; the portion of the lot that serves as access to the road must be contiguous with the road. Island one hundred (100) feet at the shoreline.
    - b. Lots created after March 14, 1995 - one hundred fifty (150) feet at the shoreline.
    - c. Lots created prior to March 13, 2018 - Mainland lots shall have a minimum lot frontage of thirty (30) feet at the street right-of-way. Access to each lot shall be via the required thirty (30) feet street frontage. Island lots shall have one hundred fifty (150) feet at the shoreline.
    - d. Lots created after March 13, 2018 - Mainland lots shall have a minimum lot frontage of fifty (50) feet at the street right-of-way. Access to each lot shall be via the required fifty (50) feet street frontage. Island lots shall have one hundred fifty (150) feet at the shoreline.
  - 2. All other lots seventy five (75) feet at the street or highway line.
- C. Sewerage drainage disposal facilities, whether through septic tanks, dry wells, leaching fields or systems adequate under the rules and regulations of the New Hampshire Department of Environmental Services Subsurface Systems Bureau shall be available. (Amended 10, March 2015)
- D. No signs shall be permitted unless customarily accessory to lawful use of the property. No signs shall be more than three square feet in area.
- E. No mobile home or travel trailer shall be permitted for residential purposes in the Lakeshore Residential Zone.
- F. All lots created after March 2007 must have a minimum buildable area made up of contiguous upland and slopes (not greater than twenty-five percent (25%) grade), of no less than seventy-five percent (75%) of the minimum lot requirement for the zone.
- G. Existing non-conforming uses shall be protected as provided for under the other provisions of this ordinance.

**SECTION 413 SPECIAL EXCEPTIONS**

(Note: See Section 520, former 420) (Amended 12 March 1996; 14 March 2017)

See Section 401(Table of Uses)

Additional Considerations:

Special Exception may be granted by the Board of Adjustment if in addition to Section 520 the following conditions can be met:

- A. Minimum lot size of ten (10) acres.
- B. Minimum fifty (50) feet setback from any lot line.
- C. Total density shall not exceed one (1) dwelling unit per acre. (A dwelling unit is defined as a single cabin or bedroom in a bed and breakfast, lodging or guest house facility.)
- D. The site must be located on a Town approved road.
- E. Parking areas and lighting shall be buffered in such a way as not to adversely impact abutting properties.
- F. These additional criteria shall not apply to a Special Exception for Accessory Dwelling Units.

**SECTION 420 RECREATION SERVICE ZONE (R/S)**

Recreation Service Zones, located outside the urban area of the community, are designed to provide appropriate locations for high-density recreational uses to serve transients and to provide sales and service not customarily available outside the urban area.

**SECTION 421 PERMITTED USES**

(As amended 12 March 1996; 8 March 1983; 14 March 1990)

See Section 401 (Table of Uses)

**SECTION 422 RESTRICTIONS GOVERNING USES**

(Added 10 March 2015)

Sewage drainage disposal facilities shall be available whether through septic tanks, dry wells, leaching fields or systems adequate under the rules and regulations of the New Hampshire Department of Environmental Services Subsurface Systems Bureau.

**SECTION 430 RESIDENTIAL ZONE (R)**

(As amended 10 March 1981)

**SECTION 431 BOUNDARY DESCRIPTIONS**

(See Town Map)

**SECTION 432 PERMITTED USES**

(As amended 12 March 1996)

See Section 401 (Table of Uses)

**SECTION 433 RESTRICTIONS GOVERNING USES**

(As amended 13 March 2007)

- A. The minimum lot area for single-family dwelling shall be:
  - 1. One-half (1/2) acre with municipal water.
  - 2. One (1) acre without municipal water.
  
- B. The minimum lot area for duplex or two-family dwelling shall be:
  - 1. One (1) acre with municipal water
  - 2. Two (2) acres without municipal water.
  
- C. Each lot with municipal water shall have a minimum frontage at the street or highway line of:
  - 1. Seventy-five (75) feet for single-family dwelling.
  - 2. One hundred (100) feet for duplex or two-family dwelling.
  
- D. Each lot without municipal water shall have a minimum frontage of one hundred-fifty (150) feet at the street or highway line.
  
- E. Corner lots shall have the minimum frontage on each street or highway line.
  
- F. No signs shall be permitted unless directly related to a lawful use of the property. No sign shall exceed three (3) square feet in area.
  
- G. All lots created after March 2007 must have a minimum buildable area made up of contiguous upland and slopes (not greater than twenty-five percent (25%) grade), of no less than seventy-five percent (75%) of the minimum lot requirement for the zone.
  
- H. Sewage drainage disposal facilities shall be available whether through septic tanks, dry wells, leaching fields or systems adequate under the rules and regulations of the New Hampshire Department of Environmental Services Subsurface Systems Bureau. (Added 10, March 2015)

**SECTION 434 SPECIAL EXCEPTIONS**

(As amended 12 March 1996; 14 March 1990)

(Note: See Section 520, former 420)

See Section 401 (Table of Uses)

**SECTION 440 RESIDENTIAL-COMMERCIAL ZONE (R/C)**

(As amended 9 March 1971)

**SECTION 441 BOUNDARY DESCRIPTION**

(Descriptions can be found at the end of these regulations)

**SECTION 442 PERMITTED USES**

(As amended 9 March 1971; 15 March 1989; 14 March 1990; 12 March 1996; 10 March 2020)

See Section 401 (Table of Uses)

**SECTION 443 RESTRICTIONS GOVERNING USE**

(As amended 9 March 1971; 11 March 1999; 13 March 2007; 10 March 2020)

The following shall govern permitted and other uses. Only one (1) of the following residential uses shall be permitted per lot: (Second sentence added 10 March 2020)

- A. The minimum required lot areas, excluding steep slopes, wetlands, and roadways, shall be as follows:
1. Single-Family Dwelling: serviced by municipal water, fifteen thousand (15,000) square feet (0.344ac); not serviced by municipal water, thirty thousand (30,000) square feet (0.69ac). (Amended 10 March 2020)
  2. Duplex: serviced by municipal water, thirty thousand (30,000) square feet per structure; not serviced by municipal water, one (1) acre per structure. (Amended 10 March 2020)
  3. Townhouse/Multi-Family Structure: Serviced by municipal water, one (1) dwelling unit (DU) per fifteen thousand (15,000) square feet; not serviced by municipal water, one (1) dwelling unit per thirty thousand (30,000) square feet. (Added 10 March 2020)
  4. Commercial: fifteen thousand (15,000) square feet with municipal water, thirty thousand (30,000) square feet without municipal water.
  5. Elderly Housing: Elderly Housing shall be permitted in accordance with Section 330.

(Added 10 March 2020)

Examples: Lot serviced by municipal water: 5 DU x 15,000sf = 75,000 sf (1.72ac) lot size.  
Lot not serviced by municipal water: 5 DU x 30,000sf = 150,000sf (3.44ac) lot size.

- B. Each lot for residential or commercial use shall have a minimum of seventy-five (75) feet frontage at the street or highway lines. Corner lots shall have minimum of seventy-five (75) feet frontage on each street or highway line.
- C. Sewage drainage disposal facilities shall be available, whether through septic tanks, dry wells, leaching fields or systems adequate under the rules and regulations of the New Hampshire Department of Environmental Services Subsurface Systems Bureau. (Amended 10, March 2015)
- D. All lots created after March 2007 must have a minimum buildable area made up of contiguous upland and slopes (not greater than twenty-five percent (25%) grade), of no less than seventy-five percent (75%) of the minimum lot requirement for the zone.

**SECTION 444 SPECIAL EXCEPTIONS**

(As amended 8 March 1983; 11 March 1999)

(Note: see Section 520, former 420)

See Section 401(Table of Uses)

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The uses listed in this section are designated exceptions and permission therefore may be granted by the Board of Adjustment as specified in this section and any other applicable provisions of this ordinance.

Upon application duly made and to include preliminary site plans to the Board of Adjustment and the Planning Board, the Board of Adjustment may, subject to appropriate conditions and safeguards, grant these exceptions and no others in this zone. In such cases, no building permit shall be issued until Planning Board approval of the final site plan:

A. Off-street parking.

Section 325 Off-Street Parking was deleted on March 8, 2011. Please see Section 5.07 Off-Street Parking in the Site Plan Review Regulations. (Amended 12 March 2013)

B. Structure setbacks.

Within the Residential-Commercial Zone the Board of Adjustment may grant a special exception from Section 327 waiving a setback for any parcel so long as all conditions set forth under section 520 are met. (Amended 10, March 2015)

C. Contractor's Yard. (Added March 13, 2018)

In addition to all other Special Exception requirements, the application shall contain the following additional information:

1. Size, location and type of materials in stockpiles and other outdoor storage.
2. Type and size, and number of vehicles entering and exiting the site and stored onsite and the location of parking spaces for same.
3. Types of maintenance operations to be performed and provisions for waste disposal.
4. Screening of outdoor storage areas and parking areas from adjacent properties and public streets.
5. Plans for dust and erosion control.

**SECTION 450 RURAL ZONE (RU)**

(As amended 7 March 1972; 15 March 1989; 11 March 1999)

**SECTION 451 PERMITTED USES**

(As amended 12 March 1996; 13 March 1991; 11 March 1992)

See Section 401 (Table of Uses)

Special Exceptions - Additional Conditions:

In approving an exception, the Board of Adjustment may impose such additional conditions as it finds reasonably appropriate, but never less than as provided for in this ordinance, to safeguard the neighborhood or otherwise serve the purposes of this ordinance. Such conditions may include, but not be limited to the following:

- A. Lot area.
- B. Front, side or rear setback.
- C. Height limitations.
- D. Screening, buffers or planting strips, fences or walls.
- E. Modification of the exterior appearance of the structure.
- F. Limitation upon the size of buildings, number of occupants, method and type of operation, or extent of facilities.
- G. Contractor's Yard <sup>(Added 13 March 2018)</sup> - In addition to all other Special Exception requirements, the application shall contain the following additional information:
  - 1. Size, location and type of materials in stockpiles and other outdoor storage.
  - 2. Type and size, and number of vehicles entering and exiting the site and stored onsite and the location of parking spaces for same.
  - 3. Types of maintenance operations to be performed and provisions for waste disposal.
  - 4. Screening of outdoor storage areas and parking areas from adjacent properties and public streets.
  - 5. Plans for dust and erosion control.

**SECTION 452 RESTRICTIONS GOVERNING USE**

(As amended 8 March 1983; 13 March 1984; 12 March 2002; 9 March 2004; 14 March 2006; 13 March 2007; 14 March 2017; 10 March 2020)

The following shall govern permitted and all other uses. Only one (1) of the following residential uses shall be permitted per lot: <sup>(Second sentence added 10 March 2020)</sup>

- A. The minimum required lot area, excluding steep slopes, wetlands, and roadways, shall be as follows:
  - 1. Single-Family Dwelling: two (2) acres, with a limit of one per lot.\*
  - 2. Multi-Family Structure and Townhouse groups: two (2) acres per dwelling unit.

(Added 10 March 2020)

Examples:

One (1) Townhouse group with 5 dwelling units = 10-acre minimum lot area.

One (1) Multi-Family Structure with 6 dwelling units = 12-acre minimum lot area.

Ten (10) Multi-Family Structures with 6 dwelling units = 60 dwelling units = 120-acre minimum lot area.

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- B. Each lot shall have a minimum width of two hundred (200) feet frontage at the street or highway line. Corner lots shall have a minimum of two hundred (200) feet frontage on each street or highway line.
- C. Sewage drainage disposal facilities shall be available whether through septic tanks, dry wells, leaching fields or systems adequate under the rules and regulations of the New Hampshire Department of Environmental Services Subsurface Systems Bureau. (Amended 10 March 2015)
- D. All lots created after March 2007 must have a minimum buildable area made up of contiguous upland and slopes (not greater than twenty-five percent (25%) grade), of no less than seventy-five percent (75%) of the minimum lot requirement for the zone.

