Chapter 245 – ZONING – December 2019

ARTICLE I – General Provisions 4

§ 245-1. Purpose; Enacting Clause 4
§ 245-2. Applicability 4
§ 245-3. Title 4
§ 245-4. Definitions [Amended 5/10/16] 4

ARTICLE II -- District Regulations 15

§ 245-5. Districts established 15
§ 245-6. Family District 17
§ 245-7. General Residence District 18
§ 245-8. Rural District [Amended 5/12/15] 19
§ 245-9. Village Commercial District 24
§ 245-9.1. West Peterborough District 26
§ 245-9.2. Monadnock Community Health Care District 27
§ 245-10. Downtown Commercial District 29
§ 245-10.1. Commercial District 29
§ 245-10.2. Business/Industrial District 29
§ 245-11. Commerce Park District 33
§ 245-11-1. Office District 35
§ 245-11.2. Retirement Community District 37

ARTICLE III – Overlay Zones and Districts 41

§ 245-12. Shoreland Conservation Zone [Amended 5/13/14, 5/10/16] 41
§ 245-13. Floodplain District 43
§ 245-14. Groundwater Protection Overlay Zone [Amended 5/14/16, 5/8/18, 5/14/19] 49
§ 245-15. Wetland Protection Overlay Zone [Amended 5/13/14, 5/10/16, 5/14/19] 53
§ 245-15.1. Bulk Fuel Storage District 58
§ 245-15.2. Rural Gateway Overlay Zone 59
§ 245-15.3 Traditional Neighborhood Overlay Zone I [Adopted 5/13/14] 60
Appendix to §245-15.3 Traditional Neighborhood Overlay Zone I 63
§245-15.4 Traditional Neighborhood Overlay Zone II [Rescinded 12/27/19] 69

ARTICLE IV – Supplemental Provisions 70

§ 245-16. Professional uses and customary home occupations [deleted by ATM 3-12-96]. 70
§ 245-17. Certain Manufactured Housing 70
§ 245-18. Signs 71
§ 245-19. District boundaries 79
§ 245-20. Maximum height 80
§ 245-21. Compliance required 80
§ 245-22. Lot size determination 80
§ 245-23. Frontage 80
§ 245-24. Home-Based Businesses [Amended 5/13/14] 81
§245-24.1 Accessory Dwelling Units (ADU). [Amended 5/10/16] 83
§ 245-24.2. Dish Antennas 85
§ 245-24.3. Wireless Communication Regulations 86
§ 245-24.4. Sexually Oriented Businesses 91
§245-24.5 Small Wind Energy Systems 93
§ 245-24.6 Workforce Housing [Adopted 5/13/14, Amended 5/14/19] 97

§ 245-24.7. Solar Energy Systems [Adopted 5/8/18] *99*

ARTICLE V – Performance Standards 103

§245-26. Open Space Residential Development *103*
§ 245-27. Incentive Zoning [Repealed] *107*
§ 245-28. Phased development *107*

ARTICLE VI – Nonconforming Uses 109

§ 245-29. Continuation *109*
§ 245-30. Enlargement, Change, or Replacement of Nonconforming Uses *109*
§245-30.1 Enlargement, Change, or Replacement of Nonconforming Buildings *109*
§ 245-31. Lots of record *110*

ARTICLE VII – Additional Regulations 111

§ 245-32. Off-Street Parking [Amended 05/14/19] *111*
§ 245-33. Pollution and disturbance *113*
§ 245-34. Manufactured housing *116*
§ 245-35. Farmland preservation *117*

ARTICLE VIII – Board of Adjustment 118

§ 245-36. Continuation *118*
§ 245-37. Powers and duties *118*
§ 245-38. Appeals to Board *118*
§ 245-39. Notice of hearing *118*
§ 245-40. Appeals to Superior Court *118*
§ 245-41. Criteria for special exceptions [Amended 0514/19] *119*
§ 245-42. Duration of approval [Amended 5/14/19] *119*
§ 245-43. Special exception for elderly housing *120*
§ 245-44. Special exception for low- and moderate-income housing *120*

ARTICLE IX –Administration and Enforcement 122

§ 245-45. Amendments *122*
§ 245-46. Violations and penalties *122*
§ 245-47. Severability *122*
§ 245-48. When effective *122*

ARTICLE X – Zoning District Boundary Descriptions 123

ZONING MAPS *129*
Zoning Districts *129*
Downtown Commercial District *130*
Village Commercial District *131*
West Peterborough District *132*
Retirement Community District *133*
Monadnock Community Healthcare District *134*
Groundwater Protection District *135*
Bulk Fuel Overlay District *136*
Rural Gateway Overlay District *137*
Traditional Neighborhood Overlay District I *138*

GENERAL REFERENCES:

Building Construction	See Ch. 207.
Driveway Regulations	See Ch. 239.
Excavation Regulations	See Ch. 238.
Fees	See Ch. 202.
Junk Yards	See Ch. 221
Mobile Homes/Manufacturing Housing Parks	See Ch. 224.
Site Plan Review	See Ch. 233.
Subdivision Regulations	See Ch. 237.

ARTICLE I – General Provisions

§ 245-1. Purpose; Enacting Clause

In order to protect the use and enjoyment of property; to promote the orderly and harmonious development of the town; to promote and conserve the health, safety, convenience, and general welfare of the inhabitants of the Town of Peterborough; to lessen the congestion of streets; to lessen the danger from fire and natural disasters; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of the population; to encourage the provision of housing for persons of all income levels; to preserve and increase the amenities of the town; to preserve natural conditions and resources; to preserve and protect public and private water supply; to facilitate the adequate provision of transportation, drainage, schools, parks, open space, and other public requirements; to preserve the value of land and buildings, including the prevention of blight, excessive noise, and pollution of the environment; to preserve historic sites; to guide development so that it is harmonious with the intention of protecting hillside areas and views of them; and to improve and beautify the town by encouraging the most appropriate uses of land within the town, including consideration of a Master Plan adopted by the Planning Board; the following chapter, embodying these and other purposes as set forth in New Hampshire Revised Statutes Annotated 674:17, as amended, and pursuant to the authority of New Hampshire Revised Statutes Annotated 672 and 677, as amended, is hereby enacted by the voters of the Town of Peterborough.

§ 245-2. Applicability

A. In accordance with these purposes, the use, construction, erection, establishment, movement, repair, alterations, enlargement, location, and occupancy of buildings and structures and the uses and occupancy of all land in the Town of Peterborough are hereby regulated and restricted by this chapter.

B. Each provision of this Ordinance shall be held as the minimum requirement adopted for the promotion of the public health, safety and general welfare of the Town of Peterborough. Whenever any provision of this Ordinance is deemed to be in conflict with any other provision of the Ordinance, or the requirements of any other adopted Ordinance, Regulation, Rule or Law, the most restrictive, or that imposing the highest standard, shall control pursuant to the provisions of RSA 676:14.

C. Severability: Should any provision of this Zoning Ordinance be declared invalid by a court decision, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid. [Amended 5/10/16]

§ 245-3. Title

This chapter, together with all amendments thereto, shall be known as the "Zoning Ordinance of Peterborough, New Hampshire."

§ 245-4. Definitions [Amended 5/10/16]

In this chapter, the following terms shall have the following meanings:

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

hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A: 1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

ACCESSORY BUILDING -- A building, located on the same lot as the main building, which is used for storage or activities which are incidental to the use of the main building and which is not used as a dwelling.

ACCESSORY DWELLING UNITS (ADU) means a secondary residential living unit that is created within or is attached to a single-family dwelling or is within a detached structure on the same parcel as the single-family dwelling, is smaller than the principal single family dwelling unit, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. [Amended 5/10/16]

ACCESSORY USE -- [Amended 5/12/15] An activity incidental and subordinate to and located on the same premises as a principal use conducted by the same person or his/her agent. No use (other than parking) shall be considered 'accessory' unless it:

a. Is functionally dependent on and occupying less land area than the principal use to which it is related;

b. Occupies less than one-third of the gross floor area on the premises, or such larger share as may be specified elsewhere in the ordinance;

c. Is commonly or customarily observed as, or considered to be, an accessory use to the principal use; and

d. Has less impact than the principal use.

AFFORDABLE - Means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income. [Adopted 5/13/14]

AGRICULTURE -- All operations and activities set forth in RSA 21:34-a.II except as follows: when interpreting RSA 21:34-a.II, forestry activities including the production, processing, and sale of lumber, cord wood, and wood chips, and other wood products derived from forestry activities shall be excluded from subparagraph RSA 21:34-a.II.a as standalone or principal agricultural activities, and included in RSA 21:34-a.II.b as uses "incidental to or in conjunction with" agricultural operations. All general references to "agriculture" in this chapter shall be considered to include both commercial and non-commercial agriculture. [Amended 5/12/15]

AGRICULTURAL ACTIVITIES -- Those operations, activities, or uses expressly included in the definition of agriculture as set forth herein. [Adopted 5/12/15]

AGRICULTURAL BUSINESS ENTERPRISE USES –Specific Conditional Uses on a Commercial Farm, as defined in the zoning ordinance, that are designed to diversify a farm's commercial offerings in a reasonable way and increase opportunities to generate on-farm revenue by encouraging members of the public to visit, engage with and utilize the farm's resources. [Adopted 5/12/15]

ANCILLARY USE – A use providing necessary support to the primary activity or operation of an organization, institution or industry; of secondary importance; a use that is supplementary or subordinate. [Adopted 5/12/15]

ASSEMBLY –Activities that combine two or more finished products into a single product. [Adopted 5/13/14]

ASSISTED LIVING FACILITY - A professionally managed, long-term care residential setting that combines housing, personal care services (such as meals, bathing dressing and transportation) 24-hour supervision and assistance, activities, and health-related services(such as medication management and assistance); primarily for seniors and/or people with long-term disabilities and may include support of residents with memory disorders including Alzheimer's; designed to minimize the need for residents to relocate as their individual personal care and health care needs change over time. [Adopted 5/13/14]

BED & BREAKFAST ESTABLISHMENT – A type of lodging establishment located within a single-family dwelling in which *three (3) or more* bedrooms are available as overnight accommodations for paying, transient guests and to whom a morning meal may be served. The Bed and Breakfast establishment shall be managed by the owner of the property, who shall reside in the single-family dwelling, or in a legal accessory dwelling unit associated with the single-family dwelling, as his or her principal residence. [Amended 5/10/16, 5/14/19]

BUFFER -- An area which is left in its natural state and/or landscaped.

BUILDING -- Any independent structure having a roof with structural supports.

BUILDING ENVELOPE -- The area in which buildings will be built, and shall include the area necessary for the installation of the septic system as well as the area required for a replacement septic system.

BUILDING LINE -- The perimeter of a building nearest a property line, but excluding stairs, roof overhangs of up to 2 feet, window boxes of up to 2 feet, cornices and other ornamental features, projecting from the walls of the building.

BUILDING SETBACK -- The minimum required distance between the property line and the building line.

CHURCH – See “Religious Institution or Facility” [Adopted 5/13/14]

CLINIC – A facility or hospital department where outpatients are given medical treatment. This definition does not include outpatient facilities providing drug or substance abuse medical treatment unless otherwise expressly indicated in the ordinance. [Adopted 5/14/19]

CLUSTER DEVELOPMENT – See “Open Space Residential Development” definition in §245-26.

COMMERCIAL AGRICULTURE -- Agriculture as defined herein, when conducted for commercial purposes with the intent of generating a profit as a principal use of the property. Commercial agriculture may include: the marketing or selling of products produced on the farm at wholesale or retail, on-site or off-site, through operations including, but not limited to U-pick operations, a Community Supported Agriculture operation, a farm stand or a farm store; On-Farm Value-Added Processing of agricultural products; Incidental Farm Related Activities or Amenities; Small Scale Events; and Agricultural Business Enterprise Uses subject to Planning Board approval of a conditional use permit, all as defined herein. [Adopted 5/12/15]

COMMERCIAL FARM – A Farm as defined by RSA 21:34-a.I, where agriculture activities are performed as a principal use of the property for commercial purposes with the intent of generating a profit. [Adopted 5/12/15]

COMMUNITY SUPPORTED AGRICULTURE (CSA) -- A commercial agriculture production and distribution system that directly connects farmers and consumers, where consumers share the risks and benefits of production by purchasing "shares" of a farm's harvest in advance and then receive a portion of the production as it is harvested. [Amended 5/12/15]

COMMERCIAL USE – An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee. Examples of such uses include but are not limited to: retail sales and service, grocery stores, vehicle sales and service, personal services, and professional offices.