\* On a lot with more than 45 acres, two (2) separate single family dwellings may be constructed as long as the second home is situated on the lot so in the future it can be subdivided if need be. (Added 14 March 2017)

**SECTION 460 RESIDENTIAL RURAL ZONE (RR)**

(As amended 14 March 1978)

**SECTION 461 BOUNDARY DESCRIPTION**

(Description can be found at the end of these regulations)

**SECTION 462 PERMITTED USES**

(As amended 8 March 1983; 15 March 1989; 11 March 1992; 12 March 1996; 13 March 2018)

See Section 401 (Table of Uses)

**Special Exceptions - Additional Conditions:**

In approving an exception, the Board of Adjustment may impose such additional conditions as it finds reasonably appropriate, but never less than as provided for in this ordinance, to safeguard the neighborhood or otherwise serve the purposes of this ordinance. Such conditions may include, but not be limited to the following:

- A. Lot area.
- B. Front, side or rear setback.
- C. Height limitations.
- D. Screening, buffers or planting strips, fences or walls.
- E. Modification of the exterior appearance of the structure.
- F. Limitation upon the size of buildings, number of occupants, method and type of operation, or extent of facilities.
- G. Contractor's Yard - In addition to all other Special Exception requirements, the application shall contain the following additional information:
  - 1. Size, location and type of materials in stockpiles and other outdoor storage.
  - 2. Type and size, and number of vehicles entering and exiting the site and stored onsite and the location of parking spaces for same.
  - 3. Types of maintenance operations to be performed and provisions for waste disposal.
  - 4. Screening of outdoor storage areas and parking areas from adjacent properties and public streets.
  - 5. Plans for dust and erosion control.

**SECTION 463 RESTRICTIONS GOVERNING USE**

(As amended 13 March 1983; 13 March 1984; 13 March 1991; 9 March 2004; 14 March 2006; 13 March 2007; 10 March 2009; 9 March 2010; 10 March 2020)

The following shall govern permitted and all other uses:

- A. The minimum required lot areas, excluding steep slopes, wetlands, and roadways, shall be as follows:
  - 1. Single-Family Dwelling: one (1) acre, with a limit of one per lot.
  - 2. Duplexes, Townhouse groups, and Multi-Family Structures: one (1) acre per dwelling unit.

(Amended 10 March 2020)

**Examples:**

- One (1) Duplex = two (2) dwelling units = 2-acre minimum lot area.
- One (1) Townhouse group with 5 dwelling units = 5-acre minimum lot area.
- One (1) Multi-Family Structure with 6 dwelling units = 6-acre minimum lot area.
- Ten (10) Multi-Family Structures with 6 dwelling units = 60 dwelling units = 60-acre minimum lot area.

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3. All other uses – one (1) acre.
- B. Each lot shall have minimum width of one hundred fifty (150) feet frontage at the street or highway line. Corner lots shall have a minimum of one hundred fifty (150) feet frontage on each street or highway line.
  - C. Sewage drainage disposal facilities shall be available whether through septic tanks, dry wells, leaching fields or systems adequate under the rules and regulations of the New Hampshire Department of Environmental Services Subsurface Systems Bureau. (Amended 10, March 2015)
  - D. No signs shall be permitted unless customarily accessory to lawful use of the property.
  - E. All lots created after March 2007 must have a minimum buildable area made up of contiguous upland and slopes (not greater than twenty-five percent (25%) grade), of no less than seventy-five percent (75%) of the minimum lot requirement for the zone.

**ARTICLE 500**

**ADMINISTRATION AND ENFORCEMENT**

(As amended 15 March 1989; 9 March 2004)

**SECTION 510 TERM, MEMBERSHIP, AUTHORITY AND DUTIES**

In conformance with RSA 673:1, IV and RSA 673:3, the Board of Adjustment shall consist of five (5) members elected in the manner prescribed in RSA 669. The term of an elected Board member shall be three (3) years. The election of no more than two (2) members shall occur annually, except when required to fill vacancies.

Pursuant to RSA 673:6 and RSA 673:12, an elected Zoning Board of Adjustment may appoint five (5) alternate members for a three year term each, which shall be staggered in the same manner as elected members pursuant to RSA 673:5, II.

**SECTION 511 POWERS**

(Amended 11 March 2014)

The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by an administrative official in the endorsement thereof, or of any ordinance adopted pursuant thereto.
- B. To hear and decide special exceptions to the terms of the ordinance, upon which such board of adjustment is required to pass under such ordinance.
- C. To authorize, upon appeal, in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice be done.
- D. To grant an equitable waiver of dimensional requirement when a lot or other division of land or structure thereon is discovered to be in violation of a physical layout or dimensional requirement imposed by the zoning ordinance. (Added 11 March 2014)
- E. In exercising the above mentioned powers the Board may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or may modify the order, requirement decision, or determination appeared from and may make such order, or decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- F. The concurring vote of three (3) members of the Board shall be necessary to reverse any action of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance.

**SECTION 520 SPECIAL EXCEPTIONS**

(Amended 13 March 1991; 11 March 1999; 9 March 2010)

A Special Exception is a use that would not be appropriate generally or without restriction throughout a particular zone but which, if controlled as to the number, area, duration, location or relation to the neighborhood would promote the public health, safety, and general welfare. Such uses may be permitted in a

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particular zone by exception, only if a specific provision for such exception is made in this zoning ordinance and then only by permission of the Board of Adjustment.

- A. The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, grant special exceptions where allowed in this ordinance.
- B. A site improvement survey must be submitted with each application for a special exception. A site improvement survey shall show:
  - 1. the boundary lines of the property (not required to be surveyed);
  - 2. the approximate size of the property;
  - 3. the setbacks from property lines;
  - 4. the approximate location and dimensions of all existing and proposed structures.
  - 5. the approximate location of on-site parking, sidewalks, driveways, loading areas, storage areas, well(s), on-site wastewater disposal system, and any other man-made features on the site.
  - 6. location of all natural features including, but not limited to, surface waters, wetlands, and aquifers.

In instances where the accuracy of the setbacks from the property boundaries for the proposed special exception application is critical to the evaluation of the application, the Zoning Board of Adjustment can require the applicant to provide a boundary survey done by a registered and licensed NH surveyor accurately showing all metes and bounds for the property. Nothing in this provision would preclude submission of a complete boundary survey by an applicant.

A member of the staff from the Planning or Building Department shall visit each site before the hearing by the Zoning Board of Adjustment on the Special Exception and make recommendations to the Board on whether there is a need to accurately map wetlands, map any significant man-made features on the site and review potential setback issues.

- C. The Board, in review of the application, must find that all the following conditions are met:
  - 1. That a plat has been submitted in accordance with the appropriate criteria in Section 520B.  
(as amended 11 March 1998; 11 March 1999)
  - 2. The specific site is an appropriate location for the use. No factual evidence is found that property value in the district will be reduced due to incompatible land uses.
  - 3. There is no valid objection from abutters based on demonstrable fact.
  - 4. There is no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking.
  - 5. Adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use or structure.

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6. There is adequate area for safe and sanitary sewage disposal and water supply, and
  7. The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan.
- D. In addition to the above general criteria, the specific criteria found elsewhere in this ordinance must be met for:
- HEIGHT RESTRICTIONS (SECTION 328)
  - SEXUALLY ORIENTED BUSINESSES (SECTION 332)
  - SOLAR ENERGY SYSTEMS (SECTION 363) (Added 14 March 2017)
  - COMMERCIAL FUNCTION FACILITIES (SECTION 334) (Added 14 March 2017)
  - NON-CONFORMING USES (SECTION 320) (Added 14 March 2017)
  - NON-HABITABLE STRUCTURE AS PRINCIPAL BUILDING ON A LOT (SECTION 360) (Added 14 March 2017)
- E. Special Exceptions shall be valid if exercised within two years from the date of final approval or as extended by the Zoning Board of Adjustment for good cause. (Added 14 March 2017)

**SECTION 530 VARIANCES**

(As amended 13 March 1991; 11 March 2003; 13 March 2012)

A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance will result in unnecessary or undue hardship. A variance may be granted for either use or dimensional requirements if the following criteria are met:

The Board of Adjustment may authorize a variance from the terms of this ordinance where it finds in writing that all of the following specific conditions apply:

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

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

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

- F. Variances shall be valid if exercised within two years from the date of final approval or as extended by the Zoning Board of Adjustment for good cause. (Added 14 March 2017)

#### SECTION 540 EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENT

(Added 11 March 2014)

- A. When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:
1. That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;
  2. That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;
  3. That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and
  4. That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.
- B. In lieu of the findings required by the board under subparagraphs A, 1. and 2., the owner may demonstrate to the satisfaction of the board that the violation has existed for ten (10) years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.
- C. Application and hearing procedures for equitable waivers under this section shall be governed by RSA 676:5 through 7. Rehearings and appeals shall be governed by RSA 677:2 through 14.
- D. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

**SECTION 550 ENFORCEMENT**

(As amended 13 March 1991; 8 March 2016)

- A. It shall be the responsibility of the Building Inspector, in the performance of his appointed duties as the Code Official, to enforce the provisions of this ordinance, as defined in RSA 676:17, V, as amended. Upon any well-founded evidence that this ordinance is being violated, the Code Official (Building Inspector) shall take immediate action to enforce the provisions of same in accordance with the procedures set forth in the Building Department's Policies and Procedures (by noticing the offender of the violation). The Code Official (Building Inspector) shall have the right to impose a fine of up to the amount authorized by State Statute for each day of violation continuing after a finding that the violation exists.
- B. The Selectmen shall have the duty to take all legal and appropriate action to enforce this ordinance or to restrain, prevent or abate any violation thereof, and shall be entitled to all of the reimbursement and restitutionary relief and penalties granted to municipalities by RSA 676:17, as amended.

**SECTION 560 MISCELLANEOUS PROVISIONS**

- A. The more restrictive standard shall apply whenever the provisions of this ordinance differ from those prescribed by any statute, regulation or restriction.
- B. Separability - the invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.
- C. Amendments - This ordinance may be amended by majority vote at any regular Town Meeting in accordance with provisions of RSA 675-3 & 4. Amendments shall also be allowed by petitioned warrant article at any regular Town Meeting under RSA 675:4.

**SECTION 570 PLANNING BOARD**

(Section added 12 March 1996)

- A. Rules:

As directed by NH RSA 676:1 the Alton Planning Board shall establish such rules of procedure and regulations which may be necessary for the operation and function of its organization or any public hearings, workshops and/or meetings which may be held by the Board. Such rules or regulations shall conform to provisions set forth in the NH RSA's.

## ARTICLE 600 OVERLAY DISTRICTS

### SECTION 601 SHORELAND PROTECTION OVERLAY DISTRICT

(New Section added 14 March 1995) (Amended 11 March 2003; 10 March 2009)

REFERENCE RSA 483:B

### SECTION 602 AQUIFER PROTECTION OVERLAY DISTRICT

(New Section added 14 March 1995) (Amended 11 March 2014)

#### A. Purpose and Intent

The purpose of the Aquifer Protection Zone is to protect groundwater resources from adverse development or land use practices that might reduce the quality and quantity of water that may be available from ground water aquifers within Alton.

#### B. Aquifer Protection Zone Boundaries

(as amended 11 March 1998) (Amended 11 March 2014)

The boundaries of the Aquifer Protection Zone shall generally coincide with those areas identified by the U.S.G.S and shown on four (4) maps entitled “Map Showing Aquifer Boundaries, Data Collection Locations, Materials and Altitude of Water Table for Stratified-Drift Aquifers in the Winnepesaukee River Basin, Central New Hampshire”, by Joseph D. Ayote, dated 1996, or by the most recent USGS Map publications available.

Where the bounds, as delineated, are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should be located. At the request of the owner(s), the Town may engage a New Hampshire licensed geologist or soil scientist to determine more accurately the location and extent of an aquifer or recharge area, and may charge the owner(s) for all or part of the cost of the investigation. The delineation can be modified by the Zoning Board of Adjustment upon receipt of findings of the detailed on-site survey techniques as determined by the Town’s New Hampshire licensed geologist or soil scientist.