COMMERCIAL VEHICLE – Any registered vehicle or trailer having a gross vehicle weight over 12,000 pounds used for business, commercial, or professional use. [Adopted 5/13/14]

COMMON OPEN SPACE -- Undeveloped land within or adjacent to an Open Space Residential Development which is designed and intended for the common use or enjoyment of the residents of the development, and in some cases the public. Roadways and driveways may cross common open space areas, but are not included in the calculation of the acreage of the common open space.

CONFERENCE FACILITY – A building or buildings dedicated to hosting conferences, large meetings, seminars, exhibitions, and the like. A facility may include associated uses such as office facilities, food establishments, or leisure activities for the participants on site.

CONTINUING CARE RETIREMENT FACILITIES -- A community for the elderly that includes a contract for lifetime care, has common facilities such as dining, recreation, etc., to meet the needs of the residents, and provides licensed, intermediate, and skilled nursing services.

CONVENIENCE STORE – A retail establishment with a primary emphasis on providing quick purchases of a wide array of consumable products, grocery and household items and may include a counter for food and beverage service.

CULTURAL FACILITY – Use of land, buildings, or structures to provide educational and informational services to the general public, including but not limited to art galleries, museums, and libraries. [Adopted 5/13/14]

DAY CARE FACILITY - Any person, corporation, partnership, voluntary association, or other organization, either established for profit or otherwise, which provides for the daily care and supervision of a person away from the person's home and which requires licensing by the State of NH. See also "Home Day Care" [Amended 5/13/14]

DENSITY -- The number of dwelling units or the number of individual lots for single-family homes which may be built upon a unit area of land. Density is calculated based on the zoning district the parcel is in; and for Open Space Residential Developments, the acreage of unusable land is taken into account. (Refer to **§ 245-26** for further details on those requirements).

DISTRIBUTION - Activities relating to receiving, packaging, repackaging, preparing for transportation and/or transportation of products for resale off the premises or to the end user. [Adopted 5/13/14]

DWELLING or DWELLING UNIT -- A building or portion thereof providing complete housekeeping facilities for one (1) family, which contains areas for living, cooking, sleeping, bathing, and sanitary facilities. These terms shall include manufactured housing, mobile homes, apartment, efficiency apartments, and condominium units and shall exclude hotels, motels, overnight cabins, and the like. These terms shall also include what is commonly referred to as an Accessory Dwelling Unit (ADU) or "in-law apartment;" such units shall be treated as any other dwelling unit in Peterborough.

DWELLING, TWO FAMILY - A residential building that has two residential units. Also referred to as a DUPLEX. For regulatory purposes the definition of a Two-Family Dwelling or Duplex does not include an Accessory Dwelling Unit, which is otherwise defined and regulated herein. *The two residential units shall be connected either by: being directly adjacent to one another; connected by a garage with one or more bays; or connected by a roofed breezeway or structure that is at least one story in height, is not greater than 24 feet in length, and is not less than four (4) feet wide*. [Amended 5/10/16, 5/14/19]

DWELLING, MULTI- FAMILY – A building designed for occupancy by three (3) or more dwelling units independently of each other.

EDUCATIONAL FACILITY - Buildings, fixtures, and equipment necessary for the effective and efficient operation of a public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education. Such facilities may include classrooms, libraries,

meeting rooms, auditoriums, offices, rooms and space for physical education, space for fine arts, restrooms, specialized laboratories, cafeterias, media centers, related exterior facilities, landscaping and paving. [Adopted 5/13/14]

ELDERLY HOUSING – A building or group of buildings containing dwellings whose occupancy is restricted to persons fifty-five (55) years of age or older, or couples where one family member is at least fifty-five (55) years of age. This does not include a development that contains nursing facilities.

EVENT – [Adopted 5/12/15] A planned gathering of people for the express purpose of engaging in educational, cultural, or social activities including but not limited to: organized guided tours, functions, ceremonies, receptions, celebrations, meetings, or retreats. Events are categorized as Small, Medium, or Large as follows:

a. Small Scale Event - Events with not more than 30 people attending.

b. Medium Scale Event - Events with more than 30, but not more than 75 people attending.

c. Large Scale Event – Events with more than 75 and not more than 150 people attending at any one time over the course of a day, unless otherwise expressly approved by the Planning Board.

d. Multiple Day Events – Events extending over several days where people come and go over the course of the event. Each day of a multiple day event shall be considered a separate event, unless otherwise expressly approved by the Planning Board.

EVENT VENUE -- Buildings or designated outdoor areas where events, activities, functions, ceremonies, receptions, celebrations, meetings, or retreats are held. Event Venues may include event planning, catering, and other support services and must be actively managed or supervised by Event Venue staff during events. [Adopted 5/12/15]

EXECUTIVE, ADMINISTRATIVE, BUSINESS AND PROFESSIONAL OFFICES – See "General Office" [Adopted 5/13/14]

FAMILY -- One (1) or more persons living as a single housekeeping unit.

FARM -- as defined in RSA 21:34-a.I, where agricultural activities are performed on a commercial or non-commercial basis.

FARMLAND -- Land that is owned or leased for the cultivation, growing, production and harvesting of agricultural crops, livestock, and other agricultural products; land that is maintained as open fields or grasslands that could be used for the production of agricultural crops; or land with soils designated as agriculturally important by the Hillsborough County Soil Survey, even though such lands may require improvements or clearing to be productively used. [Adopted 5/12/15]

FARM STAND – An agricultural operation for the retail sale of agricultural products, located on and accessory to a commercial farm, within a structure not larger than 2000 ft^2, and where at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the store owner. Retail operations where less than 35 percent of the product sales are produced on the farm or farms of the stand owner shall be considered, from a zoning standpoint, a commercial retail operation and not an agricultural operation. [Adopted 5/12/15]

FARM STORE – An agricultural operation for the retail sale of agricultural products, located on and accessory to a commercial farm, within a structure with an area of more than 2000 ft^2, and where at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the store owner. Retail operations where less than 35 percent of the product sales are produced on the farm or farms of the stand owner shall be considered, from a zoning standpoint, a commercial retail operation and not an agricultural operation. [Adopted 5/12/15]

FARM-TO-TABLE CAFÉ – A small food service establishment located on, and subordinate and ancillary to, a commercial farm, which serves foods prepared primarily from locally grown or produced

ingredients. Prepared foods may be sold and served from the counter for consumption on site or for takeout, or table service may be provided. [Adopted 5/12/15]

FARM-TO-TABLE MEALS -- An “Event” that invites people to the farm to enjoy a meal prepared primarily from locally grown or produced ingredients. Typical farm-to-table meals include but are not limited to monthly farm dinners, pig roasts, pancake breakfasts with farm made maple syrup, or farm picnics. [Adopted 5/12/15]

FLOOR AREA, GROSS -- The sum of the horizontal areas of the several floors of all buildings on the same lot, or, where apt, the sum of such areas in a specified use. Gross floor area is measured from the exterior face of exterior walls (or from the centerline of a wall separating two buildings or portions of buildings), including cellars, elevator shafts, and stairwells at each floor and interior balconies and mezzanines, but not including interior vehicle parking or loading areas, and areas having less than six feet floor to ceiling height.

FLOOR AREA RATIO – The ratio of floor space to land area.

FOOD SERVICE WITH DRIVE-THROUGH WINDOW – An establishment that serves food or beverages to customers who pull up to the window in their vehicles.

FORESTRY -- The science of silviculture and the practice and art of managing and using for human benefit forestlands and the natural resources that occur in association with forestlands, including trees, other plants, animals, soil, water, and related air and climate. [Adopted 5/12/15]

FRONT BUILDING SETBACK – The minimum required distance between the front property line and the building line.

FRONTAGE – The side of a lot abutting a right-of-way.

HEALTH CARE FACILITIES - Establishments engaged in the provision of medical treatment and/or care. Examples of such uses include but are not limited to: doctor’s offices, medical/*health* practitioners, *and* clinics~~, nursing homes, and assisted care facilities~~. [Amended 5/14/19]

HIGH TRAFFIC GENERATOR -- Any business which generates a minimum of one hundred (100) vehicle trips per peak hour or one thousand (1,000) vehicle trips per day. A "trip" is a single or one-direction vehicle movement, i.e., entering or exiting the site.

HOME-BASED BUSINESS – A business use conducted on a property within a dwelling or an accessory building that is secondary and incidental to a primary residential use. [Adopted 5/13/14]

HOME DAY CARE – The care of up to six (6) full-time preschool and three (3) part-time school-age children in the home of a child care provider per RSA 672.1.V-a and as amended. [Adopted 5/13/14]

HOME OCCUPATION -- Any use conducted entirely within a dwelling or accessory building which is incidental to the dwelling and does not substantially change the character thereof.

ILLUMINATION -- The act of providing with light; of focusing lights upon.

IMPERVIOUS SURFACE - Any modified surface that cannot effectively absorb or infiltrate water. Impervious surfaces include, but are not limited to: roofs and paved areas such as driveways, parking areas, and walkways, decks, patios, and gravel and crushed stone surfaces unless such structures or surfaces have been designed to effectively absorb or infiltrate water. [Amended 5/10/16]

IMPERVIOUS COVER – The total combined area of impervious surface on a site or parcel. [Amended 5/10/16]

INCIDENTAL USE -- A use related and relatively minor by comparison to a principal use. [Adopted 5/12/15]

INCIDENTAL FARM RELATED ACTIVITIES OR AMENITIES – Activities or amenities that have a direct relationship to a commercial agriculture operation or are provided to enhance the experience of visitors coming to the farm for other purposes, and are of such a small scale that they generate a

negligible increase in the number of visitors coming to the farm. Such activities and amenities typically coincide with regular farm stand or farm store operating hours or approved Agricultural Business Enterprise uses. Incidental Farm Related Activities and Amenities may include but are not limited to: hay rides/sleigh rides, a corn maze, farm animal petting areas, open barn visits, and areas with picnic tables, play grounds, or informal agricultural demonstrations. [Adopted 5/12/15]

INNOVATIVE DESIGN -- A housing project which is designed with one (1) or more creative techniques aimed at preserving open space. Examples include, but are not limited to, projects designed with small clusters of buildings or lots surrounded entirely by common open space, so that lot lines from one cluster do not touch lot lines from an adjacent cluster; creative building layouts such as "zero-lot-line" development (the homes are placed on one [1] of the lot lines rather than in the center of the lot) or "village green" development (each house fronts on a common open space area). Open Space Residential Developments which are designed as a grid subdivision on one (1) portion of a parcel, with no common open space designed within the housing area, are not considered to be innovative in design.

INDUSTRIAL – Establishments engaged in the processing and manufacturing of materials or products predominately from extracted or raw materials. Examples of such uses include but are not limited to: earth excavation, wholesale storage & distribution, and assembly.

LANDSCAPING -- The planting of vegetation such as but not limited to grass, groundcovers, flowers, low shrubs, bushes, or trees, and includes the shaping of the ground into berms or embankments. Landscaping includes the erection of fences, decorative walls, stone walls, and other elements designed as visual enhancements and/or visual buffers to a site.

LIGHT INDUSTRY -- Includes all manufacturing and assembly processes carried on completely within a structure, and involving no permanent outside storage of equipment or materials. This term shall not be interpreted to include any industry, the operations of which shall result in significant objectionable noise, glare, vibration, or odor which would constitute a nuisance and which exceed the maximum levels of adjacent activities.

LODGING ESTABLISHMENT – A building designed to be used for temporary occupancy to the general public, with the length of stay not to exceed 90 days, including but not necessarily limited to hotels, motels, inns, bed & breakfast establishments, that may provide additional services such as restaurants, meeting rooms and recreational facilities. [Amended 5/13/14]

LOT -- Land occupied or designed to be occupied by a building or use and the accessory building or uses incident thereto.

MANUFACTURED HOUSING -- Any structure transportable in one (1) or more sections, which, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) square feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein. Manufactured housing as herein defined shall not include pre-site built housing as defined in RSA 674:31-a.

MANUFACTURING - the act of making goods or articles from raw materials or unfinished products and includes processing and assembling. [Adopted 5/13/14]

MIXED USE -- Any combination of residential, commercial, public, etc. may all be considered appropriate for co-location on one lot or in one area.

MULTI-FAMILY WORKFORCE HOUSING - Means a building or structure containing five (5) or more dwelling units, each designed for occupancy by an individual household. [Adopted 5/13/14]

NET LEASABLE AREA -- The gross floor area minus all stairwells, elevators, common hallways, foyers, or other common areas, and other unrentable areas within a building.

NON-COMMERCIAL AGRICULTURE – Agriculture for consumption by or the enjoyment of the producer, including the tilling of soil, the growing and harvesting of crops and horticultural commodities, and the raising of livestock, and may include incidental sales of excess agricultural products grown on the property. [Adopted 5/12/15]

NON-CONFORMING USE OR STRUCTURE -- A use or structure which is lawfully maintained at the time this chapter becomes effective but which does not conform to the regulations for the district in which it is located.

NURSING HOME -- An institution or facility, or a distinct part of an institution or facility, whether proprietary or non-proprietary, which is primarily engaged in providing twenty-four- (24) hour care for residents needing:

a. Skilled nursing care, medical monitoring, and related services;

b. Rehabilitation services for the rehabilitation of injured, chronically disabled, or sick;

c. Medication, administration, or instruction and supervision; or

d. On a regular basis, health-related care and services (above the level of room and board) which can be made available to them only through institutional facilities which provide twenty-four- (24) hour care.

OFFICE - The building, room or series of rooms in which the affairs of a business, profession or branch of government are conducted. Examples include, but are not limited to corporate offices with executive, administrative, and business function, and offices used for "Professional Services". [Adopted 5/13/14]

OFFICE PARK -- An office development which is occupied by more than one (1) company, whether or not it involves the subdivision of land into smaller lots for individual office buildings.

ON-FARM VALUE-ADDED PROCESSING (OF AGRICULTURAL PRODUCTS) -- As an accessory use on a commercial farm, the act of taking products grown and harvested on the farm and changing, adding to, refining or otherwise transforming these products from the original state to a more valuable state and packaging for wholesale or retail sales. Value add processing includes but is not limited to canning, flash freezing, meat processing, making jams, sauces, baked goods, and prepared foods, catering, cider pressing, and maple syrup boiling, all from raw materials primarily grown on the farm. [Adopted 5/12/15]

PARKING FACILITY – Any building, structure, or land that has been improved or developed for the purpose of parking motor vehicles, inclusive of parking spaces and internal circulation lanes, but not driveways giving access thereto. [Amended 5/13/14]

PERSONAL SERVICES – Establishments primarily engaged in providing services to the general public. Examples of such uses include but are not limited to: barber shops, hairdressers, drycleaners, funeral homes, fitness centers, day care facilities, and shoe repair. [Adopted 5/13/14]

PRINCIPAL USE -- The primary or main use of a property.

PROFESSIONAL SERVICES – Establishments primarily engaged in providing specialized services to businesses and/or the general public. Examples of such uses include but are not limited to insurance, financial management, legal, accounting, engineering, architectural, market research, software development, and computer/network management services. *This definition excludes medical or health related services.* [Adopted 5/13/14, Amended 5/14/19]

PROCESSING - to prepare a product for sale by either a special treatment or to change it through a series of steps, but not the original manufacture of a component part. [Adopted 5/13/14]

PUBLIC/SEMI-PUBLIC USES – Uses operated by a unit of government or a private entity to serve public needs. Examples of such uses include but are not limited to: police, fire, public works, library, post office, churches, schools, and cemeteries.

REAR BUILDING SETBACK – The minimum required distance between the rear property line and the building line.

RECREATIONAL FACILITY – A building or place where recreation activities, except for motorized sports are offered to the general public, in which the patrons are active participants rather than spectators. These facilities may be either public or private, and may be provided by either indoor or outdoor facilities. S*hooting ranges shall be required to be entirely enclosed indoor facilities.* [Amended 5/14/19]

RECREATIONAL VEHICLE -- Any of the following vehicles designed for travel, recreation, and vacation uses: motor home or van (a portable, temporary dwelling constructed as an integral part of a self-propelled vehicle); pickup camper (a structure designed to be mounted on a truck chassis); recreational trailer (a portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections); or tent trailer (a canvas or synthetic fiber folding structure mounted on wheels).

RELIGIOUS INSTITUTION OR FACILITY – A place where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body which is organized to sustain public worship . Such a facility includes, but is not limited to a sanctuary, meeting hall, administrative offices, class rooms, and a rectory or clergy house, all for carrying out the institution's religious purposes. [Adopted 5/13/14]

RESEARCH AND DEVELOPMENT OR RESEARCH LABORATORY - a place devoted to activities engaged in refinement, investigation or experimental study of methods to create or improve processes or products. Manufacturing of products is not included within this definition. [Adopted 5/13/14]

RESIDENTIAL CARE FACILITY - Professionally managed, residential facilities that may provide a combination of personal care services (such as meals, bathing, dressing, and transportation), 24-hour supervision and assistance, activities, and health-related services (such as medication management and assistance, skilled nursing care, medical monitoring, and rehabilitation services for those who are injured, chronically disabled, or sick). This category of uses includes but is not limited to Congregate Care/Independent Living Facilities, Assisted Living Facilities, Continuum of Care Facilities, Nursing Homes, and Short-term Residential Rehabilitation Facilities. "Residential Drug and Alcohol Treatment Facilities" and "Supported Residential Care Home" are excluded from this definition. [Added 5/14/19]

RESIDENTIAL DRUG AND ALCOHOL TREATMENT FACILITY – Short-term, restricted access residential facility for drug and alcohol rehabilitation and treatment, which may include detoxification, medical treatment, and counseling. [Added 5/14/19]

RESIDENTIAL USE – Includes, single-family, two-family, or multi-unit dwellings, and any combination of those uses.

RESTAURANT – An establishment that sells food and beverages for consumption on or off the premises.

RETAIL ESTABLISHMENTS - Establishments engaged in selling goods or merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods. Examples of such uses include grocery stores & supermarkets.

ROOF – A rigid building element, constructed of solid material, such as but not limited to wood, metal, or concrete, held up by structural supports, for which the purpose is to protect what is underneath it from rain, snow, and general weather elements.

ROW - Means all town, state, and federal highways and the land on either side of the same as covered by statutes regarding the width of the right-of-way, and private roads as approved by the Planning Board pursuant to Subsection L of § 237-27, Streets, of the Peterborough Subdivision Regulations.

SELF-STORAGE FACILITY - A commercial building consisting of individual, self-contained units that are leased for storage by businesses or individuals.

SETBACK - An undeveloped space on *a* lot *that* extends from the property line into the lot *by a distance specified in the ordinance*, which shall remain open and unoccupied *unless otherwise indicated in the ordinance*. [Amended 5/14/19]

SIDE BUILDING SETBACK – The minimum required distance between the side property line and the building line, extending from the required front building setback to the required rear building setback.

STRUCTURE – Anything constructed, erected, or assembled for occupancy or use, such as but not limited to: a building, swimming pool, windmill, telecommunication facility, retaining walls over four (4) feet in height, fences over six (6) feet in height, or anything else that requires a building permit. For floodplain management purposes, includes but is not limited to a walled and roofed building that is principally aboveground, a manufactured home, or a gas or liquid storage tank.

a. PRIMARY STRUCTURE – A structure that is used for the principal permitted use of the property.

b. ACCESSORY STRUCTURE – A structure located on the same lot as the Primary Structure, whose use is clearly secondary and incidental to the principal permitted use of the property. [Adopted 5/14/19]

SUBSTANTIAL IMPROVEMENT - Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equal or exceeds 50% of the equalized assessed value of the structure.

SUBDIVISION - Means the division of a lot, tract, *building (in the case of a condominium conversion)*, or parcel of land into two (2) or more lots, plats, sites, *condominium units*, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision. *[Amended 5/10/16]*

SUBORDINATE USE – A use that is of lesser importance than another use. [Adopted 5/12/15]

SUPPORTED RESIDENTIAL CARE HOME – A state-licensed group living arrangement for people who cannot live independently but do not need the services of a nursing home.

TRAILER - A mobile home which does not have a toilet and bathtub or shower.

TRANSIENT USE – Unless otherwise explicitly defined in this Ordinance, a temporary use with a duration of time not to exceed 30 days. [Adopted 5/13/14]

WHOLESALE WAREHOUSE OR STORAGE – Buildings or premises in which goods, merchandise or equipment are stored for eventual distribution.

WORKFORCE HOUSING - Means housing as that term is defined in NH RSA 674:58, IV, as amended, and is either:

a. intended for sale and is affordable to a household with an income of no more than 100% of the median income for a 4-person household for Hillsborough County as published annually by the US Department of Housing and Urban Development (2013 limit for "Hillsborough County (part)" = $81,000); or

b. is intended for rent and is affordable to a household with an income of no more than 60% of the median income for a 3-person household for Hillsborough County as published annually by the US Department of Housing and Urban Development (2013 limit for "Hillsborough County (part)" = $43,740).

Housing developments that exclude minor children from more than 20% of the units or in which more than 50% of the units have fewer than two bedrooms do not constitute workforce housing. [Adopted 5/13/14]

U-PICK OPERATIONS – Operations where customers can select in the field or harvest the agricultural products they want to buy. Such operations include but are not limited to fruits, vegetables, flowers, herbs, and Christmas trees. [Adopted 5/12/15]

USE – Any structural or intended occupation, business, operation, function, or activity carried out on a lot, within a structure, or within part of a structure. [Adopted 5/14/19]

UTILITY - A structure, building, or transmission device used for the provision of water, sewer, stormwater drainage, electricity, natural gas, oil, telephone, television, radio, and other forms of communication.

ARTICLE II -- District Regulations

§ 245-5. Districts established

A. For the purpose of this chapter, the following districts are established:

- Residential Districts:
  - Family
  - General Residence
  - Rural
  - Retirement Community
- Business Districts:
  - Downtown Commercial
  - Commercial
  - Business/Industrial
  - Office
  - Commerce Park
- Mixed Use Districts:
  - Monadnock Community Health Care District
  - Village Commercial District
  - West Peterborough District
- Overlay Districts and Zones:
  - Shoreland Conservation Zone
  - Floodplain
  - Groundwater Protection
  - Wetlands Protection
  - Bulk Fuel Storage
  - Telecommunications
  - Rural Gateway Overlay Zone
  - Traditional Neighborhood Overlay Zone

B. As set forth in **§ 245-19**. **District boundaries:**

1. The boundaries of the districts are hereby established as shown on the District Map. The written descriptions as provided for in Article X shall be the official delineations of Zoning District boundaries if a discrepancy exists between the written descriptions and the Zoning District Map of the Town of Peterborough.
2. The boundaries between districts are, unless otherwise shown, the center lines of streets, alleys and waterways or such lines extended.
3. Where a district boundary line divides a lot of record, the regulations for either district of such lot may extend up to fifty (50) feet into the other district, provided the lot has frontage on a street in the district that is being extended.

C. As set forth in **§ 245-21**. **Compliance Required**

No building, structure or land shall hereafter be used, occupied, erected, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located and until a permit has been obtained from the Building Inspector.[1]

D. As set forth in **§ 245-22**. **Lot size determinatio**n (See also **§245-35** "**Farmland Preservation**")

1. Any minimum lot size required by the terms of this chapter shall be determined after subtracting all land within said lot encumbered by any utility, right-of-way or other easements servicing the land beyond the boundaries of said lot.

[1] Editor's Note: The current title of this officer is "Code Enforcement Officer".

2. Utilities and dimensional controls. Notwithstanding any other provision of this chapter, development on any lot not serviced by town water shall be governed by the minimum lot size, frontage on the nearest ROW, and setback requirements of the Rural District. This provision does not apply to open space residential development.

3. As set forth in § 245-15.I. Wetland Protection Overlay District:

   a. No more than 50% of any wetland (excluding the buffer) within the Wetland Protection Overlay Zone may be used to satisfy the minimum lot size requirements of the underlying zoning district(s).

   b. In areas not served by municipal water and sewer, no wetland shall be used in the calculation of allowable density for any multifamily or Open Space Residential Development.

E. As set forth in **§ 245-23**. **Frontage:**

All building lots must have required frontage on an improved public street (Class V or better) or on an improved private street approved by the Planning Board, unless otherwise allowed by the Board of Adjustment

F. As set forth in **§ 245-20**. **Maximum height**

1. Structures. Except where otherwise specified, no structure other than church steeples or Wireless Communication Facilities as provided for in §245-24.3 and Small Wind Energy Systems as provided for in §245-24.5 hereinafter erected in the town shall exceed a total height of fifty (50) feet above the ground. Structures for utility uses, public or otherwise, may only exceed this height limitation after receiving a special exception from the Board of Adjustment. The Board of Adjustment shall take into consideration the following in addition to those issues normally addressed for special exceptions: distance to any nearby residences; screening of the structure and buildings; nuisances caused by the facility, including but not limited to noise, vibration, radiation, interference with neighborhood television, telephone or radio reception, odor, fumes, dust, smoke or waste materials; employees at the site or visiting the site; and traffic generated by the facility.

2. The height of all buildings and structures shall be determined by measuring the difference between the average of the existing ground elevations within six (6) feet around the perimeter of the proposed building or structure and the highest point of the roof or structure. Nonstructural components, such as but not limited to weathervanes, lightning rods, cupolas, mechanical equipment and the like shall not be included in the height of the building provided that the combined height does not exceed sixty (60) feet.