#### C. Restrictions

The following restrictions apply to properties located within the Aquifer Protection Overlay District  
(Amended 11 March 2014)

1. Adequate areas of pervious surfaces and open areas on the lot shall be provided to accommodate the groundwater infiltration techniques, both natural and mechanical, needed to infiltrate the maximum amount of stormwater runoff from proposed site development as feasible as demonstrated through a Stormwater Management Plan developed by a licensed civil engineer consistent with New Hampshire Stormwater Manual Volumes 1-3, December 2008, NH Department of Environmental Services, as amended.
2. On-site disposal of solid wastes, other than brush and stumps are prohibited. (Amended 11 March 2014)

3. On-site disposal of liquid or leachable wastes by a septic system receiving discharge other than that typical of single-family domestic wastes are prohibited unless a special exception is approved by the Zoning Board of Adjustment permitting septic discharges from uses other than single family wastes. The applicant will need to demonstrate to the satisfaction of the Zoning Board of Adjustment that there are adequate plans and assurances for providing wastewater treatment to ensure the water quality of the aquifer will not be degraded. The Town has the right to engage a New Hampshire licensed hydrologist or soil scientist to demonstrate to the satisfaction of the Zoning Board of Adjustment that there are adequate plans and assurances for providing wastewater treatment to ensure the water quality of the aquifer will not be degraded, and may charge the owner(s) for all or part of the cost of the investigation. (Amended by ATM 11 March 1997; 12 March 2013; 11 March 2014)
4. On-site disposal of any materials or substances classified as hazardous by the rules and regulations of the New Hampshire Water Supply & Pollution Control Commission or the Environmental Protection Agency.

D. Special Provisions

On-site storage of petroleum, gasoline, or other materials may be permitted if such storage is in compliance with the rules and regulations of the New Hampshire Water Supply & Pollution Control Commission for control of Nonresidential Underground Storage and Handling of Oil and Petroleum Liquids.

**SECTION 603 PERSONAL WIRELESS SERVICE FACILITIES ORDINANCE**

(Section added 11 March 1999) (Amended 14 March 2006; 14 March 2017)

A. Purpose

It is the express purpose of this Ordinance to permit carriers to locate personal wireless service facilities, (PWSF's), within particular areas of the Town of Alton, hereafter called the Town, consistent with appropriate land use regulations that will ensure compatibility with the visual and environmental features of the Town. This Ordinance will supersede and replace Section 270, Wireless Telecommunications Facilities Ordinance, added 11 March 1999 in the Alton, NH Zoning Ordinance as amended through March 11, 2004. Compatibility with the visual features of the Town is measured based on the change in community scale and character in relation to the height, mass, materials, contrasts, or proportion within the surroundings of a proposed personal wireless service facility. This Ordinance enables the Town to regulate the placement, construction, and modification of personal wireless service facilities so as to eliminate or mitigate the visual impacts of personal wireless service facilities. This Ordinance is structured to encourage carriers to locate PWSF's on existing buildings and structures whenever possible. Co-location, both vertical and horizontal, is encouraged for all personal wireless service facilities and the review of a personal wireless service facility application shall be on the basis of the site being built using all positions on the mount.

B. Applicability

The terms of this Ordinance and the Site Plan Review Regulations shall apply to personal wireless service facilities proposed to be located on property owned by the Town, on privately owned property, and on property that is owned by any other governmental entity that acts in its proprietary capacity to lease such property to a carrier.

Amateur Radio: Receive-Only Antennas - This ordinance shall not govern any tower or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio operator or is used exclusively for receive-only antennas. This application adopts the provisions and limitations as referenced in RSA 674:16, IV.

Essential Services and Public Utilities - Personal wireless service facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the Town's ordinances or regulations. Siting for personal wireless service facilities is a use of land and is subject to the Town's Zoning Ordinance and all other applicable ordinances and regulations.

C. Definitions

For the purpose of this Ordinance, the following terms shall have the meaning given herein:

1. Accessory Equipment. Any equipment serving or being used in conjunction with a personal wireless service facility or mount. The term includes utility or transmission, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.
2. Alternative Tower Structure. Innovative siting techniques that shall mean man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
3. Antenna. The equipment from which wireless radio signals are sent and received by a personal wireless service facility.
4. Antenna Array. A collection of antennas attached to a mount to send and receive radio signals.
5. Average Tree Canopy Height. The height of all trees surrounding a PWSF shall be measured from a base line extending outward from the point at which the base of the ground mount contacts the ground. This point shall be referred to as the contact point. The base line shall extend outward three hundred sixty (360) degrees from this contact point parallel to the horizon and is independent from the slope of the surrounding ground. The average tree canopy height shall be determined by inventorying the height above the base line of all trees within an area that extends for a distance of fifty (50) feet outward from and three hundred sixty (360) degrees surrounding the contact point along the base line from the base of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest. The height that each tree extends above the base line within this area shall be measured and inventoried and the average height shall be calculated. Trees that will be removed for construction shall NOT be used in this calculation.
6. Base Station. A station at the base of a mount or in the area near the personal wireless service facility that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.
7. Building Permit. A permit issued pursuant to RSA 676 by an authority prior to the co-location or modification of personal wireless service facilities, solely to ensure that the work to be performed by the application satisfies the applicable building code.
8. Camouflaged. A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.
9. Carrier. A Company that provides personal wireless services also sometimes referred to as a provider.
10. Co-location. The placement or installation of new personal wireless service facilities on existing towers or mounts, including electrical transmission towers and water towers, as well as existing buildings and other structures capable of structurally supporting the attachment of personal wireless service facilities in compliance with the applicable codes. Co-location does not include "substantial modification".

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11. Disguised. A personal wireless service facility designed to look like a structure which may commonly be found in the area surrounding a proposed personal wireless service facility such as, but not limited to, flagpoles, light poles, traffic lights or artificial tree poles.
12. Electrical Transmission Tower. An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.
13. Environmental Assessment (EA). An EA is a document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.
14. Equipment Compound. An area surrounding or near the base of a tower or mount supporting a personal wireless service facility, and encompassing all equipment shelters, cabinets, generators, and appurtenances primarily associated with the personal wireless service facility.
15. Equipment Shelter. An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which are housed equipment for personal wireless service facilities such as batteries and electrical equipment.
16. Facility. See Personal Wireless Service Facility.
17. Fall Zone. The area on the ground from the base of a ground mounted personal wireless service facility that forms a circle with a diameter equal to one hundred fifty percent (150 %) of the height of the facility, including any antennas or other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.
18. Guyed Tower. A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.
19. Height. The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.
20. Lattice Tower. A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding.
21. Mast. A thin pole that resembles a street light standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.
22. Modification. The replacement or alteration of an existing personal wireless service facility within a previously approved equipment compound or upon a previously approved mount. Routine maintenance of an approved personal wireless service facility shall not be considered a modification.
23. Modification Application. A request submitted by an applicant to an authority for modification of a personal wireless service facility.
24. Monopole. A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material, that is designed for the placement of antennas and arrays along the shaft.
25. Mount. The structure or surface upon which antennas are mounted and includes roof-mounted, side-mounted, ground-mounted, and structure-mounted antennas on an existing building, as well as an electrical transmission tower and water tower, and excluding utility poles.
26. Personal Wireless Service Facility (PWSF). Facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996, as amended, including facilities used or to be used by a licensed provider of personal wireless services. Personal Wireless Service Facilities include the set of equipment and network components, exclusive of the underlying tower or mount, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide personal wireless services..
27. Radio Frequency (RF) Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.
28. Radio Frequency Emissions. The emissions from personal wireless service facilities.

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29. Security Barrier. A wall, fence, or berm that restricts an area from unauthorized entry or trespass.
30. Separation. The distance between one carrier's array of antennas and another carrier's array.
31. Substantial Modification. The mounting of a proposed personal wireless service facility on a tower or mount which, as a result of single or successive modification applications:
  - (a) Increases or results in the increase of the permitted vertical height of a tower, or the existing vertical height of a mount, by either more than ten (10) percent or the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; or
  - (b) Involves adding an appurtenance to the body of a tower or mount that protrudes horizontally from the edge of the tower or mount more than twenty (20) feet, or more than the width of the tower or mount at the level of the appurtenance, whichever is greater, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower or mount via cable; or
  - (c) Increases or results in the increase of the permitted square footage of the existing equipment compound by more than 2,500 square feet; or
  - (d) Adds to or modifies a camouflaged personal wireless service facility in a way that would defeat the effect of the camouflage.
32. Tower. A freestanding or guyed structure, such as a monopole, monopine, or lattice tower, designed to support personal wireless service facilities.
33. Utility Pole. A structure owned and/or operated by a public utility, municipality, electric membership corporation, or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.
34. Water Tower. A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

D. District Regulations

1. Location - The siting of new or co-located personal wireless service facilities or modifications shall be permitted in all Zoning Districts, except as restricted by this Ordinance. Applicants seeking approval for personal wireless service facilities other than co-locations or modifications shall first evaluate existing structures for the siting of personal wireless service facilities. Only after finding that there are no suitable existing structures shall a provider propose a new ground mounted facility.
2. Existing Structures: Policy - It is the policy and preference of the Town of Alton that personal wireless service facilities be located on or in the following existing structures whenever possible, including, but not limited to, buildings, water towers, existing telecommunications facilities, utility poles or towers, and related facilities, provided that such installation preserves the character and integrity of those structures.
3. Ground Mounted Facilities: Policy - If the applicant demonstrates that it is not feasible to locate on an existing structure, ground mounted personal wireless service facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to:
  - use of compatible building materials and colors;
  - screening, landscaping, and placement within trees;
  - use of lower antenna mounts that do not protrude as far above the surrounding tree canopies;
  - disguised personal wireless service facilities such as flagpoles, artificial tree poles, light poles, and traffic lights, that blend in with their surroundings;
  - custom designed personal wireless service facilities that minimize the visual impact of the personal wireless service facility on its surroundings;
  - other available technology.

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4. Locations for Ground Mounted Facilities – Ground mounted personal wireless service facilities shall be prohibited:
  - a. In the Mount Major State Park
  - b. Within fifty (50) feet of the shore of public waters.

E. Use Regulations

A personal wireless service facility shall require a building permit in all cases and may be permitted as follows:

1. A new personal wireless service facility or a substantial modification to an existing facility shall require a building permit and site plan review in accordance with the Town of Alton Site Plan Review Regulations. Co-location and modifications that are less than "substantial modifications" as defined in RSA 12-K do not require site plan review but are subject to applicable building permit requirements of the Town of Alton and RSA 12-K:10.
2. Existing Structures: Subject to the provisions of this Ordinance and site plan review under RSA 674:43, III, a carrier may locate a personal wireless service facility on an existing structure, building, utility tower or pole, or water tower. For the purpose of this section, new structures that are conforming to all other district zoning requirements shall be considered as existing structures.
3. Ground Mounted Facility: A personal wireless service facility involving construction of a ground mount shall require site plan review and be subject to the provisions of this Ordinance.

F. Dimensional Requirements

1. Personal wireless service facilities shall comply with the following requirements:
  - a. Height, Maximum: In no case shall a personal wireless service facility exceed one hundred fifty (150) feet in height, unless the mount for the facility was greater than one hundred fifty (150) feet in height prior to the adoption of this Ordinance.
  - b. Height, Existing Structures and Utility Poles: Carriers that locate new personal wireless service facilities on water towers, electric transmission and distribution towers, utility poles and similar existing utility structures, guyed towers, lattice towers, masts, and monopoles may be permitted to increase the height of those structures no more than fifteen (15) feet. This increase in height shall only be permitted once for each structure.
  - c. Height, Other Existing Structures: The height of a personal wireless service facility shall not increase the height of a structure by more than ten (10) feet, unless the facility is completely camouflaged; for example, a facility completely within a flagpole, steeple, or chimney. The increase in the height of the structure shall be in scale and proportion to the structure as originally configured. A carrier may locate a personal wireless service facility on a building that is legally nonconforming with respect to height, provided that the provisions of this Ordinance are met.
  - d. Height, Ground-Mounted Facilities: Ground-mounted personal wireless service facilities shall not project higher than twenty (20) feet above the average tree canopy height of the trees located within an area defined by a fifty (50) foot radius or perimeter of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest. Refer to Section 603 C., Average Tree Canopy Height. (Amended 08 March 2011)
  - e. Setbacks: All personal wireless service facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. Fences shall comply with the building setback provisions of the zoning district in which the facility is located.
  - f. Fall Zone for Ground Mounts: In order to ensure public safety, the minimum distance

from the base of any ground-mount of a personal wireless service facility to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance equal to the fall zone, as defined in this Ordinance. The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the site plan review. The Planning Board, at its discretion, may reduce the fall zone. Fall zones for PWSF's may overlap.