G. Setback Exemptions. Single-story residential storage sheds, playhouses, and similar structures up to 120 square feet in area that are exempt from building permit requirements must still comply with front setbacks, but one such structure may be located as close as five (5) feet from the side or rear property lines.

H. Drive-Through Windows for food or beverage service are not permitted in any of these districts.

I. Agricultural Uses. Non-commercial agriculture is permitted in all Districts subject to compliance with the "Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire", NH Department of Agriculture, Markets and Food, dated June 2011, as it may be revised.

J. *Condominium developments or conversions differentiate themselves from conventional subdivisions only in the form of ownership, and as such are permitted uses, subject to the zoning requirements for the district(s) in which a development is proposed. Condominium developments or conversions are subject to the provisions of the Peterborough Subdivision and Site Plan Review Regulations as they may apply. [Amended 5/10/16]*

§ 245-6. Family District

A. In the Family District, land may be used and buildings may be erected, altered, or used for:

1. Single-family and two-family dwellings and uses accessory thereto.
2. Recreational buildings and grounds for games and sports not carried on primarily for financial gain.
3. *Accessory Dwelling Unit subject to the provisions of §245-24.1. [Amended 5/10/16]*
4. *Workforce Housing Subject to provisions of* §*245*-24.6

B. One (1) single-family or two-family dwelling may be erected on each lot, as follows:

1. *Minimum Lot Size:* For construction *of a single family dwelling:* forty thousand (40,000) square feet; *for construction of a two family dwelling or conversion of a single family dwelling to a two family dwelling*: fifty thousand (50,000) square feet. *[Amended 5/10/16]*
2. Setbacks: front, thirty (30) feet; side and rear, twenty-five (25) feet.
3. Frontage on ROW: one hundred fifty (150) feet.
4. For Open Space Residential Development on parcels that include land within the Family district and another district in which Open Space Residential Development is permitted, two (2) dwelling units or lots may be transferred to a permitted district for every 50,000 square feet of land within the Family District for any Open Space Residential Development, or in cases when less than 50,000 square feet but at least 40,000 square feet are in the Family district, 1 unit or lot may be transferred to a permitted district.

C. Uses Permitted by Conditional Use Permit [Amended 5/10/16]

Subject to the provisions of RSA 674:21.II, the Planning Board is hereby authorized to issue Conditional Use Permits for the following uses in the Family District, subject to the general and specific procedures and criteria in Article IX of the Peterborough Site Plan Review Regulations (Chapter 233)

1. Bed and Breakfast Establishment, subject to criteria and standards set forth in §233-51 and §233-55.

§ 245-7. General Residence District

A. In the General Residence District, land may be used and buildings may be erected, altered, or used for:

1. Any use permitted in the Family District.
2. Multifamily residences.
3. Accessory uses thereto.
4. Manufactured Housing subject to provisions of **§245-17** and **§245-34**
5. *Religious Institutions* [Added 5/14/19]

B. The following uses may be permitted by special exception of the Board of Adjustment, provided that the uses do not change the character of the neighborhood or substantially reduce the value of existing property in the neighborhood:

1. Supported Residential Care *Home* ~~Facilities~~. [Amended 5/14/19]
2. Educational and Cultural Facilities.
3. Funeral Parlors.
4. ~~Churches.~~ [Amended 5/14/19]
5. Day Care Facilities.
6. Kindergartens.
7. Low and Moderate Income Housing subject to **§245-44**

C. Minimum requirements shall be as follows:

1. One (1) single-family detached or duplex homes: lot size twenty thousand (20,000) square feet.
2. Multifamily buildings or developments: lot size ten thousand (10,000) square feet per unit.
3. Setbacks: front, thirty (30) feet; side and rear, twenty-five (25) feet.
4. Frontage on ROW: one hundred (100) feet.
5. Development with a net density in excess of two (2) dwelling units per net acre, after deducting driveways and access roads, shall be served by town sewer.
6. Any change or expansion of use to existing property shall provide for off-street parking as required by §245-32.
7. Minimum area of any dwelling unit: six hundred (600) square feet, except efficiency or one-bedroom units, four hundred (400) square feet.
8. Dwellings and accessory buildings may cover no more than twenty-five percent (25%) of a lot.

D. Uses Permitted by Conditional Use Permit [Amended 5/10/16]

Subject to the provisions of RSA 674:21.II, the Planning Board is hereby authorized to issue Conditional Use Permits for the following uses in the General Residence District, subject to the general and specific procedures and criteria in Article IX of the Peterborough Site Plan Review Regulations (Chapter 233)

1. *Bed and Breakfast Establishment, subject to criteria and standards set forth in §233-51 and §233-55.*

§ 245-8. Rural District *[Amended 5/12/15]*

A. Permitted Uses: In the Rural District, land may be used and buildings may be erected, altered, or used for:

1. Any use allowed in the Family District.
2. Commercial Agriculture as defined in §245-4, subject to compliance with the "Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire", NH Department of Agriculture, Markets and Food, dated June 2011, as it may be revised, and including accessory uses as follows:
   a. "Incidental Farm Related Activities and Amenities"
   b. Retail sales of agricultural products through a farm store or farm stand, Community Supported Agriculture operation, "U-pick" operation, or other on-farm distribution operation, all subject to site plan review as set forth in Site Plan Regulations §233-3.
   c. "Small Scale Events" subject to site plan review as set forth in Site Plan Regulations §233-3.C.and the following:
      i. Small Scale Events shall be limited to no more than thirty (30) participants and no more than twelve (12) small events held per year without further review. (If a Commercial Farm wishes to hold events with more than thirty (30) participants or host more than twelve (12) events per year, then issuance of a conditional use permit for an Agricultural Business Enterprise "Event Venue" will be required as set forth in Paragraph E below.)
      ii. A minimum of two weeks prior to the scheduled date of each event, the property owner shall file a "Notice of Intent to Hold an Event" with the Office of Community Development on a form provided by the Office.
3. *Religious Institutions* [Added 5/14/19]
4. Forestry
5. Public utility uses.
6. Educational and cultural facilities.
7. Manufactured Housing subject to provisions of **§245-17** and **§245-34**

B. Uses Permitted by Special Exception: [Amended 5/14/19]

The following uses may be permitted by special exception of the Board of Adjustment, after a review of plans showing locations, layout and utilities and if, in its judgment, the Board finds that the use will not create traffic congestion or fire hazards nor be offensive to surrounding property owners because of lights, noise, and odors nor tend to reduce the value of surrounding property, has adequate sewage and water facilities and sufficient off-street parking and will preserve the attractiveness of the town:

1. Recreational Facility.
2. Subject to Chapter 238 "Excavation Regulations", the removal of fill, gravel, stone, sand, or loam for commercial purposes, after site plan review and approval by the Planning Board. In considering this special exception, the Board of Adjustment shall take into consideration the following items and may impose such conditions as necessary to safeguard the health, safety, and welfare of the community:
   a. Fencing, landscaped buffer strips, and public safety.
   b. Advertising, signs, and lighting.
   c. Parking space and loading and unloading areas.

d. Entrances and exits.

e. Time period for it and hours of operation.

f. Methods of operation.

g. Weights and loading limits of trucks.

h. Ecological and other natural considerations, including excessive erosion and sedimentation.

i. Coverage of loads and prevention of sand and gravel spillage upon public streets.

j. Rehabilitation proposals.

3. Manufactured Housing Parks, as defined in §224-1, provided they meet the requirements of the Subdivision Regulations (Ch. 237) and the Manufactured Housing Parks ordinance (Ch. 224), and provided they are connected to town water and town sewer.

4. Day care facilities and kindergartens.

C. The removal of two thousand (2,000) cubic yards of fill, gravel, stone, sand, or loam shall comply with the Excavation Regulations provided for in Chapter §238 of the Land Use Regulations, and are subject to Site Plan Review approval by the Planning Board.

D. Minimum dimensional requirements shall be as follows:

1. Lot size: three (3) acres.

2. Setbacks: Front, fifty (50) feet; side and rear, thirty (30) feet.

3. Frontage on ROW: two hundred (200) feet.

E. Uses Permitted by Conditional Use Permit:

Subject to the provisions of RSA 674:21.II, the Planning Board is hereby authorized to issue Conditional Use Permits for the following uses in the Rural District, subject to the process and criteria in this section and in Article IX of the Peterborough Site Plan Review Regulations. (Chapter 233)

1. *Bed and Breakfast Establishment, subject to criteria and standards set forth in §233-51 and §233-55. [Amended 5/10/16]*

2. Agricultural Business Enterprise Uses on a Commercial Farm

a. Purpose and Intent

i. Agricultural Business Enterprise Uses are intended to diversify a commercial farm's offerings and increase opportunities to generate on-farm revenues by encouraging members of the public to visit, engage with and utilize the farm's resource base. The purpose and benefits to the community of allowing these uses include: strengthening the economic viability of a farm; strengthening the public's connection to and understanding of local food production; educating the public about the benefits of farming to the community; and strengthening the community's local economy.

ii. As the additions of these types of Uses may have the potential to generate increased impacts that did not previously exist or could not have been anticipated by an existing residential neighbor to the farm, it is also in the community's interest to ensure that any Uses permitted are appropriate for the sites they are on and that if permitted, the Uses and the sites they are on are designed to: ensure public safety; protect neighborhood character; avoid any substantial nuisance to the neighbors; and protect the quality of environmental resources. As a mechanism to help meet these goals, the Planning Board has the authority to establish reasonable limits to the uses and their size, scale, number of participants, frequency and hours of operation. The Planning Board also has the

authority to establish such reasonable conditions as are necessary to carry out the spirit and intent of the ordinance.

iii. It is the intent of this ordinance that its application be limited to those properties where commercial farming is clearly intended to be the principal use of the property and that the combined scale of all proposed Agricultural Business Enterprise Uses are proportionately less significant than the overall scale of the combined Commercial Agriculture uses of the property. It is intended that these Uses are not, over time, permitted to become stand-alone uses or principal uses in relation to a commercial agriculture operation. To accomplish these goals, the Planning Board shall have latitude in exercising its discretion, when evaluating the individual circumstances of each applicant, proposal, and the characteristics of each site, to ensure that all approved proposals carry out the spirit and intent of the ordinance.

iv. It is the intent of this ordinance that applicants make all best efforts to meet with abutting landowners to discuss the proposal, identify concerns, and seek consensus regarding use designs (frequency, scale, scope, size, etc. of the proposed use) and site designs to address the identified concerns.

b. Conditional Uses that are permitted on a commercial farm subject to the criteria for Agricultural Business Enterprise Uses set forth below and in Article IX of the Peterborough Site Plan Review Regulations and subject to site plan review by the Planning Board as set forth in Chapter 233-3.A.4.

i. *Provision of up to six guest bedrooms for overnight guests of the farm. Meals (breakfast, lunch and dinner) may be provided for said overnight guests. A minimum of one (1) parking space shall be provided for each guest bedroom. [Amended 5/10/16]*

ii. Farm to Table Café

iii. Event Venue for hosting events and activities with more than 30 participants, not including farm staff. Events and activities may include but are not limited to functions, ceremonies, receptions, meetings, day long events, farm-to-table meals, etc.

iv. Incidental Farm Related Activity or Amenity that has expanded to a point where it ceases to be incidental and has become a significant draw to the farm in its own right.

c. General criteria that apply to all Agricultural Business Enterprise Uses:

i. Subordinate to Commercial Agriculture as a Principal Use. Agricultural Business Enterprise Uses shall be ancillary and subordinate to a principal use of commercial agriculture. Transition or expansion of an Agricultural Business Enterprise use into a principal commercial use may not be permitted;

ii. Compatibility. The proposed Use and site designs are compatible with the general dimensional, design, and use characteristics of the neighborhood, the public or private roads used to access the site, and the surrounding area; the property is otherwise reasonably well suited for the proposed use;

iii. Aesthetic Character. The proposed Use will not adversely impact the aesthetic quality of the streetscape or neighborhood;

iv. Nuisances. The proposed Use and site design will not result in any substantial adverse impacts including but not limited to noise, light trespass, odors, or smoke; or place any undue burden on any abutter;

v. Resources. The proposed Use will not have a significantly adverse impact upon natural, scenic, historic, or cultural resources and can be designed with sensitivity to environmental constraints; and

vi. Loss of Agricultural Capacity of Farmland. The proposed Use and site shall be designed to protect the future production capacity of farmland and avoid conversion of existing productive farmland or underutilized land with important agricultural soils, to uses that would eliminate future production potential of the farmland;

d. Factors to Consider in evaluating compliance with general criteria.

i. Is Commercial Agriculture the principal use of the property or will it be so in the reasonably near future? In making such a determination, consideration may be given to:

1. The extent to which the land and structures are currently engaged in productive Commercial Agriculture use or are to be reclaimed for future productive Commercial Agriculture use within a reasonable timeframe, as compared to other existing or proposed uses of the property;

2. Evidence of investment (human and financial) made in maintaining and growing the Commercial Agriculture business including but not limited to building soils, reclaiming or planting fields or orchards, building or restoring barns, or acquiring and maintaining related equipment and facilities;

3. Evidence of markets and customers served by the operation;

4. Volume of annual revenues generated or expected to be generated in the future from Commercial Agriculture as compared to other revenue sources and uses of the property.

5. For the purpose of this ordinance, small or beginning farms may be considered commercial farms if they can demonstrate to the Planning Board's satisfaction that they have a sound plan for growing a viable commercial agriculture operation as a principal use of a property within a reasonable timeframe.

ii. Will the proposed Agricultural Business Enterprise Uses be proportionally less significant than the overall scale of the combined Commercial Agriculture Use? In making such a determination, consideration may be given to:

1. The extent to which the proposed Use(s) occupy or utilize less space within structures or land areas than the principal use.

2. The expected investment of resources (human and financial) in the Uses on an annual basis as compared to actual investment of resources in the Commercial Agricultural Operation.

3. The expected revenue generated by the proposed Use(s) in an average year compared to the annual revenues generated by the Commercial Agricultural Operation.

iii. To what extend do the site characteristics, the neighborhood characteristics, and the site and use design promote compatibility between the proposed uses and abutting uses, avoid or mitigate substantial nuisances to abutting properties, and maintain or enhance the rural character of the property and the neighborhood.? In making such a determination, consideration may be given to:

1. Road width, construction, and type (dead-end roads, through roads, State roads), existing traffic volumes, and proposed traffic volumes

2. Neighborhood density (around site and along access roads to site);

3. Proximity of abutting residential dwellings to the proposed activities/uses;

4. Existing site characteristics (topography, natural vegetation, proximity to surface water/wetlands, etc.) and the likelihood that the natural site characteristics will adequately buffer or mitigate potential impacts;

5. Site design and how uses are placed on the site to avoid adverse impacts and how the site is proposed to be configured or modified to mitigate and prevent adverse impacts;
6. The nature and design of the proposed activities and uses, including their proposed scale, size, frequency, and operating hours, and the likelihood that they produce unreasonable impacts or nuisances given the above factors;
7. Overall Rural Character and how proposed use will impact aesthetic quality of the neighborhood; and
8. Proximity of proposed uses to significant or sensitive natural, historic, scenic or cultural resources and the extent to which the site and uses are designed to prevent, avoid, or mitigate adverse impacts to these resources.

iv. To what extent does the site design avoid impact to the production capacity of farmland; In making such a determination, consideration may be given to:

1. Relationship and proximity of underutilized farmland that may be impacted to existing productive farmland;
2. Quality and continuity of the farmland soils and the likelihood that they could reasonably be used for agricultural production; and
3. Economics of making necessary improvements to make unused farmland soils productive.

e. Burden of Persuasion. The applicant shall bear the burden of persuasion, through the introduction of sufficient evidence as may be required by this Section or by the Planning Board in its reasonable discretion that the development, if completed as proposed, will comply with this section and will satisfy the specific requirements for the uses or standards contained in this Section.

f. Conditions of Approval. The Planning Board may impose such conditions as it finds reasonably appropriate and necessary to meet the spirit and intent of this ordinance, or which would otherwise allow the criteria set forth in Article IX of the Site Plan Regulations to be satisfied. When considering conditions, the Planning Board shall take care to avoid the application of site design requirements and conditions that are inappropriate for or degrade the rural character of the setting. Conditions of approval shall be stated in writing in the issuance of a permit.

g. Waivers and Modifications

The Planning Board may waive or modify provisions of this section and the following sections of the Zoning Ordinance and Site Plan Regulations if, in the judgment of the Board, specific circumstances relative to the proposal and the site indicate that a waiver or modification of the provisions will properly carry out the spirit and intent of the Zoning Ordinance and the Planning Board Regulations:

i. Zoning Ordinance §245-18 Signs
ii. Zoning Ordinance §245-32 Off Street Parking
iii. Zoning Ordinance §245-33.D. Lighting and Glare
iv. Site Plan Regulations Article VI Performance Standards, along with appendices referenced therein; or
v. Site Plan Regulations Article IX Conditional Use Permits

§ 245-9. Village Commercial District

A. Purpose and Intent. The purpose of the Village Commercial District (VCD) is to implement the Vision Section of the Peterborough Master Plan, which includes the support of compact settlement patterns, mixed use land development and walkable communities that increase accessibility for people of all ages. Specifically, the goals of this section are to:

1. concentrate development;
2. allow and encourage a vibrant mix of land uses;
3. encourage infill development and higher densities; and
4. provide a pedestrian-friendly environment.

B. Permitted Uses.

1. In the Village Commercial District, land may be used and buildings may be erected, altered, or used in accordance with applicable regulations for the following:
   a. Residential, including workforce housing subject to §245-24.6
   b. commercial.
   c. public/semi-public.
   d. light industrial.
   e. *Health Care Facilities* [Added 5/14/19]
   f. *Residential Care Facilitie*s [Added 5/14/19]
   g. *Residential Drug and Alcohol Treatment Facility*[Added 5/14/19]

   Except that gasoline stations or the storage or handling of any volatile or hazardous materials are not allowed within one thousand (1,000) feet of the Contoocook River.
2. Any of these uses may be located independently on a lot, however a mix of uses in one building or on one (1) lot is strongly encouraged.

C. Lot and Yard Standards.

1. There are no minimum lot sizes, setbacks, or frontages required. However, the lot must be wide enough and configured so as to accommodate adequate access for fire and emergency equipment, appropriate setbacks, and buffering, as required by the Planning Board during Site Plan Review.
2. In order to provide groundwater recharge and green space in the District, no lot may have more than eighty percent (80%) impervious cover. In the event that a proposal involves more than one (1) lot, the eighty percent (80%) would not be applied to each lot, but the entire subject area would be treated as one lot.
3. Floor Area Ratio: The maximum FAR shall be 2.4 to 1.

D. Performance Standards. These standards do not apply when the only use of a lot is a single-family or two-family dwelling.

1. Outside, uncovered, storage of vehicles, materials, or goods is prohibited, including storage trailers for these purposes. In no case shall designated parking or buffer areas be used for storage. For the purposes of this ordinance, “storage of vehicles” does not include those that are offered for sale at an approved vehicle sales establishment.
2. Parking shall be located to the side or rear of the building, where practical. Any proposal that involves more than ten (10) parking spaces shall also provide for a bicycle rack.
3. If parking can be provided beneath or within a building, the building may be allowed to exceed the maximum allowable height of three (3) stories by one (1) story.

4. Where a commercial use abuts either an existing residential use in the District or the edge of the District boundary, a minimum of thirty (30) feet of buffer shall be provided, consisting of either vegetative screening and/or fencing, as deemed appropriate by the Planning Board during Site Plan Review.
5. To the extent possible, curb cuts and parking areas shall be consolidated and shared between properties.
6. Every proposal shall include a plan for interconnecting driveways or easements for future construction of driveways that will provide and promote vehicular and pedestrian access between adjacent lots, without accessing the highways; and shall be designed to provide safe and controlled access to adjacent developments where they exist.
7. Every proposal shall include a plan for interconnecting the property with existing sidewalks and trails.
8. Lots with frontage on both an arterial highway and an adjacent or intersecting road shall not be permitted to access the arterial highway, except where it can be proven that other potential access points would cause greater environmental or traffic impacts.
9. The use of sidewalks for dining tables, sale events, and other activities is encouraged, provided they do not interfere with safe and efficient pedestrian circulation.
10. Signs. Signs in this District shall meet the same requirements as for the Commercial District.
11. Intercoms. Use of amplified PA or drive-thru type intercoms is prohibited if site abuts developable residential property or property in residential use. Permissible amplified systems should be designed using components that minimize the radiation of sound and use noise-blocking design techniques and site elements that prevent radiation of noise (i.e. landscaping and fencing).
12. Features of the site, such as signage, landscaping, lighting, fencing, outbuildings, etc. should blend with the building design, to the extent practical.
13. Building façade. Much attention should be given to create an attractive building facade. Broad expanses of blank walls are inappropriate. All sides of a structure shall receive design consideration. A facade unrelated to the rest of the building is not acceptable.
14. Whether attached to the building or free-standing from the building, the following items shall be completely screened and clad with materials similar to the buildings):
    a. Trash dumpsters and compactors.
    b. Surface mounted mechanical equipment.
    c. Material storage areas.
    d. Above-ground storage tanks.

§ 245-9.1. West Peterborough District

A. Purpose and Intent. The purposes of the West Peterborough District are: to preserve the historic development pattern of West Peterborough; to allow development in the area to respond to changing lifestyles; to allow uses that are currently not permitted by the ordinance; and to implement the Vision of the Peterborough Master Plan, which includes the support of compact settlement patterns, mixed use land development, and walkable communities that increase accessibility for people of all ages. Specifically, the goals of this section are to:

1. concentrate development;
2. allow and encourage a vibrant mix of land uses appropriate to the area;
3. encourage infill development and higher densities; and
4. provide a pedestrian-friendly environment.

B. Permitted Uses.

1. In the West Peterborough District, land may be used and buildings may be erected, altered or used in accordance with applicable regulations for the following uses. All proposals for development, however, will be reviewed with consideration for the scale and character of the area, which includes, among other things, the type and amount of traffic that would be generated by the use. Any of these uses may be located independently on a lot. A mix of uses in one (1) building or on one (1) lot is also permitted, provided the site can adequately accommodate the activity.

   a. Residential Development – single-family, two-family, multi-family, including workforce housing subject to **§245-24.6**
   b. Retail Sales and Service.
   c. Personal and Professional Services and Offices.
   d. Restaurants.
   e. Lodging.
   f. Light Industry.
   g. Public/Semi-Public Uses.
   h. Associated Accessory Uses.
   i. *Health Care Facilities* [Added 5/14/19]
   j. *Residential Care Facility* [Added 5/14/19]

C. Lot and Yard Standards.

1. There are no minimum lot sizes or frontages required. However, the lot must front on an approved street and be wide enough and configured so as to site structures in accordance with the required setbacks.
2. A minimum setback of ten (10) feet from side and rear property lines is required. In addition, for non-residential uses, appropriate buffering will be provided, as determined by the Planning Board during Site Plan Review.
3. In order to provide groundwater recharge and green space in the District, no lot may have more than eighty percent (80%) impervious cover. In the event that a proposal involves more than one lot, the eighty percent (80%) would not be applied to each lot, but the entire subject area would be treated as one lot.

4. Density.
   a. Single-Family: Four (4) dwelling units per acre.
   b. Two-Family: Eight (8) dwelling units per acre.
   c. Multi-Family or Mixed Use density will be determined by the Planning Board during Site Plan Review.

D. Performance Standards.

1. For uses other than one- and two-family dwellings that abut either an existing residential use in the West Peterborough District or the edge of the District boundary, a minimum of thirty (30) feet of buffer shall be provided, consisting of either vegetative screening and/or fencing, as deemed appropriate by the Planning Board during Site Plan Review.

2. All new development must be connected to town water and sewer.

§ 245-9.2. Monadnock Community Health Care District

A. Purpose. The purpose of the Monadnock Community Health Care District is to provide for orderly development of facilities providing health care to the public and associated supporting services for these facilities. The integrated and interdependent nature of health care and the importance of accessibility of health care to the public are consistent with the Vision of the Master Plan, which recognized the importance of the hospital to Peterborough's economic vitality.

B. Applicability. Recognizing that access to the Hospital and traffic concerns relative to activity on the Campus, it is the intent of this ordinance to condition any proposal for development on either the construction of the so-called "Connector Road," or demonstration by the Hospital that the proposal would not significantly impact current traffic patterns or volumes.

C. Permitted Uses. In this District, land may be used and buildings may be erected, altered, or used for the following purposes only:

1. Hospitals.
2. Clinics *including outpatient facilities providing drug or substance abuse medical treatment.* [Amended 5/14/19]
3. Emergency Services.
4. Health Care Professional and Administrative Offices.
5. Housing for Staff or Students.
6. Elderly Housing.
7. Continuing Care Retirement Facilities.
8. Nursing Homes.
9. Community Health Education.
10. Residential Care Facility [Added 5/14/19]
11. Residential Drug and Alcohol Treatment Facility[Added 5/14/19]
12. Medical Laboratories or Research Facilities.