- g. Fall Zone for Non-Ground Mounts: In the event that an existing structure is proposed as a mount for a personal wireless service facility, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing nonconforming structures, personal wireless service facilities and their equipment shelters shall not increase any non-conformities.
- 2. Public Property – Antennas or Towers exclusively operated or controlled by the Town for purposes of providing communications for the Fire Department, Highway Department, Police Department, Water Department, or other municipal agencies or departments shall be exempt from these provisions.

G. Performance and Design Standards

1. Visibility

- a. Visual impacts are measured on the basis of:
  - (1) Change in community scale, as exhibited in relative height, mass or proportion of the personal wireless service facility within its proposed surroundings.
  - (2) New visible elements proposed on a contrasting background.
  - (3) Different colors and textures proposed against a contrasting background.
  - (4) Use of materials that are foreign to the existing environment.
- b. Enhancements are measured on the basis of:
  - (1) Conservation of opportunities to maintain community scale, e.g. buffering areas and low-lying buildings should not be compromised so as to start a trend away from the existing community scale.
  - (2) Amount and type of landscaping and/or natural vegetation.
  - (3) Preservation of view corridors, vistas, and viewsheds.
  - (4) Continuation of existing colors, textures, and materials.
- c. Visibility focuses on:
  - (1) Eliminating or mitigating visual impact.
  - (2) Protecting, continuing, and enhancing the existing environment.
- d. Camouflage for Facilities on Existing Buildings or Structures – Roof Mounts: When a personal wireless service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.
- e. Camouflage for Facilities on Existing Buildings or Structures – Side Mounts: Personal wireless service facilities which are side mounted shall blend with the existing building's architecture and the panels shall be painted or shielded with material consistent with the design features and materials of the building. All surfaces shall be non-reflective.
- f. Camouflage for Ground Mounted Facilities: All ground-mounted personal wireless service facilities shall be surrounded by a buffer of dense tree growth that extends

continuously for a minimum distance of one hundred and fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest, and screens views of the facility in all directions. These trees must be existing on the subject property, planted on site, or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate, or alter the required buffer based on site conditions. The one hundred and fifty (150) foot vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property. If removed for this reason, they must be replaced unless Nature has provided a buffer.

2. Color - To the extent that any personal wireless service facilities extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings. All surfaces shall be non-reflective. Branches shall conform with the shape and direction of those on existing natural trees and extend below the canopy.
3. Equipment Shelters - Equipment shelters for personal wireless service facilities shall be designed consistent with one of the following design standards:
  - a. Equipment shelters shall be located in underground vaults; or
  - b. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the personal wireless service facility; or
  - c. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or
  - d. If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.
4. Lighting, Signage, and Security
  - a. Lighting: The mounts of personal wireless service facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.0 initial foot-candles.
  - b. Signage: Signs, not larger than 8"x12", shall be limited to those needed to identify the property and the owner and warn of any danger. PWSF's, including existing towers at the time of adoption of this ordinance, shall not contain any permanent or temporary signs, writing, symbols or any other graphic representation of any kind.
  - c. Security Barrier: The Planning Board shall have final authority on whether a ground mounted personal wireless service facilities should be surrounded by a security barrier.
5. Historic Buildings and Districts
  - a. Any personal wireless service facility located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
  - b. Any alteration made to an historic structure to accommodate a personal wireless service facility shall be fully reversible.
  - c. Personal wireless service facilities authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.
6. Scenic Landscapes and Vistas - Ground-mounted facilities shall not be located within open areas that are clearly visible from public roads, recreational areas, or abutting properties

unless these PWSF are hidden or disguised in such a way so as to blend in with their surroundings. For example, the Planning Board may find a PWSF disguised as a flagpole to be acceptable. The Planning Board shall be empowered to make these decisions. All ground-mounted personal wireless service facilities shall be surrounded by a buffer of dense tree growth as per Section 603 G.1 (f).

7. Access way – If available, existing entrances and access ways to serve a personal wireless service facility shall be utilized, unless the applicant can demonstrate that a new entrance and access ways will result in less visual, traffic, and environmental impact. New access ways to serve a personal wireless service facility shall not exceed twelve (12) feet in width unless the Planning Board determines in its sole discretion that a wider width is required. Access ways shall, at a minimum, be built to the standards outlined in the publication “BEST MANAGEMENT PRACTICES for Erosion Control or Timber Harvesting Operations in New Hampshire 2004” subject to any necessary State permits required. (Amended 08 March 2011)
8. Antenna Types - The Town of Alton's preference is that any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount have a diameter of no more than four (4) feet, exclusive of the diameter of the mount. A larger diameter antenna array may be permitted after a finding by the Planning Board that the visual impacts of a larger antenna array are negligible.
9. Ground and Roof Mounts - The Town of Alton's preference is that all ground mounts shall be of a mast or monopole type mount. Lattice towers, guyed towers, and roof mounted monopoles are expressly prohibited.
10. Hazardous Waste - No hazardous waste shall be discharged on the site of any personal wireless service facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.
11. Noise - Personal wireless service facilities shall not generate noise in excess of sixty-eight (68) decibels, as measured at the security boundary, during the day and fifty-eight (58) decibels during the night. For the purpose of this Ordinance, "day" shall be defined as 7:00 A.M. to 10:00 P.M., Sundays through Thursdays, and 7:00 A.M. to 11:00 P.M. on Fridays and Saturdays. "Night" shall be from 10:00 P.M. to 7:00 A.M. Sundays through Thursdays, and 11:00 P.M. to 7:00 A.M. on Fridays and Saturdays.
12. Radio Frequency Emissions Standards – All equipment proposed for a personal wireless service facility shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines), under *Report and Order*, FCC 96-326, published on August 1, 1996, and all subsequent amendments.
13. Federal Requirements - All personal wireless service facilities must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate personal wireless service facilities. If such standards and regulations are changed, then the owner of the personal wireless service facilities governed by this ordinance shall bring such personal wireless service facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring personal wireless service facilities into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with Section 603, I., of the personal wireless service facility, as abandoned, at the owner's expense through the execution of the posted security.
14. Building Codes - Safety Standards - To ensure the structural integrity of personal wireless service facilities, the owner of a personal wireless service facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for personal wireless service facilities that are published by the

Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a personal wireless service facility fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the personal wireless service facility, the owner shall have thirty (30) days to bring such personal wireless service facility into compliance with such standards. If the owner fails to bring such personal wireless service facility into compliance within thirty (30) days, such action shall constitute abandonment and grounds for the removal, in accordance with Section 603, I., of the personal wireless service facility as abandoned at the owner's expense through execution of the posted security.

H. Verification and Maintenance

1. Verification - The Planning Board, at its discretion, may hire an expert of its choice to review applications. Such experts may include, but not be limited to Planning Experts, Technical Experts, Engineering Experts, Legal Experts, and Surveying Experts. All such expenses incurred shall be borne by the applicant.
2. Maintenance - The owner of the facility shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, maintenance of the buffer areas, landscaping, and camouflage materials. The Planning Board may direct the owner to perform maintenance that it determines to be required.

I. Abandonment or Discontinuation of Use

1. Abandonment - Any personal wireless service facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said personal wireless service facility provides proof of quarterly inspections. The owner shall physically remove the abandoned personal wireless service facility within ninety (90) days of receipt of a declaration of abandonment from the Town notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the personal wireless service facility. If the abandoned personal wireless service facility is not removed within 90 days, the Town may execute the security and have the personal wireless service facility removed. If there are two or more users of a single personal wireless service facility, this provision shall not become effective until all users cease using the personal wireless service facility.
2. Discontinuance - At such time that the owner plans to abandon or discontinue operation of a personal wireless service facility, the owner shall notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that the owner fails to give such notice, the personal wireless service facility shall be considered abandoned upon such discontinuation of operations.
3. Removal - Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the personal wireless service facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
  - a. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
  - b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
  - c. Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

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4. Failure to Remove - If the owner of the facility does not remove the facility upon notice from the Town, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.
5. Failure to Maintain - If the owner of the facility fails to maintain the facility in accordance with the directions of the Planning Board pursuant to Section 603 H 2., then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.
6. Security for Removal - Security shall be provided in a form that is acceptable to Town Counsel.

J. Timing of Operation

Timing of Operation - Operation of a PWSF shall commence no later than nine (9) months from the date the application was approved. If the PWSF is not operating and providing the citizens of the Town with Personal Wireless Services, as defined, within this time period the applicant shall report to the Planning Board in writing stating the reasons why the personal wireless service facility is not operating. The applicant may request an extension to the deadline for operation and the Planning Board may consider same or, at its discretion, may revoke the approval.

If Planning Board approval is revoked and construction has begun, the PWSF shall be considered to be abandoned.

K. Bonding and Security and Insurance

Recognizing the hazardous situation presented by abandoned and unmonitored personal wireless service facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned personal wireless service facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with Section 603, I. The amount of the security shall be based upon the removal cost, plus fifteen (15) percent, provided by the applicant and certified by a professional civil engineer licensed in the State of New Hampshire. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in the State of New Hampshire every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen (15) percent then the owner of the facility shall provide additional security in the amount of the increase. Should the facility owner discontinue or abandon the facility in accordance with Section 603, I., and the facility is physically removed in accordance with Section 603, I., the security being held by the Town shall be released within thirty (30) days of confirmation of satisfactory removal by the Planning Board or its designated agent.

Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

L. Savings Clause

Where any provision of this ordinance is found to be unenforceable it shall be considered savable and shall not be construed to invalidate the remainder of the ordinance.

**SECTION 660 FLOODPLAIN DEVELOPMENT OVERLAY DISTRICT**

(As amended 8 March 1988; 13 March 1991; 14 March 1995; 10 March 2015)

A. Authority

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Alton Floodplain Development Overlay District.

B. Purpose and Intent

The regulations in this ordinance shall overlay and supplement the regulations in the Town of Alton 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 Town of Alton, N.H." together with the associated Flood Insurance Rate Maps dated May 17, 1988 which are declared to be a part of this ordinance and are hereby incorporated by reference.

C. Definitions

Item I Definition of Terms: The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by, the provisions of any other ordinance of the Town of Alton. (Note: Definitions for FLOODPLAIN DEVELOPMENT OVERLAY DISTRICTS were move to ARTICLE 200: DEFINITIONS with the designation "[from FDO]" – 14 March 2006).

D. Permits

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

E. Construction Requirements

The Code Enforcement Officer 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:

1. 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,
2. be constructed with materials resistant to flood damage,
3. be constructed by methods and practices that minimize flood damages,
4. 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.

F. Water and Sewer Requirements

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 Code Enforcement Officer 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.

G. Reporting Requirements

For all new or substantially improved structures located in Zones A and AE, the applicant shall furnish the following information to the Code Enforcement Officer:

1. the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.
2. if the structure has been flood proofed, the as-built elevation (in relation to NGVD) to which the structure was flood proofed.
3. any certification of flood proofing.

The Code Enforcement Officer shall maintain for public inspection, and shall furnish such information upon request.

H. Federal and State Permits

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

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Code Enforcement Officer, 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 Code Enforcement Officer, including notice of all scheduled hearings before the Wetlands Bureau.
2. The applicant shall submit to the Code Enforcement Officer, 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. The Code Enforcement Officer 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."

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.

I. Special Flood Hazard Areas

1. In special flood hazard areas the Code Enforcement Officer shall determine the base flood elevation in the following order of precedence according to the data available:
  - a. In Zone, AE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
  - b. In Zone A, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base 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).
  - c. In Zone A, where the base flood elevation is not known, the base flood elevation shall be at least 2 feet above the highest adjacent grade.
2. The Code Enforcement Officer's base flood elevation determination will be used as criteria for requiring in Zones A and that:
  - a. All new construction or substantial improvement of residential structures has the lowest floor (including basement) elevated to or above the base 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:
    - (1) be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - (2) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
    - (3) 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 elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
  - d. All recreational vehicles placed on sites within Zones A and AE shall either:
    - (1) be on the site for fewer than one hundred eighty (180) consecutive days;
    - (2) be fully licensed and ready for highway use; or
    - (3) meet all standards of Section 660(I)(2)(c).
  - e. 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 (2) openings having a total net area of not less than one

(1) 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 (1) 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.