D. Accessory Uses. The following uses are considered accessory to the principal permitted uses, and intended for residents and staff of the facilities and not for the general public.

1. Child Care Facilities.
2. Restaurant/Cafeteria.
3. Gift Shop, News Stand, Barber Shop or other personal services.
4. Rehabilitation or fitness centers.
5. Helipad.

E. Uses Permitted by Special Exception.

1. Private membership health club.
2. Adult Recreational Center.
3. Child Care.

F. Minimum Lot and Yard Requirements.

1. Tract Size. A proposed site shall consist of at least twenty-five (25) acres of contiguous land in single or consolidated ownership.
2. Density.
   - **a.** Residential Development: Four (4) dwelling units per acre**.**
   - b. Nursing Homes: One hundred (100) beds per acre.
   - c. Continuing Care Retirement Facilities: Eight (8) dwelling units per acre.
3. Lot Coverage. Impervious coverage of any lot in the District shall not exceed eighty percent (80%) of the total land area.
4. Setbacks. No building or structure shall be closer than seventy-five (75) feet to the perimeter of the District. Internal setbacks shall be a minimum of 10 feet, or greater, as determined by the Planning Board during Site Plan Review.
5. Buffers. Buffering of an appropriate type and depth, as determined by the Planning Board during Site Plan Review, shall provide year-round protection for abutting properties from traffic, buildings, structures, lighting, noise, or other activity.
6. Parking. Parking for this District shall be provided in the following manner and shall be in compliance with the appropriate subsections of §245-32, Off-Street Parking:
   - a. Residential.
     - i. Two (2) spaces per unit.
   - b. Nursing Home.
     - i. One (1) space per hospital bed.
     - ii. One (1) space per each four (4) nursing home beds.
   - c. Continuing Care Retirement Facilities.
     - i. One (1) space per dwelling unit.
   - d. Employees.
     - i. One (1) space per employee on duty for the largest shift.

	BUSINESS DISTRICTS		
	§ 245-10. Downtown Commercial District	**§ 245-10.1. Commercial District**	**§ 245-10.2. Business/Industrial District**
A. Overall Purpose & Intent	**PURPOSE:** The purpose of the three Business Districts is to: allow a mixture of complimentary land uses that will create opportunities for commercial and industrial use in a way that is balanced and promotes economic vitality in Peterborough; encourage diversity in the tax base; and provide appropriate locations for a broad range of commercial/industrial activities within existing commercial districts. It is understood that there may be more than one principal use allowed on one lot or in one building. In these Business Districts, buildings may be erected, placed, altered or used and land may be used only for the purposes as stated below. **INTENT:** The Peterborough Master Plan provides the following guidance for the development of these districts: ▫ Peterborough benefits from being the center that provides services and facilities to the surrounding region. ▫ A diverse, vibrant economy is essential in order to keep the town we want. ▫ Economic development can be the vehicle for providing resources and energy for positive actions to preserve both natural and cultural resources. ▫ The community desires businesses that allow residents to do a majority of their shopping locally.		
B. District Purpose Statements	The purpose of the **Downtown Commercial District** is to provide for a mix of mutually supporting uses, both business and residential, serving local, regional, and visitor markets within a pedestrian-oriented environment and a storefront character, doing so compatibly with the existing community character. A defining characteristic of this District is that it is pedestrian-oriented.	The purpose of the **Commercial District** is to provide opportunity outside of the Downtown to locate business/commerce in the Town of Peterborough. Since all of the individual nodes of this District are located along state highways, a defining characteristic of this District is that many of the permitted uses are automobile-dependent, although opportunity is also created for pedestrian-intense uses.	The purpose of the **Business/Industrial District** is to increase commercial opportunities while protecting the aesthetic and visual character of the highway corridor. A defining characteristic of this District is that it is expected to serve an area larger than the Town.
C. Permitted Uses	1. Residential Uses. 2. Lodging Establishments. 3. Retail Establishments. 4. Restaurants. 5. Conference Facilities. 6. Personal and Professional Services. 7. Health Care Facilities. 8. Residential Care Facility [Added 5/14/19] 9. Residential Drug and Alcohol Treatment Facility [Added 5/14/19] (Continued on next page)	1. Lodging Establishments. 2. Retail Establishments. 3. Restaurants. 4. Conference Facilities. 5. Personal and Professional Services. 6. Health Care Facilities. 7. Museums, Theaters and Galleries. 8. Public or Private Recreational Facilities 9. Public/Semi-Public Uses. (Continued on next page)	1. Office subject to meeting parking requirements set forth in §245-32 2. Professional Services 3. (3) Industrial Uses. 4. Light Industrial Uses. 5. Wholesale Warehousing or Storage, Distribution 6. Research and Development Facilities 7. Conference Facilities. 8. Recreational Facilities. (Continued on next page)

	§ 245-10. Downtown Commercial District	§ 245-10.1. Commercial District	§ 245-10.2. Business/Industrial District
C. Permitted Uses (continued)	10. Museums, Theaters and Galleries. 11. Public or Private Recreational Facilities. 12. Public/Semi-Public Uses. 13. Parking facilities not associated with a permitted use. 14. Light industry, provided the use occupies no more than 5,000 square feet of the gross floor area and is entirely enclosed within buildings. 15. Associated Accessory Uses	11. Gasoline filling stations; convenience stores with gasoline pumps. 12. Motor vehicle sales, service, or restoration businesses. 13. Self-Storage Facilities. 14. Car Wash Facilities. 15. Light Industrial Uses. 16. Residential uses only if they: a. are incidental to a principal business use; b. do not use storefront space; and c. do not occupy more than 30% of the floor area of the building. 17. Associated Accessory Uses 18. Low-moderate income housing, subject to the provisions of §245-44	9. Lodging Establishments, except Bed & Breakfast Establishments. 10. Retail and restaurants only if incidental to a principal business use. 11. Residential uses only if associated with a principal business use permitted by this section. 12. Motor vehicle sales, service, or restoration businesses. 13. Self-Storage Facilities. 14. Public/Semi-Public Uses. 15. Personal Services 16. Accessory Uses 17. Health Care Facilities, ~~except for long-term residential related uses including, but not limited to, Assisted Living Facilities and Nursing Homes~~ [Amended 5/14/19]
D. Lot & Yard Standards All dimensions specified in these districts are considered to be minimums.	1. Lot Size: no minimum. 2. Frontage: no minimum. 3. Building Setbacks shall be as follows: a. Front: Five (5) feet. May be reduced to zero (0) by the Planning Board during Site Plan Review if the Board finds that the proposed building placement will allow for adequate open spaces and green spaces. b. Side and Rear: Fifteen (15) feet. May be reduced to zero (0) by the Planning Board during Site Plan Review, except where abutting a Family or General Residence District, provided there is adequate access to any interior yards for emergency vehicles, and that provisions have been made for use of party or common walls with an abutting property.	1. Lot Size: no minimum. 2. Frontage: fifty (50) feet. 3. Building Setbacks: a. Front i. Thirty (30) feet if on a state highway. ii. Fifteen (15) feet if on a town street. b. Side & Rear – fifteen (15) feet.	1. Lot Size: no minimum. 2. Frontage: fifty (50) feet. 3. Building Setbacks: a. Front i. Fifty (50) feet if on a state highway. ii. Twenty-five (25) feet if on a town street. b. Side & Rear – twenty-five (25) feet, except when abutting residential uses where it shall be fifty (50) feet.

<table>
<tr><th></th><th>§245-10. Downtown Commercial District</th><th>§245-10.1. Commercial District</th><th>§245-10.2. Business/Industrial District</th></tr>
<tr><td rowspan="4">E. Performance Standards</td><td colspan="3">1. In accordance with RSA 674:21, I & II, the following standards may be modified by a Conditional Use Permit granted by the Planning Board. Application for a Conditional Use Permit may be made prior to or concurrent with the Site Plan Review Application. A permit will be granted when the Planning Board:
a. determines that the design is consistent with the Purpose and Intent of these Districts;
b. is satisfied that the relief being sought would not result in any substantially different impact or place an undue burden on any abutter;
c. determines that the property is otherwise reasonably suited for the proposed use; and
d. is satisfied that the design of the site relies on some level of flexibility for its implementation.
2. In addition to the above, the Board may impose other conditions that are deemed necessary to carry out the purpose and intent of these Districts.</td></tr>
<tr><td>3. There is no maximum building coverage, except that the site must be designed to dispose of all runoff and drainage without impacting other properties.</td><td>3. Pump islands for gasoline dispensing shall be set back thirty (30) feet from the ROW and fifty (50) feet from any lot line.</td><td></td></tr>
<tr><td></td><td colspan="2">4. No lot shall have more than 80% impervious coverage.
5. All new development must be connected to Town water & sewer systems.
6. The use of interior streets is encouraged, so as to minimize the number of curb cuts along Routes 101 and 202.
7. Sidewalks are required along all road frontage of new development.
8. All new development shall have at least two points of entry and egress and provide for present or future connection to existing streets.</td></tr>
<tr><td colspan="3">9. All other applicable regulations shall be complied with, including but not necessarily limited to:
a. § 233 – Site Plan Review Regulations
b. § 245-12 Shoreland Conservation Zone
c. § 245-13 Floodplain District
d. § 245-14 Groundwater Protection Overlay Zone
e. § 245-15 Wetlands Protection District
f. § 245-15.2 Rural Gateway Overlay Zone
g. § 245-18 Signage
h. § 245-32 Off-street Parking</td></tr>
</table>

§ 245-11. Commerce Park District

A. Purpose. The purpose of the Commerce Park District is to provide for job-supporting businesses which chiefly serve a larger-than-local market and which because of scale or type of activity would be inappropriate to a Downtown location.

B. Permitted principal uses. The following are permitted as principal uses:

1. Manufacturing, processing, and treatment.
2. Warehousing and storage.
3. Distribution and transportation.
4. Research laboratories.
5. Executive, administrative, business, or professional offices.
6. Public utilities.
7. Indoor and Outdoor recreation.
8. Earth removal as authorized under Chapter 238 of the Town Code.
9. Farms or gardens and the selling of products there from.
10. Auto repair garage (but not filling station).
11. Community service provided by a non-profit organization (e.g. humane society).
12. Retail facilities for the sale of products manufactured or warehoused on the site, which are secondary and incidental to the principal use of the site.
13. Health clinic, educational, or cultural facilities.
14. Churches

C. Permitted accessory uses. The following are permitted as an activity accessory to a principal use, if located wholly within the same building as the permitted use and operated for the convenience of the employees of the permitted use:

1. Personal services such as cafeterias and convenience stores; health, fitness, and day care facilities; and banking services, provided that there are no exterior signs identifying the use.
2. Accessory parking, signs, storage, and other accessory buildings and uses.

D. Space and bulk regulations for lots within the park.

1. Minimum lot area: 20,000 square feet.
2. Minimum building and parking lot setbacks:
   a. Front: Twenty-five (25) feet.
   b. Side and rear: Twenty (20) feet, except not less than one hundred (100) feet when abutting a residential district boundary.
3. Frontage on the nearest ROW: One hundred (100) feet.
4. Maximum building height: Thirty-five (35) feet, except up to fifty (50) feet at locations designated for such height on a General Concept Plan approved under §245-11.F. [Reference Updated]

5. There shall be a two hundred (200) foot buffer between the edge of the right-of-way of Route 202 and any buildings, parking lots, or storage areas. The two hundred (200) foot buffer area shall either remain in its natural state if natural vegetation is sufficient to provide screening, or shall be landscaped to minimize the visibility of buildings, parking areas, and other elements of the development.

E. Other requirements.

1. Access to any commerce park shall be from a State numbered highway or other major arterial road.
2. No driveways from individual lots within the commerce park may access directly to a State numbered highway or major arterial road unless the lot was a lot of record prior to the adoption of this section §245-10.1 and meeting this driveway access requirement would render the lot to be without economic value.
3. All buildings erected within the district shall be serviced by the Town water and sewer systems with the following exceptions:
   a. Up to twenty percent (20%) of the land within the District may be serviced by New Hampshire Department of Environmental Services approved septic systems.
   b. Because the Commerce Park District allows a variety of uses, each use connecting to a septic system must be reviewed by NHDES and the Peterborough Public Works Director prior to the issuance of building permits, prior to occupancy by the new use. This review shall be to assure that the septic system being connected to is appropriate for the types and volumes of waste being discharged.
   c. Any septic system within this district must be inspected at the time of installation and subsequently every twenty-four (24) months, or other frequency approved by the Peterborough Public Works Director; to certify that the septic system is properly functioning and property maintained. A qualified individual or firm working for the Town at the applicant's expense shall conduct this inspection.
   d. The Public Works Director has the discretion of allowing outdoor recreational uses to be connected to a septic system and on-site water source without a subsequent requirement to connect to town sewer or town water.
4. The one hundred (100) foot setback area along boundaries abutting a residential district shall be landscaped or left in its natural state to provide screening to minimize the visibility of buildings, parking areas, and other elements of the development.
5. Open space: at least twenty-five percent (25%) of the area of the entire commerce park shall be retained in its natural state or be provided with landscaping. Unbuildable areas such as wetlands and water bodies may be counted toward this open space requirement.

F. General Concept Plan.

1. The owner or owners of one or more parcels comprising twenty-five (25) or more acres of land which is contiguous (except for intervening streets) and entirely located within a Commerce Park district may submit and seek approval of a General Concept Plan for development. A General Concept Plan is not mandatory, but an approved plan permits:
   a. certain uses not otherwise allowed [see §245-10.1 B(10)[2];
   b. building height larger than otherwise allowed (see §245-11.D.4) [Reference updated].

[2] Editor's Note: Requirement for General Concept Plan to engage in certain uses as set forth in §245-10.1 B(10) was deleted ATM 2004.

2. Submittals for General Concept Plan approval shall comprise:
   a. a subdivision plan meeting the requirements for a preliminary subdivision plan under §237-15;
   b. schematic designation of proposed green space, indicating the location of major green space areas, and the total area to be green on each lot or within each street right-of-way;
   c. location of land uses or building heights which are allowable only given General Concept Plan approval;
   d. documents substantiating why any departures from otherwise applicable requirements, such as building height, will not result in departure from the purposes of the district (as stated in §245-11A) [Reference Updated];
   e. indication of any off-site infrastructure improvements or impact mitigations which are proposed, and indication of how those are to be financed;
   f. a community facilities impact analysis as specified in Chapter 233, Site Plan Review.
3. Procedure. General Concept Plans shall be acted upon by the Planning Board, following the procedures for major site plan review (except that submittals are as noted above rather than as specified in Chapter 233, Site Plan Review) with approval based upon the standards of Chapter 233, Site Plan Review, and consistency with the purposes of the Commerce Park district as stated at §245-11A [Reference updated]. If the applicant chooses, materials meeting the full submittal requirements for final approval and/or for major site plan approval may be submitted simultaneous with submittal for General Concept Plan approval, allowing an integrated and, presumably shorter overall approval process, but requiring additional technical efforts before approval of the general approach.
4. Requirements. Uses or building heights allowed only under a General Concept Plan shall be approved only provided that the long-term consistency with district purposes is assured.

§ 245-11-1. Office District

A. Purpose. To provide districts in the town for office parks and corporate headquarters, which have less impact on surrounding properties than commercial uses such as retail stores, automotive sales or services, restaurants, gasoline stations, etc., or industrial uses, such as manufacturing.

B. Permitted uses: any office building or buildings, which may be occupied by one (1) or more companies, regardless of whether the premises are owned or leased by the occupant; day-care centers; and churches.

C. Uses allowed by special exception.
   1. Warehousing and distribution operations in conjunction with corporate offices may be allowed if such use of the property, especially in regards to major trucking traffic, is determined by the Zoning Board of Adjustment to have no appreciable adverse impact on the surrounding properties or the normal traffic flow of the highway which is used for primary access.
   2. Research facilities which are integral to a corporate office may be allowed if such facilities are used solely for research and not for the manufacturing of goods, there is no appreciable increase in the type or amount of traffic generated by the facility as a result of the research facilities, and if the research use is determined by the Zoning Board of Adjustment to have no appreciable adverse impact on the surrounding properties.

D. Lot size, setback, lot coverage, and buffer regulations.

1. The minimum lot size for an individual office building is one (1) acre and for an office park is five (5) acres.

2. The minimum building setback for an office building on its own lot shall be one hundred (100) feet if the lot is over ten (10) acres in size, and shall be fifty (50) feet front and thirty (30) feet side and rear if the lot is ten (10) acres or less in size. The minimum building setback for perimeter boundary lines of an office park shall be one hundred (100) feet.

3. All office park developments shall have a minimum buffer of one hundred (100) feet on all property lines. No development shall take place within the buffer, with the exception of access roads; and as much of the natural vegetation as is practical shall remain undisturbed. The Planning Board may require that part or the entire buffer be landscaped to provide an attractive and effective visual screen to the development.

4. The maximum amount of coverage on any site within this district is seventy percent (70%) of the total land area of the site, which shall include all impervious surfaces (buildings, roads, parking lots, etc.). The provisions of overlay zoning districts may supersede this requirement.

E. Landscaping regulations. All sites in this district, whether developed for a single building or for a number of buildings, shall be landscaped around all buildings, along all driveways and parking lots and at all entrances. A landscape plan shall be submitted in accordance with the requirements of site plan review and shall include the plans for lighting the site.

F. Water and sewer requirements. All development in this district shall be connected to the town water system and shall provide fire protection devices as required by the Peterborough Fire Department. A copy of the site plan showing all fire protection information shall be submitted to the Fire Chief for his review. No site plan shall be approved without the Fire Chief's approval of said plan. All development within this district shall be connected to the town sewer system wherever practical. The Planning Board may require that plans for any proposed septic systems be reviewed by a groundwater engineer to ensure the potential for polluting the aquifer is minimal.

§ 245-11.2. Retirement Community District

A. A Retirement Community District is hereby established in the Town of Peterborough.

B. Purpose. The Retirement Community District shall serve the following purposes:

1. To provide for appropriate sites within the town for the development of housing and related facilities to serve the needs of people age fifty-five (55) years and older.
2. To regulate the intensity and mix of the different type of housing units required to meet the needs of these senior citizens so as to provide ample outdoor and livable space and to retain a sense of personal identity, intimacy, and human scale within the development.
3. To provide the appropriate and adequate health care facilities for these senior citizens.
4. To provide ample-sized meeting rooms and recreational facilities for the comfort and convenience of the residents.
5. To review the bulk, height, and spacing of buildings, and the circulation and parking pattern within the development to ensure that adequate light, air, privacy, and open space for passive recreation and landscaped amenities are provided.

C. Permitted uses. In this district land may be used and buildings may be erected, altered, or used for:

1. Single-family and two-family dwellings and uses accessory thereto.
2. Multifamily dwellings.
3. Residential care facility [5/114/19]
4. Congregate-care facilities.
5. Nursing homes.
6. Open Space Residential Development.
7. Recreation buildings and grounds for games and sports not carried on primarily for financial gain.
8. Accessory buildings for the storage, repair, and maintenance of equipment and vehicles used in the operation of a retirement community.
9. Dining rooms, cafeterias, and meeting facilities necessary to provide services to residents of the development.
10. *Accessory* commercial establishments intended to service the needs of the residents of the development, subject to the following: [Amended 5/14/19]
    a. Such establishments shall be limited to barber- and beauty shops, laundromats, newsstands, florists, automatic bank tellers, pharmacies, and medical offices.
    b. Floor space for these combined uses shall not exceed ten thousand (10,000) square feet of the building area.
    c. The total area devoted to these types of uses shall not exceed two percent (2%) of the area of the entire tract.
    d. Such commercial establishments may be located within buildings primarily used for other purposes in the development.
    e. Such commercial establishments shall not materially increase traffic. [Amended 5/14/19]
    f. Any such commercial development shall require approval under Chapter 233 Site Plan Review Regulations before any pre-construction work may begin on it.
11. One visitor's unit with overnight accommodations for each fifty (50) living units in the Retirement Community.

D. Occupancy eligibility. Occupancy is restricted to persons age fifty-five (55) years or older, with the following exceptions:

1. A spouse under fifty-five (55) years old married to a resident over the age of fifty-five (55).
2. Adults between the age of eighteen (18) and fifty-five (55) if their presence is required to minister to a resident over the age of fifty-five (55).
3. Children over the age of eighteen (18) residing with at least one (1) parent over the age of fifty-five (55).
4. Employees working in facilities operated in the development and his/her family. The number of units eligible for this type of use shall not exceed ten percent (10%) of the total number of units approved by the Planning Board.

E. Minimum requirements shall be as follows:

1. Tract size. A proposed site shall consist of at least fifty (50) acres of contiguous land in single or consolidated ownership and may include parcels separated by existing public roads, provided that such parcels abut.
2. Density. The overall density of the site shall be calculated based on the following:
   a. Single-family, two-family, and multifamily dwelling units, including cluster housing, may not exceed four (4) units per acre, except in specific zoning provisions. These types of dwelling units may be eligible for incentive zoning under §245-27.
   b. Nursing homes and congregate-care facilities shall not exceed twelve (12) beds/units per acre. No more than twenty (20) acres of a tract shall be used for determining the number of nursing home beds or congregate housing units, i.e., a maximum of two hundred forty (240) beds/units are allowed.
3. Building height. No building erected in this district shall exceed three (3) stories in height.
4. Setbacks. The minimum setback for this district shall be one hundred (100) feet. However, if the land of the retirement community abuts a state highway, the setback shall be one hundred fifty (150) feet.
5. Frontage on nearest ROW: One hundred (100) feet.
6. Buffers. Sufficient buffers shall be provided to screen any buildings from abutting properties. These buffers shall have an opacity of at least seventy-five percent (75%) within two (2) years after planting.
7. Tract coverage. No more than twenty-five percent (25%) of the tract may be covered by dwellings and accessory buildings.
8. Open space. The overall site must have a minimum of twenty percent (20%) common open space, of which no more than seventy-five percent (75%) may be wetlands or slopes over twenty-five percent (25%). This requirement does not apply to those slopes over twenty-five percent (25%) which have been created by prior human activity, which shall be regraded to less than twenty-five percent (25%).
9. Recreation facilities. Adequate recreational facilities shall be provided for the overall community as well as for the various types of housing facilities. A recreation plan shall outline specific facilities, both indoor and outdoor, for the use of all residents of the development and proposed facilities for each multi-unit/bed residential building. [See also Subsection I(3).
10. Utilities. A proposed site shall be connected to both public water and public sewer systems. This requirement shall not be waived under any circumstances. The water system within the site shall be designed to provide the maximum flow practical for fire-fighting purposes.

11. Off-street parking. Parking for this district shall be provided in the following manner, and shall be in compliance with the appropriate subsections of §245-32, Off-street parking:
    a. Single- and two-family dwelling units: two (2) spaces per dwelling unit.
    b. Multifamily dwelling units: two (2) spaces per dwelling unit.
    c. Congregate-care facility dwelling units: one-half (1/2) space per dwelling unit.
    d. Congregate-care facility employees: one (1) space per employee.
    e. Nursing home beds: one (1) space per each four (4) beds at design capacity.
    f. Nursing home employees: one (1) space per each one and five-tenths (1.5) employees on the largest shift.
    g. Visitor parking for congregate care and nursing home facilities: twenty percent (20%) of the total parking spaces required for these facilities.
    h. Visitor's unit with overnight accommodation - one (1) space per visitor's unit.
12. The minimum area of dwelling units shall be as follows:
    a. Single-family, two-family, and multifamily dwelling units shall have at least six hundred (600) square feet per dwelling unit, except for one-bedroom and efficiency units which shall have a minimum of four hundred (400) square feet per unit.
    b. Congregate housing units shall have at least five hundred (500) square feet per unit, except for one-bedroom units which shall have a minimum of four hundred (400) square feet per unit.
    c. Nursing home bedrooms shall have at least one hundred fifty (150) square feet per bed space.

F. Emergency vehicle and transportation services. All applicants for development within this district must demonstrate that adequate ambulance service will be available for the residents of the development. In addition, the applicant must demonstrate how the residents of the development will be provided transportation to recreational, commercial, and medical facilities. Both services must be provided in a manner that will not unduly burden existing municipal services.

G. Street requirements.
    1. All streets and roads internal to the tract shall have a fifty (50) foot right-of-way.
    2. All streets and roads internal to the development shall be privately maintained unless the Board of Selectmen, upon recommendation of the Planning Board, requires a street to be a dedicated public roadway.
    3. Where retained as private ways, streets shall be posted as such by standard street signs.
    4. All streets shall be designed and constructed consistent with local requirements, unless the Planning Board determines that a modification of the width and/or construction standards of said streets will not be detrimental to the circulation or the safety of the development.
    5. The number of new access points to existing and proposed public streets and major through roads shall be limited to two (2) unless otherwise determined by the Planning Board.

H. Submission and review procedure.
    1. An application for development in this district shall follow the procedures of §237-29 (General Concept Plan) and §237-30 (Submission and Review Procedure) of Article VII, Planned Residential Development, of the Peterborough Subdivision Regulations.
    2. The General Concept Plan shall contain a plan for phasing the proposed development over a period of at least four (4) years. This phasing plan must indicate at which periods the various types of

dwelling units will be constructed and contain an estimate of possible impacts on the Town of Peterborough.