J. Variances and Appeals

1. Any order, requirement, decision or determination of the Code Enforcement Officer 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:
  - a. 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 twenty-five dollars (\$25) for one hundred dollars (\$100) of insurance coverage and
  - b. 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:
  - a. maintain a record of all variance actions, including their justification for their issuance, and
  - b. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

## BOUNDARY DESCRIPTIONS

### SECTION 441 BOUNDARY DESCRIPTION (RESIDENTIAL / COMMERCIAL ZONE)

(As amended 10 March 1993)

Beginning on the common property line of parcel 3 and the new Riverside Cemetery on property map 25 at the westerly streetline of Route 28, thence running to the center line of Route 28; thence running southerly by the centerline of Route 28 to a point opposite the common property line of parcels 9 and 10 on property map 25; thence running easterly to said common property line; thence running easterly by said common property line 125 +/- feet to the common property line of parcels 8 and 10 on property map 25; thence running northeasterly by said common property line 177 +/- feet to the westerly shoreline of the Merrymeeting River; thence running by the westerly shoreline of the Merrymeeting River and parcels 8 and 7 on property map 25 788 +/- feet to the westerly shoreline of the Merrymeeting River abutting Route 28; thence running northerly by said streetline to the westerly shoreline of the Merrymeeting River and parcel 16 on property map 26; thence running by said shoreline 1,030 +/- feet to the westerly shoreline of the Merrymeeting River and parcel 15 on property map 26; thence running by said shoreline and the shoreline of parcels 15, 14, 13 and 12 on property map 26 920 +/- feet to the shoreline associated with Route 28 as depicted on property map 26; thence running northerly by said shoreline to the bridge spanning the Merrymeeting River; thence running westerly to the center line of Route 28; thence running by the center line of Route 28 to a point opposite the easterly shoreline of the Merrymeeting River and parcel 8 on property map 9; thence running northwesterly to said shoreline; thence running southeasterly by said shoreline to the common property line of parcels 8 and 9 on property map 9; thence running northeasterly by said common property line 100 +/- feet to a point; thence running northwesterly by said common property line 200 +/- feet to the westerly streetline of the Route 11/28 traffic circle; thence running to the center line intersection of the Route 11/28 traffic circle; thence running northerly and clockwise and to the right by the center line of the Route 11/28 traffic circle to a point opposite the center line of New Durham Road; thence running northeasterly to said center line; thence continuing northeasterly by the centerline of New Durham Road to a point opposite the common property line of parcels 59-1 and 59-2 on property map 9; thence running northerly to said common property line; thence running northerly by said common property line 496.9 +/- feet to the common property line of parcels 59-1 and 59-3 on property map 9; thence running westerly by said common property line 226.63 +/- feet to the easterly streetline of Range Road; thence continuing to run westerly to the center line of Range Road; thence running northerly by said center line to a point opposite the common property line of parcel 60-1-1 on property map 9 and parcel 47 on property map 8; thence running westerly to said common property line; thence running by said common property line 278.12; +/- feet to the common property line of parcels 44 and 47 on property map 8; thence running by said common property line 804.1 +/- feet to the common property line of parcels 46 and 44 on property map 8; thence running northwesterly by said common property line 396.88 +/- feet to the common property line of parcels 44 and 45 on property map 8; thence running northwesterly by said common property line 299.82 +/- feet to a point; thence running westerly by said common property line 550 +/- feet to the easterly streetline of Route 28; thence continuing to run westerly to the center line of Route 28; thence running northwesterly by center line to a point opposite the common property line of parcels 67 and 71 on property map 29; thence running to said common property line; thence running westerly to the common property line of parcel 71 and parcel 67 on property map 29; thence running southerly by said property line 52 +/- feet to a point; thence running southwestly 64.3 +/- feet to a point; thence running northwesterly by said property line 75 +/- feet to a point; thence running northerly by said property line 17.5 +/- feet to the common property line of parcels 69 and 71 on property map 29; thence running southwestly by said property line 134.5 +/- feet to a point; thence running southerly by said property line 111.8 +/- feet to the common property line of parcels 69 and 70 on property map 29; thence running southwestly by said property line 42.12 +/- feet to a point; thence running northerly by said property line 78 +/- feet to a point; thence running westerly by said property line 270 +/- feet to the easterly streetline of Old Wolfboro Road; thence continuing to run westerly to the center line of Old Wolfboro Road; thence running southerly by the center line of Old Wolfboro Road to a point opposite the common property line of parcels 64A and 64 on property map 29;

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thence running westerly to said common property line; thence running westerly by said common property line 49 +/- feet to a point; thence running northwesterly by said property line 14.5 +/- feet to a point; thence running westerly by said property line 98.67 +/- feet to the common property line of parcels 64A and 59 on property map 29; thence running northwesterly by said property line and the common property lines of parcels 59 and 64B, 58 and 64B, 56 and 64B, 55 and 64B, 54 and 64B, and 53 and 64B 862 +/- feet to the common property line of parcel 35 of property maps 29 and 31 and parcel 64B on property map 29; thence continuing to run northwesterly by said common property line 262 +/- feet to the common property line of parcels 36-4 and 36-2 on property map 31; thence continuing to run northwesterly by said property line 33.83 +/- feet to the common property line of parcel 36-5 and 36-2 on property map 31; thence continuing to run northwesterly by said property line 107 +/- feet to the common property line of parcel 33 and 38 on property map 31; thence continuing to run northwesterly by said property line 70.6 +/- feet to a point; thence continuing to run northwesterly by said property line 29.89 +/- feet to the common property line of parcels 33 and 39 on property map 31; thence continuing to run northwesterly by said property line 150 +/- feet to the common property line of parcel 32 and 39 on property map 31; thence continuing to run northwesterly by said property line and the common property line of parcels 32 and 40 on property map 31 150 +/- feet to the common property line of parcel 31 and 40 on property map 31; thence continuing to run northwesterly by said property line and the common property line of parcels 31 and 41 on property map 31 150 +/- feet to the common property line of parcel 31 on property map 31 and parcel 2 on property map 12; thence running northwesterly by said property line and the common property line of parcel 30 on property map 31 and parcel 2 on property map 12 850 +/- feet to the common property line of parcel 26 on property map 31 and parcel 2 on property map 12; thence running by said property line and the common property line of parcel 60 on property map 32 and parcel 2 on property map 12, and parcel 55 on property map 32 and parcel 2 on property map 32 2061 +/- feet to the common property line of parcel 55 on property map 32 and parcel 3A on property map 12; thence running westerly by said common property line and the common property line of parcel 55 on property map 32 and parcel 3 on property map 12 200 +/- feet to the common property line of parcel 77 on property map 33 and parcel 55 on property map 33; thence running southwesterly by said common property line 292.5 +/- feet to a point; thence running westerly by said property line 475 +/- feet to the common property line of parcel 51 on property map 32 parcel 77 on property map 33; thence continuing to run westerly 112 +/- feet to the common property line of parcel 79-1 on property map 33 and parcel 77 on property map 33; thence running northwesterly by said common property line 483 +/- feet to the common property line of parcels 78 and 79-1 on property map 33; thence running southwesterly 165 +/- feet by said property line to a point; thence running north westerly 264 +/- feet to the easterly streetline of Bay Hill Road; thence continuing to run northwesterly to the center line of Bay Hill Road; thence running southwesterly by the center line of Bay Hill Road to the center line intersection of Route 28A and Bay Hill Road; thence running southerly by the center line of Route 28A to a point opposite the common property line of parcels 84 and 83 on property map 33; thence running southwesterly to said common property line; thence running southwesterly by said common property line to the shore of Lake Winnepesaukee; thence running southerly by the easterly shoreline of Lake Winnepesaukee and parcels 83 and 82 of property map 33 284 +/- feet to the shoreline associated with Route 11 as depicted on property map 33; thence running southwesterly by said shoreline to the bridge spanning Lake Winnepesaukee, otherwise known as Smith Bridge, thence running southerly to the centerline of Route 11; thence running southwesterly by the centerline of Route 11 to a point opposite the westerly shoreline of Lake Winnepesaukee and parcel 81 on property map 33; thence running northwesterly to said shoreline; thence running by the westerly shoreline of Lake Winnepesaukee and parcel 81 360 +/- feet to the shore line of parcel 41 on property map 34; thence running by the westerly shore line of Lake Winnepesaukee and parcel 41 108 +/- feet to the shoreline of parcel 37 on property map 34; thence running by the westerly shoreline of Lake Winnepesaukee and parcel 37 325 +/- feet to the shoreline of parcel 36 on property map 34; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and parcel 36 to the bridge spanning Lake Winnepesaukee, otherwise known as Rand Cove bridge, thence running southwesterly to the center line of Route 11; thence running northwesterly by the center line of Route 11 to a point opposite the westerly shoreline of Lake Winnepesaukee and the easterly streetline of Route 11; thence running northeasterly to said shoreline; thence running by said shoreline to the westerly shoreline of Lake

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Winnepesaukee and parcel 45A on property map 36; thence running westerly by said shoreline 50 +/- feet to the shoreline of parcel 45B on property map 36; thence running by the westerly shoreline of Lake Winnepesaukee and parcels 45B and 45 on property map 36 195 +/- feet to the shoreline associated with Route 11 as depicted on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and Route 11 to the shoreline of parcel 44 on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and parcel 44 60 +/- feet to the shoreline associated with Route 11 as depicted on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and Route 11 to parcel 47 on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and parcel 47 92 +/- feet to the shoreline associated with Route 11 as depicted on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and Route 11 to parcel 43 on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and parcels 43, 42, 41, 40 and 39 on property map 36 412 +/- feet to the shoreline associated with Route 11 as depicted on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and Route 11 to the shoreline of parcel 37 on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and parcel 37 60 +/- feet to the shoreline of parcel 38 on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and parcel 38, otherwise known as Loon Island, 733 +/- feet to the common property line of parcels 37 and 38 being the westerly shoreline of Lake Winnepesaukee on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and parcel 37, otherwise known as Sandy Point, 1840 +/- feet to the shoreline associated with Route 11 as depicted on property map 36; thence continuing to run by the westerly shoreline of Lake Winnepesaukee and Route 11 250 +/- feet to a point opposite the common property line of parcel 36 on property map 36 and parcel 4 on property map 38; thence running southwestly across Route 11 to said common property line; thence running southwestly by said common property line 130 +/- feet to the easterly streetline of Spring Street; thence continuing to run southwestly to the centerline of Spring Street; thence running southeasterly and southerly by the center line of Spring Street to a point opposite the common property line of parcels 14 and 9 on property map 36; thence running easterly to said common property line; thence running northeasterly by said property line and the common property line of parcels 14 and 10, and 14 and 12 on property map 36 170 +/- feet to the common property line of parcels 13 and 12 on property map 36; thence continuing to run northeasterly by said common property line 60 +/- feet to the westerly streetline of Route 11; thence continuing to run northeasterly to the center line of Route 11; thence running southeasterly by the centerline of Route 11 to a point opposite the common property line of parcels 33 and 35 on property map 34; thence running southwestly to said common property line; thence southeasterly by said common property line 269.58 +/- feet to a point; thence continuing to run southeasterly by said common property line 38.82 +/- feet to a point; thence continuing to run southeasterly by said common property line 122.64 +/- feet to a point; thence continuing to run southeasterly by said common property line 432.91 +/- feet to a point; thence continuing to run southeasterly by said common property line 270.3 +/- feet to a point; thence continuing to run southeasterly by said common property line 262.02 +/- feet to the common property line of parcels 34 and 33 on property map 34; thence continuing to run southeasterly by said common property line 146.75 +/- feet to the northerly streetline of Rand Hill Road; thence running southeasterly to the center line of Rand Hill Road; thence running westerly by the center line of Rand Hill Road to a point opposite the common property line of parcels 1 and 2 on property map 34; thence running southeasterly to said common property line; thence running southeasterly by said common property line 155 +/- feet to the common property line of parcel 1 on property map 34 and parcel 11 on property map 32; thence continuing to run southeasterly by said common property line 55.5 +/- feet to a point; thence running northeasterly by said common property line 70 +/- feet to the common property line of parcels 11 and 8 on property map 32; thence running southeasterly by said common property line 63.51 +/- feet to the common property line of parcels 8 and 9 on property map 32; thence running southeasterly by said common property line 314.14 +/- feet to the common property line of parcels 3 and 8 on property map 32; thence running northeasterly by said common property line and the common property line of parcels 3 and 5-1 on property map 32 60 +/- feet to the common property line of parcels 4 and 5-1 on property map 32; thence running northerly by said common property line 8 +/- to a point; thence running northeasterly by said common property line 22 +/- feet to the common property line of parcels

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4 and 5 on property map 32; thence continuing to run northeasterly by said common property line 72 +/- feet to the westerly streetline of River Lake West Street; thence continuing to run northeasterly to the center line of River Lake West Street; thence running southerly by the center line of River Lake West Street to a point opposite the common property line of parcels 17 and 18 on property map 32; thence running northeasterly to said common property line; thence running easterly by said common property line 114.28 +/- feet to the westerly shoreline of the Merrymeeting River; thence running southerly by the westerly shoreline of the Merrymeeting River and parcels 18, 18-1, 19, 20, 21 and 22 352 +/- feet to a point opposite the common property line of parcels 46 and 49 on property map 32; thence running easterly across the river to said common property line; thence running easterly by said common property line 196.8 +/- feet to a point; thence running southeasterly by said common property line 164.75 +/- feet to a point; thence running northerly by said common property line 330 +/- feet to the common property line of parcels 46 and 47 on property map 32; thence running northeasterly by said common property line 245.78 +/- feet to the westerly streetline of Route 11, otherwise known as Main Street; thence continuing to run northeasterly to the center line of Route 11; thence running southeasterly by the center line of Route 11 to a point opposite the common property line of parcels 45 and 46 on property map 32; thence running southwesterly to said common property line; thence running by said common property line 163.25 +/- feet to a point; thence running southeasterly by said common property line 49.43 +/- feet to a point; thence continuing to run southeasterly by said common property line 75.18 +/- feet to the common property line of parcels 43 and 46 on property map 32; thence running southwesterly by said common property line 20 +/- feet to the westerly sideline of Barr Road north as depicted on property map 32; thence running southeasterly by the westerly limits of Barr Road north 125 +/- feet to the northerly streetline of Barr Road; thence running northwesterly by northerly streetline of Barr Road 18.3 +/- feet to a point; thence running southwesterly by said streetline 163.4 +/- feet to a point; thence continuing to run southwesterly 102.4 +/- feet to the common property line of parcels 42 and 43 on property map 32; thence continuing to run southwesterly by said common property line 97.19 +/- feet to the common property line of parcels 41 and 43 on property map 32; thence running southeasterly across Barr Road and by said common property line 107.82 +/- feet to the easterly shoreline of the Merrymeeting River; thence running southerly by said shoreline 792 +/- feet to the easterly shoreline of the Merrymeeting River and parcel 25 on property map 31; thence running southeasterly by the easterly shoreline of the Merrymeeting River and parcels 25, 24, 23, 22, and 21 598 +/- feet to the easterly shoreline of the Merrymeeting River associated with Letter "S" Road as depicted on property map 31; thence continuing to run by the easterly shoreline of the Merrymeeting River and Letter "S" Road to the shoreline of parcel 45 on property map 31; thence continuing to run by the easterly shoreline of the Merrymeeting River and parcel 45 123 +/- feet to the easterly shore line of the Merrymeeting River associated with Letter "S" Road as depicted on Property map 31; thence continuing to run by the easterly shoreline of the Merrymeeting River and Letter "S" Road to a point opposite the common property line of parcels 14 and 15 on property map 31; thence running southeasterly across Letter "S" Road to said common property line; thence continuing to run southeasterly by said common property line 335 +/- feet to a point; thence running southwesterly to the easterly shore of Mill Pond; thence running southerly by the easterly shore of Mill Pond and parcel 14 on property map 31 and parcels 52, 51, 48, 47 and 39 on property map 29 1,635 +/- feet to the common property line of parcels 35 and 37 on property map 29; thence running southeasterly by said common property line 125.5 +/- feet to the common property line of parcels 36 and 37 on property map 29; thence running northeasterly by said common property line 105 +/- feet to the common property line of parcels 36 and 38 on property map 29; thence running southeasterly by said common property line 390 +/- feet to the easterly streetline of Hutchins Circle; thence running westerly to the center line of Hutchins Circle ; thence running southeasterly by the center line of Hutchins Circle to the center line intersection of Mitchell Avenue; thence running southwesterly by the center line of Mitchell Avenue to a point opposite the common property line of parcels 19 and 20 on property map 29; thence running southeasterly to said common property line; thence running southeasterly by said common property line 140 +/- feet to the common property line of parcels 19 and 22 on property map 29; thence running northeasterly by said common property line 40 +/- feet to the common property line of parcels 22 and 15 on property map 29; thence running southeasterly by said common property line and the common property line of parcels 13 and 14 on property map 29 195 +/- feet to the northerly streetline of Route 140;

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thence running to the center line of Route 140; thence running southwesterly by the center line of Route 140 to a point opposite the common property line of parcels 3 and 4 on property map 29;; thence running to said common property line; thence running by said common property line and the common property line of parcel 15 on property map 28 and parcel 3 on property map 29 76.4 +/- feet to a point; thence running northeasterly by said common property line 10.5 +/- feet to a point; thence running southeasterly by said common property line 62.6 +/- feet to the common property line of parcel 15 on property map 28; and parcel 28 on property map 27; thence running southeasterly by said common property line 131.4 +/- feet to the northeasterly streetline of Church Street; thence continuing to run southeasterly to the center line of Church Street; thence running northeasterly by the center line of Church Street to a point opposite the common property line of parcel 27 on property map 27 and parcel 16 on property map 28; thence running southeasterly to said common property line; thence continuing to run southeasterly by said common property line 115 +/- feet to the common property line of parcel 22-1 on property map 27 and parcel 16 on property map 28; thence running southwesterly by said common property line 60 +/- feet to the common property line of parcel 23 on property map 28 and parcel 22-1 on property map 27; thence running southeasterly by said common property line 160 +/- feet to the common property line of parcel 23 on property map 28 and parcel 22 on property map 27; thence continuing to run southeasterly by said common property line 165 +/- feet to the northerly streetline of School Street; thence continuing to run southeasterly to the center line of School Street; thence running easterly by the center line of School Street to a point opposite the common property line of parcels 19 and 20 on property map 27; thence running to said common property line; thence running southeasterly by said common property line 335 +/- feet to the common property line of parcels 20 and 17 on property map 27; thence running southwesterly by said common property line and the common property line of parcel 24 on property map 28 and parcel 17 on property map 27 263.7 +/- feet to the common property line of parcel 27 on property map 28 and parcel 17 on property map 27; thence running southeasterly by said common property line 471.1 +/- feet to the common property line of parcels 17 and 10 on property map 27; thence running northeasterly by said common property line and by the common property line of parcels 11 and 17 on property map 27 452.2 +/- feet to the common property line of parcels 11 and 16 on property map 27; thence running southeasterly by said common property line and the common property line of parcels 11 and 15, and 12 and 13 on property map 27 287.7 +/- feet to the northerly streetline of Barnes Avenue; thence continuing to run southeasterly to the center line of Barnes Avenue; thence running northeasterly by said center line to a point opposite the common property line of parcels 5 and 6A on property map 27; thence running southeasterly to said common property line; thence continuing to run southeasterly by said common property line 75 +/- feet to the common property line of parcels 3-1 and 5 on property map 27; thence running northeasterly by said common property line and the common property line of parcels 3-1 and 4 on property map 27 175 +/- feet to the common property line of parcels 3-1 and 3 on property map 27; thence running southeasterly by said common property line 61.1 +/- feet to the common property line of parcels 3 and the Riverside Cemetery as depicted on property map 27; thence running northeasterly by said common property line 158 +/- feet to the westerly streetline of Route 11, otherwise known as Main Street, thence continuing to run northeasterly to the center line of Route 11; thence running southeasterly by the center line of Route 11 to a point opposite the common property line of parcel 2 and the Riverside Cemetery as depicted on property map 27; thence running southwesterly to said common property line; thence continuing to run southwesterly by said common property line 290 +/- feet to the easterly shoreline of the Merrymeeting River; thence running southerly by the easterly shoreline of the Merrymeeting River and parcels 2 and 1 on property map 27 365 +/- feet to the easterly shoreline of the Merrymeeting River and parcel 9 on property map 26; thence running by said shoreline and the shoreline of parcel 8 on property map 26 1,540 +/- feet to the shoreline associated with Route 28 as depicted on property map 26; thence continuing to run southerly by said shoreline to the Route 28 bridge spanning the Merrymeeting River; thence running easterly to the centerline of Route 28; thence running by the centerline of Route 28 to a point opposite the westerly shoreline of the Merrymeeting River associated with Route 28; thence running westerly to said shoreline; thence running southwesterly by said shoreline to the westerly shoreline of the Merrymeeting River and parcel 6 on property map 26; thence running by said shoreline and the shoreline of parcel 7 on property map 26 2,850 +/- feet to the westerly shoreline of the Merrymeeting River and parcel 5 on property map 26; thence continuing to run

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by the westerly shoreline of the Merrymeeting River and parcel 5 on property map 26 130 +/- feet to the common property line of parcel 49 on property map 8 and parcel 5 on property map 26; thence running southeasterly by said common property line and the common property line of parcel 4 on property map 26 and parcel 49 on property map 8 450 +/- feet to a point; thence running easterly by said common property line 214.5 +/- feet to the westerly streetline of Route 28; thence running southerly by said streetline to the common property line of parcel 3 on property map 26 and parcel 49 on property map 8; thence running westerly by said common property line 135.01 +/- feet to a point; thence running southwestwardly along said property line 64.2' +/- feet to a point; thence running southwestwardly by said property line and by the common property line of parcels 2 and 1 on property map 26 and parcel 49 on property map 8 543.88 +/- feet to the common property line of parcel 50-1 on property map 8 and parcel 1 on property map 26; thence running easterly by said common property line 166.8 +/- feet to the common property line of parcel 50-1 on property map 8 and parcel 6 on property map 25; thence running southeasterly by said common property line 627.46 +/- feet to the common property line of parcel 4 on property map 25 and parcel 50-1 on property map 8; thence running southeasterly by said common property line 50.16 +/- feet to a point; thence continuing to run southeasterly by said common property line 125.4 +/- feet to a point; thence continuing to run southeasterly 53.92 +/- feet to the common property line of parcel 3 on property map 25 and parcel 50 on property map 8; thence continuing to run southeasterly by said common property line 200.5 +/- feet to a point; thence continuing to run southeasterly by said property line 127.1 +/- feet to the common property line of parcel 3 on property map 25 and the new Riverside Cemetery as depicted on property map 25; thence running northeasterly by said common property line 140 +/- feet to a point; thence running easterly by said common property line 52.7 +/- feet to a point; thence running northeasterly by said property line 214.1 +/- feet to a point; thence running easterly by said property line 100.3 feet to a point; thence continuing to run easterly by said property line 125.1 +/- feet to the westerly streetline of Route 28 - the point of beginning.

Beginning at a point on Tax Map 32 said point being in a common property corner of parcels 34, 46 and 53 thence running southerly by the common property line of parcel 34 and 53 on Tax Map 32 150 feet +/-, thence continuing to run by the common property line of parcels 34 and 43 westerly 72 feet +/-, thence running southerly by the common property line of parcels 37, 38, 39 and 43 363 feet +/- to the existing zone line on the northerly side line of Barr Road as shown on Tax Map 32, thence running by said zone line easterly and northerly to a point, thence running to the common property line of parcels 43 and 46 northwesterly 416 feet +/- to the point of beginning. Meaning and intending to rezone the area described from Residential to Residential Commercial.

(as amended 11 March 1998)

Meaning and intending to rezone the area described from Rural to Residential Commercial amended by petition 11 March 1999 to include Map 29, Lots 64A, 64B, 65, 66, 67, 68, 69, 83, 85 and Tax Map 31, Lot 37 of the Alton Tax Maps dated April 1, 1998. (As amended 11 March 1999)

All property references are to the property map Town of Alton, Belknap County, New Hampshire prepared by James W. Sewall Co., Old Town, Maine, revised to April 1, 1992. Meaning and intending to determine the bounds of the Residential-Commercial Zone there by expanding the existing Residential-Commercial Zone into the adjacent Residential, Lakeshore Residential Rural, and Rural Zones for areas within the bounds and reducing the existing Residential/Commercial Zone causing a corresponding expansion of the adjacent Residential, Lakeshore Residential, Residential Rural and Rural Zones for areas outside the bounds described.

**SECTION 361 BOUNDARY DESCRIPTION (RESIDENTIAL RURAL ZONE)**

(As amended 14 March 1978)

a. Beginning at Rotary Intersection of Routes 11 and 28 at the boundary between the RC & Rural Zone; thence easterly on Route 11 to the New Durham Line; thence northerly along the Alton-New Durham boundary to the northerly side of Marsh Pond; thence southwestwardly along Marsh Pond shore line to Clark Brook; thence northwesterly along Clark Brook to intersection of Clark Brook and Clark Road, thence westerly on Clark Road to intersection of Clark Road and Old Wolfeboro Road; thence southerly on Old

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Wolfeboro Road to the easterly side of Route 28; thence southerly on Route 28 to the RC Zone; thence easterly and southerly on RC Zone to point of beginning.

(As amended 11 March 1992)

b. Beginning at a point on the center line of Bay Hill Road opposite the common property line of parcel 31 on property map 11 and parcel 7 on property map 12; thence running northerly to said common property line; thence running northerly by said property line 225' +/- feet to the common property line of parcel 31 on property map 11 and parcel 10 on property map 12; thence continuing to run northerly by the common property line of parcel 31 on property map 11 and parcel 10 on property map 12, 530' +/- feet to the common property line of parcel 31 on property map 11 and parcel 13 on property map 12; thence continuing to run northerly by the common property line of parcel 31, on property map 11 and parcel 13 on property map 12 1160' +/- feet to the common property line of parcel 31 on property map 11 and parcel 15 on property map 12; thence continuing to run northerly by the common property line of parcel 31 on property map 11 and parcel 15 on property map 12, 1200' +/- feet to the common property line of parcel 30 on property map 11 and parcel 17 on property map 12; thence continuing to run northerly by the common property line of parcel 30, on property map 11 and parcel 17 on property map 12 960' +/- feet to the common property line of parcel 27 and 28 on property map 11; thence continuing to run northerly by the common property line of parcels 27 and 28 on property map 11 1884' +/- feet to a point; thence running northwesterly by the common property line of parcels 27 and 28 on property map 11 107' +/- feet to a point; thence running westerly by the common property line of parcels 27 and 28 on property map 11 and the common property line of parcel 28 on property map 11 and parcels 64 and 63 on property map 37, 1179' +/- feet to a point; thence running northwesterly by the common property line of parcel 28 on property map 11 and parcels 63 and 62 on property map 37, 359' +/- feet to a point; thence running northerly by the common property lines of parcel 28 on property map 11 and parcels 62 and 61 on property map 37 554' +/- feet to the common property line of parcels 22 on property map 14 and 28 on property map 11; thence running easterly by the common property line of parcel 22 on property map 14 and parcel 28 on property map 11, 294' +/- feet to the common property line of parcel 22 on property map 14 and parcel 5 on property map 15; thence running northerly by the common property line of parcels 22 on property map 14 and parcel 5 on property map 15, 2494' +/- feet to a point; thence running easterly by the common property line of parcel 5 and Bowman Road on property map 15 and parcel 22 on property map 14 734' +/- feet to the common property line of parcel 22 on property map 14 and parcel 10 on property map 15; thence running northwesterly by the common property line of parcels 22, 21, and 17 on property map 14 and parcel 10 on property map 15, 1683' +/- feet to a point; thence running north-easterly by the common property line of parcel 17 on property map 14 and parcel 10 on property map 15, 1151' +/- feet to the south- westerly line of Miramechie Hill Road; thence continuing to run northeasterly to the center line of Miramechie Hill Road; thence running northwesterly by the center line of Miramechie Hill Road to the center line of Route 28A; thence running easterly by the center line of Route 28A to a point of intersection with the center line of the Old Wolfeboro Road on Route 28; thence running southwestly and southerly by the center line of the Old Wolfeboro Road to a point opposite the common property line of parcels 62 and 63 on property map 15; thence running westerly to the common property line of parcels 62 and 63 on property map 15; thence continuing to run westerly by the common property line of parcels 63 and parcels 62 and 2 on property map 15 1170 +/- feet to a point; thence running southerly by the common property line of parcel 2 and 63 on property map 15 640 +/- feet to the common property line of parcel 19 and 23-1 on property map 12; thence continuing to run southerly by the common property line of parcel 19 and 23-1 on property map 12 to the northerly line of Lily Pond Road; thence continuing southerly across Lily Pond Road to the common property line of parcels 18 and 18-1 on property map 12; thence continuing to run southerly by the common property line of parcels 18 and 18-1, 18, and 21-1, 18 and 21, 18 and 21-4, on the property map 12 1640' +/- feet to the common property line of parcels 16 and 21-2 on property map 12; thence continuing to run southerly by the common property line of parcels 16 and 21-2, on property map 12 775 +/- feet to the common property line of parcels 16A and 42 on property map 12; thence continuing to run southerly by the common property line of parcels 16A and 42 on property map 12 1348' +/- feet to the common property line of parcels 14 and 44 on property map 12; thence continuing to run southerly by the common property line of

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parcels 14 and 44, on property map 12, 1658 +/- feet to the northerly line of Bay Hill Road; thence running southerly across Bay Hill Road to the common property line of parcels 5 and 48 on property map 12; thence continuing to run southerly by the common property line of parcels 5 and 48, on property map 12 120' +/- feet to the common property line of parcels 4 and 48 on property map 12; thence continuing to run southerly by the common property lines of parcels 4 and 48, also parcels 4 and 49 on property map 12, 520' +/- feet to the common property line of parcel 1 and 49 on property map 12; thence running easterly by the common property lines of parcels 1 and 49, also parcel 1 and 50 on property map 12, 1200' +/- feet to the westerly street line of the Old Wolfeboro Road; thence running easterly to the center line of Old Wolfeboro Road on property map 12; thence running southerly and southwesterly by the center line of the Old Wolfeboro Road and the existing RR (Residential Rural) zone to the center line intersection of the Old Wolfeboro Road and Route 28 on property maps 12, 8 and 31; thence running northerly by the center line of Route 28 to a point opposite the common property line of parcel 2 on property map 12 and parcel 42 on property map 31; thence running westerly to the common property line of parcel 2 on property map 12 and parcel 42 on property map 31, thence running by the common property line of parcel 2 on property map 12 and parcel 42 on property map 31 349 +/- to the easterly side line of the end of Pearson Road on property map 31 and parcel 2 on property map 12; thence continuing to run westerly along the end of Pearson Road on property map 31 and parcel 2 on property map 12 to the westerly side line of the end of Pearson Road and parcel 41 on property map 31 and parcel 2 on property map 21; thence continuing to run westerly by the common property line of parcel 41 on property map 31 and parcel 2 on property map 12 349 +/- to the common property line of parcel 2 on property map 12 and parcel 30 on property map 31; thence running northerly by the common property line of parcel 2 on property map 12 and parcels 30 and 26 on property map 31 1110' +/- feet; thence continuing to run northerly by the common property line of parcel 2 on property map 12 parcels 60 and 55 on property map 32 1600 +/- feet to parcel 2 on property map 12 and parcel 3A on property map 12; thence running westerly by the common property line of parcel 3A on property map 12 and parcel 55 on property map 32 30 +/- feet; to the common property line of parcel 3 and 3A on property map 12; thence running northerly by the common property line of parcel 3A and parcel 3 on property map 12 550' +/- feet to the southerly side of Bay Hill Road; thence continuing to run northerly to the center line of Bay Hill Road; thence running westerly by the center line of Bay Hill Road 100 +/- feet to the point of beginning.

(as amended 10 March 1993)

c. Beginning on the common property line of parcel 1 on property map 28 and parcel 32 on property map 8 on the northerly streetline of Route 140; thence running northwesterly 209 +/- feet to the common property line of parcel 33 on property map 8 and parcel 1 on property map 28; thence running northwesterly by said common property line 458.54 +/- feet to the common property line of parcels 3 on property map 30 and parcel 1 on property map 28; thence running northeasterly 136.11 +/- feet to a point; thence running southeasterly by said common property line 200.43' +/- feet to a point; thence running northeasterly by said common property line 85.24 +/- feet to the westerly streetline of Elliott Road; thence continuing to run northeasterly across Elliott Road to the common property line of parcels 3 and 4 on property map 30; thence running northwesterly by said common property line and the common property line of parcels 3 and 3-1 on property map 30 271.2 +/- feet to a point; thence continuing to run northwesterly by said common property line 10' +/- feet to the easterly streetline of Elliot Road; thence continuing to run northwesterly to the center line of Elliot Road; thence running northerly by the center line of Elliot Road to a point opposite the common property line of parcels 3 and 3-1 on property map 30; thence running to said common property line; thence running northeasterly by said common property line 295 +/- feet to the common property line of parcels 3 and 8 on property map 30; thence running northwesterly by said common property line 235 +/- feet to the common property line of parcels 3 and 10 on property map 30; thence running southwesterly by said common property line 190 +/- feet to a point; thence running northwesterly by said property line 410 feet to the common property line of parcels 3-2 and 10 on property map 30; thence running northeasterly by said common property line 24 +/- feet to the common property line of parcels 3-2 and 12 on property map 30; thence running northwesterly by said common property line 143 +/- feet to a point; thence running northeasterly by

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said property line 150 +/- feet to the common property line of parcels 2 and 12 on property map 30; thence continuing to run northeasterly by said common property line and the common property line of parcels 2 and 13 on property map 30 58.8 +/- feet to a point; thence running northwesterly by said common property line 368.5 +/- feet to the common property line of parcel 13 on property map 30 and parcel 34 on property map 8; thence running northeasterly by said common property line 176 +/- feet to a point; thence continuing to run northeasterly by said common property line 195 +/- feet to the common property line of parcel 34 on property map 8 and parcel 18 on property map 30; thence running northeasterly by said common property line 60 +/- feet to the westerly shoreline of the Merrymeeting River; thence running northerly by the westerly shoreline of the Merrymeeting River and parcel 34 on property map 8 100 +/- feet to the westerly shoreline of the Merrymeeting River and parcel 18 as depicted on property map 30; thence continuing to run northerly by said shoreline to the westerly shoreline of the Merrymeeting River and parcel 36 on property map 8; thence continuing to run northerly by said shoreline to the westerly shoreline of the Merrymeeting River and parcel 18 on property map 31; thence running by said shoreline and the westerly shoreline of the River and parcel 20 on property map 31 to the common property line of parcels 19 and 20 on property map 31; thence running southwesterly by said common property line 101.9 +/- feet to the common property line of parcels 18 and 19 on property map 31; thence running northwesterly by said common property line 50 +/- feet to a point; thence running southwesterly by said common property line 49.5 +/- feet to the common property line of parcels 37 and 37-5 on property map 8; thence running westerly by said common property line 195.4 +/- feet to the easterly limits of Pine Tree Circle; thence running southerly to the centerline of Pine Tree Circle; thence running westerly and northerly by said center line to a point opposite the common property line of parcels 37-2 and 37 on property map 8; thence running westerly to said common property line; thence running westerly by said common property line 350 +/- feet to a point; thence running northerly by said common property line and the common property line of parcels 37-3 and 37 on property map 8 406.52 +/- feet to the common property line of parcel 4 on property map 11 and parcel 37-4 on property map 8; thence running easterly by said common property line 390 +/- feet to the common property line of parcel 2 on property map 32 and parcel 4 on property map 11; thence running northwesterly by said common property line and the common property line of parcel 3 on property map 32 and parcel 4 on property map 11 1345' +/- feet to the common property line of parcel 9 on property map 32 and parcel 4 on property map 11; thence running southwesterly by said common property line and by the common property line of parcel 3 on property map 34 and parcel 4 on property map 11 279 +/- feet to the common property line of parcel 65 on property map 32 and parcel 4 on property map 11; thence running northwesterly by said common property line 294 +/- feet to a point; thence continuing to run northwesterly 84.7 +/- feet to the common property line of parcel 4 on property map 34 and parcel 4 on property map 11; thence running by said common property line and the common property line of parcel 5 on property map 34 and parcel 4 on property map 11 292.4 +/- feet to the common property line of parcel 6 on property map 34 and parcel 5 on property map 11; thence running northwesterly by said common property line 338.56 +/- feet to the common property line of parcel 8 on property map 34 and parcel 5 on property map 11; thence running southwesterly by said common property line 40 +/- feet to a point; thence running northwesterly by said common property line and by the common property line of parcels 9 on property map 34 and 5 on property map 11 and parcel 10 on property map 34 and parcel 5 on property map 11 186 +/- feet to a point; thence running northeasterly by the latter said common property line 92.48 +/- feet to the southerly streetline of Rand Hill Road; thence running northwesterly by said streetline 30 +/- feet to the common property line of parcel 10 on property map 34 and parcel 5 on property map 11; thence running southwesterly by said common property line and the common property line of parcel 13 on property map 34 and parcel 5 on property map 11 90 +/- feet to a point; thence running northwesterly by said common property line and the common property line of parcel 15 on property map 34 and parcel 5 on property map 11 100 +/- feet to the common property line of parcel 16 on property map 34 and parcel 5 on property map 11; thence continuing to run northwesterly by said common property line 40' +/- feet to a point; thence running westerly by said common property line 120 +/- feet to a point; thence running northeasterly by said common property line and the common property line of parcel 17 on property map 34 and parcel 5 on property map 11 102.02 +/- feet to the southerly streetline of Rand Hill Road; thence running westerly by said streetline of Rand Hill Road 39.48 +/- feet to the common property line of parcel 18 on property map 34 and parcel 5 on

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property map 11; thence running southwesterly by the common property line 113.61 +/- feet to a point; thence running northwesterly 130.08 +/- feet to a point; thence running northeasterly 112.02 +/- feet to the southerly streetline of Rand Hill Road; thence running northeasterly to the center line of Rand Hill Road; thence running westerly by said center line to a point opposite the common property line of parcel 19B on property map 34 and parcel 6 on property map 11; thence running northwesterly to said common property line; thence running northeasterly by said common property line 142 +/- feet to the common property line of parcel 20 on property map 34 and parcel 6 on property map 11; thence running northerly by said common property line 112 +/- feet to a point; thence running northeasterly by said common property line 155 +/- feet to the common property line of parcel 22 on property map 34 and parcel 6 on property map 11; thence running northwesterly by said common property line 170 +/- feet to the common property line of parcel 23 on property map 34 and parcel 6 on property map 11; thence continuing to run northwesterly by said common property line 152.3 +/- feet to the common property line of parcel 23 on property map 34 and parcel 25-46 on property map 11; thence running northeasterly by said common property line 151.3 +/- feet to the common property line of parcel 24 on property map 34 and parcel 25-46 on property map 11; thence running northeasterly by said common property line and the common property line of parcel 25 on property map 34 and parcel 25-46 on property map 11 155.25 +/- feet to the common property line of parcel 25 on property map 34 and parcel 25-47 on property map 11; thence running southeasterly by said common property line 70.72 +/- feet to the common property line of parcel 26 on property map 34 and parcel 25-47 on property map 11; thence running northeasterly by said common property line 298.35 +/- feet to the common property line of parcel 26 on property map 34 and parcel 25 on property map 11; thence running southeasterly by said common property line 150 +/- feet to the westerly street line of Spring Street; thence continuing to run southeasterly to the centerline of Spring Street; thence running northerly by said centerline to a point opposite the common property line of parcel 1 on property map 36 and parcel 25 on property map 11; thence running westerly to said common property line; thence running northwesterly by said common property line 130 +/- feet to a point; thence running easterly by said common property line 50 +/- feet to the westerly street line of Spring Street; thence continuing to run easterly to the center line of Spring Street; thence running northerly by said center line to a point opposite the common property line of parcel 36 on property map 36 and parcel 4 on property map 38; thence running northeasterly to said common property line; thence continuing to run northeasterly by said common property line 130 +/- feet to the westerly street line of Route 11; thence continuing to run northeasterly to the center line of Route 11; thence running northwesterly by said center line to a point opposite the common property line of parcel 20 on property map 38 and parcel 25-27 on property map 11; thence running southwesterly to said common property line; thence continuing to run southwesterly by said common property line and the common property line of parcel 21 on property map 38 and parcel 25-27 on property map 11 526.78 +/- feet to the common property line of parcel 21 on property map 38 and parcel 23 on property map 11; thence continuing to run southwesterly by said common property line 200 +/- feet to the common property line of parcel 21 on property map 38 and parcel 23-1 on property map 11; thence continuing to run southwesterly by said common property line and the common property line of parcel 56 on property map 38 and parcel 23-1 on property map 11 300 +/- feet to the northerly street line of Rand Hill Road; thence continuing to run southwesterly across Rand Hill Road to the common property line of parcels 21 and 22 on property map 11; thence continuing to run southwesterly by said common property line 300 +/- feet to the common property line of parcels 21 and 12 on property map 11; thence continuing to run southwesterly by said common property line 105.71 +/- feet to a point; thence running westerly by said property line 210.44 +/- feet to a point; thence running southwesterly by said property line 117.76 +/- feet to a point; thence continuing to run southwesterly by said property line 93.41 +/- feet to a point; thence continuing to run southwesterly by said property line 206.26 +/- feet to a point; thence running westerly by said property line 27.08 +/- feet to a point; thence continuing to run westerly by said property line 183.55 +/- feet to a point; thence running southwesterly by said property line 62.19 +/- feet to a point; thence running westerly by said property line 323.8 +/- feet to the common property line of parcels 21 and 12-3 on property map 11; thence running southwesterly by said common property line and the common property line of parcels 19 and 12-3 on property map 11 639 +/- feet to the common property line of parcels 19 and 12-2 on property map 11; thence running southwesterly by said common property line and the common property line of parcels 19 and 12-1 on

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property map 11 872.49 +/- feet to a point; thence running southerly by said common property line 603.02 +/- feet to the northerly street line of Alton Mountain Road; thence running northwesterly by said street line 105.93 +/- feet to the common property line of parcels 14 and 19 on property map 11; thence running northerly by said common property line 626.95 +/- feet to a point; thence running southwestly by said common property line 142.31 +/- feet to the common property line of parcels 18 and 14 on property map 11; thence running southwestly by said common property line 54.87 +/- feet to the common property line of parcels 14-1 and 18 on property map 11; thence continuing to run southwestly by said common property line and the common property lines of parcels 14-2 and 18, 14-3 and 18, and 14-4 and 18 1018.33 +/- feet to the easterly street line of Alton Mountain Road as depicted on property map 11; thence continuing to run southwestly to the center line of Alton Mountain Road; thence running southeasterly by said center line to a point opposite the common property line of parcels 15 and 13-14 on property map 11; thence running southerly to said common property line; thence running southeasterly by said common property line 590.23 +/- feet to the common property line of parcels 15 and 13A on property map 11; thence running southeasterly by said common property line 2,100 +/- feet to the common property line of parcels 3 and 13A on property map 11; thence running easterly by said common property line 1,425 +/- feet to the common property line of parcels 11 and 3 on property map 11; thence running southeasterly by said common property line 222 +/- feet to the common property line of parcels 11-1 and 3 on property map 11; thence continuing to run southeasterly by said common property line 222 +/- feet to the common property line of parcels 11-2 and 3 on property map 11; thence continuing to run southeasterly by said common property line 222 +/- feet to the common property line of parcels 11-3 and 3 on property map 11; thence continuing to run southeasterly by said common property line 223 +/- feet to the common property line of parcels 11-4 and 3 on property map 11; thence continuing to run southeasterly by said common property line 224 +/- feet to the common property line of parcels 3 and 4 on property map 11; thence running westerly by said common property line 270 +/- feet to a point; thence running southerly 1,659 +/- feet to the common property line of parcel 15 on property map 7 and parcel 4 on property map 11; thence running easterly by said common property line 355 +/- feet to the common property line of parcel 30 on property map 8 on property map 11; thence continuing to run easterly by said common property line 2,582 +/- feet to a point; thence running southerly 1,750 +/- feet to the common property line of parcels 37 and 30 on property map 8; thence continuing to run southerly by said common property line and the common property line of parcels 35 and 30 on property map 8 1,763 +/- feet to the easterly shoreline of Meadow Dam Pond as depicted on property map 8; thence running easterly by said shoreline to the easterly shoreline of Meadow Dam Pond and Parcel 30 on property map 8; thence running by said shoreline to the division line between the second and third ranges as depicted on the Plan of Alton, September 1764 by Walter Brient; thence running southerly by said division line 1,685 +/- feet to the common property line of parcels 19 and 20 on property map 8 thence running southwestly by said common property line and the common property line of parcels 58 and 20 on property map 8 1,573.44 +/- feet to the common property line of parcels 7 and 58 on property map 8; thence running southeasterly by said common property line 223.76 +/- feet to the northerly street line of Route 140; thence continuing to run southeasterly to the centerline of Route 140; thence running northeasterly by said centerline to a point opposite the common property line of parcels 18 and 22 on property map 8; thence running southerly to said common property line; thence running southwestly by said common property line 231 +/- feet to a point; thence running northeasterly by said common property line 204 +/- feet to the common property line of parcels 18 and 24 on property map 8; thence continuing to run northeasterly by said common property line 100 +/- feet to the common property line of parcels 18 and 24-1 on property map 8; thence running southerly by said common property line 231.75 +/- feet to a point; thence running easterly by said common property line and the common property line of parcels 24-1 and 29 on property map 8 833.17 +/- feet to the common property line of parcels 28 and 29 on property map 8; thence running easterly by said common property line 651.1 +/- feet to the common property line of parcel 29 on property map 8 and parcel 60A on property map 28; thence running easterly by said common property line and the common property line of parcel 57 on property map 28 and parcel 29 on property map 8 and parcel 56 on property map 28 and parcel 29 on property map 8 and parcel 55 on property map 28 and parcel 29 on property map 8 1,185 +/- feet to the westerly shoreline of the Merrymeeting river; thence running northerly by the westerly shoreline of the river and parcel 55 on property

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map 28 1,075 +/- feet to the westerly shoreline of the river and parcel 56 on property map 28; thence running northerly by said shoreline 520 +/- feet to the unnamed brook which serves as the common property line of parcels 56 and 57 on property map 28; thence running westerly by said brook/common property line 130 +/- feet to the point where said unnamed brook crosses parcel 57 on property map 28; thence running westerly by said brook across parcel 57 to the common property line of parcels 58 and 57 on property map 28; thence continuing to run westerly by the brook/common property line 130 +/- feet to a point; thence turning and running southeasterly by said common property line 159 +/- feet to the common property line of parcels 59 and 57 on property map 28; thence running southeasterly by said common property line 143.89 +/- feet to a point; thence running southwesterly 180 +/- feet to the common property line of parcel 60 and 60A on property map 28; thence continuing to run southwesterly by said common property line and the common property line of parcels 61 and 60A, and 62 and 60A on property map 28 467 +/- feet to the common property line of parcel 62 on property map 28 and parcel 28 on property map 8; thence running northwesterly by said common property line 343.45 +/- feet to the southerly street line of Route 140' thence continuing to run northwesterly to the centerline of route 140; thence running northeasterly by said center line to a point opposite the common property line of parcel 32 on property map 8 and parcel 1 on property map 28; thence running to said common property line - the point of beginning.

All property references are to the property map Town of Alton, Belknap County, New Hampshire, prepared by James W. Sewall Co., Old Town Maine, revised to April 1, 1992. Rangeway references are to the Plan of Alton, Belknap County Registry of Deeds #121 - Drawer B. Meaning and intended to expand the RR (Residential Rural Zone) by changing portions of the Residential, Residential/Commercial, and Rural Zones to Residential Rural Zone all of the above described area.