3. The General Concept Plan shall contain a recreation plan which shall include specific facilities for the use of all residents of the development, including both indoor and outdoor facilities. Those recreational facilities which are primarily for the use of the residents of the building in which they are located may be finalized at the time of approval for that particular phase, but there must be a proposal for those types of facilities included in the recreation plan.

ARTICLE III – Overlay Zones and Districts

§ 245-12. Shoreland Conservation Zone *[Amended 5/13/14, 5/10/16]*

A. Superimposed on the existing districts established under § 245-5 is a Shoreland Conservation Zone. All land that is within one hundred (100) feet of the natural high-water mark of any pond, river, stream or brook appearing on the United States Department of the Interior Geological Survey Peterborough Quadrangle, 15-Minute Series, dated 1953, or the United States Department of the Interior Geologic Survey Peterborough North Quadrangle, 7.5-Minute Series, Provisional Edition 1987, or the United States Department of the Interior Geologic Survey Peterborough South Quadrangle, 7.5-Minute Series, Provisional Edition 1987, shall be included in this zone, with the exception of the land within the Downtown Commercial District, wherein the distance shall be reduced to fifty (50) feet. For a description of the Downtown Commercial District, refer to the description in the Zoning District Descriptions."

B. The purpose of the Shoreland Conservation Zone is to:

1. Protect public health and property against the hazards of floodwaters.
2. Avoid pollution and soil erosion.
3. Preserve the wildlife habitat and maintain the ecological balances that exist along these banks and within these bodies of water.
4. Provide corridors for migrating wildlife and to provide links to larger habitat areas within the town and region that would otherwise become isolated.
5. Preserve the open space and aesthetic beauty of the shores and waterways.

C. Within this Shoreland Conservation Zone, no building or structure shall be erected, no dumping, filling or earth transfer shall be permitted nor shall any premises be used for any purpose except:

1. Conservation of water, plants, and wildlife.
2. Grazing and farming according to recognized soil conservation practices, including the protection of the waters and wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation.
3. Forestry and tree farming, including any associated access roads, using techniques as set forth in Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, NH Department of Resources and Economic Development, 2004, as it may be amended. [Amended 5/13/14]
4. Within the General Residence, Family and Rural Districts, recreational uses accessory to residential uses such as lawns, gardens and play areas to within fifteen (15) feet of the natural high-water mark of the water body, wherein the natural vegetation shall be preserved and undisturbed. However, landowners may be allowed to construct one (1) access point to the body of water which may not exceed twenty-five percent (25%) of the total shore frontage of the property for the purpose of a boat dock, beach, catwalk or other such facility. Vegetation around dams is exempt from these regulations.
5. Public footpaths, bicycle paths, cross-country ski trails, horse paths, bridges, fences, and small structures such as benches, wildlife blinds, and the like for noncommercial recreational uses.
6. Water impoundments, dry hydrants, and fire protection ponds approved by the State.

D. Conditional Uses. [Amended 5/10/16]

1. Subject to the provisions of RSA 674:21, II, and Article IX of the Site Plan Regulations, the Planning Board is hereby authorized to issue Conditional Use Permits for the following:

   a. Crossings of the Zone by: streets, roads, access-ways, and driveways, including storm water management systems directly related thereto, and utility rights-of-way or easements. In granting requests for Conditional Use Permits under this paragraph, the Planning Board shall consider if the proposed crossing is essential to the productive use of land not within the Shoreland Conservation Zone; and is located and constructed so as to minimize and avoid to the maximum extent practicable, any detrimental impact of such uses upon the Shoreland Conservation Zone. [Amended 5/13/14]

   b. Other Uses: Other uses may be allowed if, in the opinion of the Board, the purposes set forth in Paragraph B above are not adversely affected and provided that the Board finds that~~:~~ the applicable criteria set forth in Article IX Conditional Use Permits, §233-53.2.b. of the Site Plan Regulations have been met.

2. In the granting of any Permit, the Board may attach reasonable conditions, waive or modify any of the requirements of this section if specific circumstances relative to the proposal indicate that the waiver will carry out the spirit and intent of the regulation.

3. Proposals for crossings of ponds, rivers, streams, and brooks protected by the Shoreland Conservation Zone will also cross the Wetlands Protection Overlay Zone where it overlaps the Shoreland Conservation Zone. When this type of crossing is proposed, one combined Conditional Use Permit application addressing both the Shoreland Conservation Zone and the Wetland Protection Overlay Zone may be submitted, provided that:

   a. All information necessary to evaluate the impacts and criteria for both the Wetland Protection Overlay Zone and the Shoreland Conservation Zone, in accordance with the applicable sections of the zoning ordinance and Article IX of the Site Plan Regulations, are included in the application.

   b. The Board evaluates the criteria set forth in both applicable sections of the zoning ordinance, Section 245-12 and Section 245-15, and Article IX of the Site Plan Regulations as it pertains to both zones, in considering approval of the combined Conditional Use Permit.

E. Exemptions for residential structures. Notwithstanding other provisions of this Article, the construction of additions and extensions to one- and two-family dwellings shall be permitted in the Shoreland Conservation Zone, provided that the dwelling lawfully existed prior to November 22, 1986, and that the proposed construction conforms ~~with~~ to all of the applicable ordinances of the Town of Peterborough.

F. It is the responsibility of applicants with properties under the Shoreland Water Quality Protection Act as regulated by RSA 483-B to meet all minimum protection standards of RSA 483-B:9 and apply to the New Hampshire Department of Environmental Services for any applicable State Shoreland Permits. [Adopted 5/13/14]

§ 245-13. Floodplain District

A. Certain areas of the Town of Peterborough, New Hampshire are subject to periodic flooding, causing serious damages to properties within these districts. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Peterborough, New Hampshire has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance.

B. The Floodplain District as herein established is an overlay district, superimposed where applicable upon all other districts in the town. The underlying permitted uses are allowed, provided that they meet the requirements as set forth in this section. If any provision of this section 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.

C. 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 is "Flood Insurance Study for the County of Hillsborough, NH" dated September 25, 2009 or as amended, together with the associated Flood Insurance Rate Maps dated September 25, 2009 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

D. The following definitions shall apply only to this floodplain development section and shall not be affected by the provisions of any other ordinance of the Town of Peterborough.

1. AREA OF SPECIAL FLOOD HAZARD -- The land in the floodplain within the Town of Peterborough subject to a one-percent (1%) or greater possibility of flooding in any given year. The area is designated as Zones A and AE on the Flood Insurance Rate Map.

2. BASE FLOOD -- The flood having a one-percent (1%) possibility of being equaled or exceeded in any given year.

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

4. BUILDING -- See "structure."

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

6. FEMA -- The Federal Emergency Management Agency.

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

   a. The overflow of inland or tidal waters.

   b. The unusual and rapid accumulation or runoff of surface waters from any source.

8. FLOOD INSURANCE RATE MAP (FIRM) -- An official map, incorporated with this section, on which the FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Peterborough.

9. FLOOD INSURANCE STUDY -- An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

10. FLOODPLAIN or FLOOD-PRONE AREA -- Any land area susceptible to being inundated by water from any source. (See definition of "flooding."

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

12. FLOODWAY -- See "regulatory floodway."
13. FUNCTIONALLY DEPENDENT USE -- 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 shipbuilding/repair facilities, but does not include long-term storage or related manufacturing facilities.
14. HIGHEST ADJACENT GRADE -- The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
15. HISTORIC STRUCTURE -- 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:
    e. By an approved state program as determined by the Secretary of the Interior; or
    f. Directly by the Secretary of the Interior in states without approved programs.
16. LOWEST FLOOR -- The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's "lowest floor," provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.
17. MANUFACTURED HOME -- A structure, transportable in one (1) 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 a site for greater than one hundred eighty (180) days. This includes manufactured homes located in a manufactured home park or subdivision.
18. MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
19. MEAN SEA LEVEL -- The National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
20. NEW CONSTRUCTION – For the purposes of determining insurance rates, means 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.
21. ONE-HUNDRED-YEAR FLOOD -- See "base flood."
22. RECREATIONAL VEHICLE -- A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

23. REGULATORY FLOODWAY -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.
24. SPECIAL FLOOD HAZARD AREA – (See "area of special flood hazard.")
25. START OF CONSTRUCTION -- Includes substantial improvements, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (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 stage 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 streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or part of the main structure.
26. STRUCTURE -- For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.
27. SUBSTANTIAL DAMAGE -- Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
28. SUBSTANTIAL IMPROVEMENT -- Any combination of repairs, reconstruction, alteration or improvements to a structure in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should equal the appraised value prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.
29. VIOLATION – The failure of a structure or other development to be fully compliant with the Town of Peterborough's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
30. WATER SURFACE ELEVATION -- The height, in relation to the national Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains.

E. All proposed development in any special flood hazard area shall require a permit. 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 be:

1. Designed, or modified, and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy.
2. Constructed with materials resistant to flood damage.
3. Constructed by methods and practices that minimize flood damages.
4. 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. 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 floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

G. Information to be obtained and maintained.

1. For all new or substantially improved structures located in Zones A or AE the applicant shall furnish the following information to the Code Enforcement Officer:
   a. The as-built elevation, in relation to the NGVD, of the lowest floor (including basement), and shall include whether or not such structures contain a basement.
   b. If the structure has been flood-proofed, the as-built elevation, in relation to the NGVD, to which the structure was flood-proofed.
   c. Any certification of flood-proofing.
2. The Code Enforcement Officer shall maintain for public inspection, and shall furnish such information upon request.

H. 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 § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. Section 1334.

I. Alteration and relocation of watercourses.

1. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and submit copies of such notification to the 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 Board and any local hearings.
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. Along watercourses with a designated regulatory floodway, no encroachments, including fill, new construction, substantial improvements, and other development, are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.
4. Until a regulatory floodway is designated along watercourses, no new construction, substantial improvements, or other development, including fill, shall be permitted within Zone AE on the

FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

5. 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"

J. In the floodway, designated on the FIRM, the placement or location of mobile homes is prohibited.

K. In special flood hazard areas, the Code Enforcement Officer shall determine the one-hundred-year-flood elevation in the following order of precedence, according to the data available:

1. In Zones A and AE, refer to the elevation data provided in the town's Flood Insurance Study and accompanying FIRM or FBFM.

2. In A Zones, the Code Enforcement Officer shall obtain, review and reasonably utilize any one-hundred-year-flood elevation data available from any federal, state or other source, including data submitted for development proposals submitted to the community (i.e., subdivisions and site plan approvals).

L. The Code Enforcement Officer's one-hundred-year-flood elevation determination will be used as criteria for requiring in Zones A and AE that:

1. All new construction or substantial improvement of residential structures have the lowest floor, including basement, elevated to or above the one-hundred-year-flood elevation.

2. That all new construction or substantial improvements of nonresidential structures have the lowest floor, including basement, elevated to or above the one-hundred-year-flood level; or, together with attendant utility and sanitary facilities, it shall:

   a. Be flood-proofed so that below the one-hundred-year-flood elevation the structure is watertight, with walls substantially impermeable to the passage of water;

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

   c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

3. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level and shall be securely anchored to resist flotation, 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.

4. Recreational vehicles placed on sites within Zones A and AE shall either (a) be on the site for fewer than 180 consecutive days, (b) be fully licensed and ready for highway use, or (c) meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c)(6) of Section 60.3 of said Regulations.

5. 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: the enclosed area is unfinished or flood-resistant, usable solely for the parking of vehicles, building

access or storage; the area is not a basement; and it shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. 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 floodwaters.

M. Variances and appeals.

1. Any order, requirement, decision or determination of the Code Enforcement Officer made under this section 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 an 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 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 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 maintain a record of all variance actions, including its justification for their issuance, and report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

§ 245-14. Groundwater Protection Overlay Zone *[Amended 5/14/16, 5/8/18, 5/14/19]*

A. Purpose

The purposes of this ordinance are to: protect public health, safety, and general welfare; preserve, maintain, and protect from contamination existing and potential groundwater supply areas; and protect surface waters that are fed by groundwater and/or recharge groundwater supplies. These purposes are to be accomplished by regulating land uses that could contribute pollutants to designated wells and/or aquifers identified as being needed for present and/or future public water supply.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

1. ANIMAL FEEDLOT: An area where animals are fed and confined for the commercial raising of livestock.
2. AQUIFER: A geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.
3. BULK STORAGE: The storage of more than 10,000 gallons of liquid or solid substance.
4. GROUNDWATER: Subsurface water that occurs beneath the water table in soils and geologic formations.
5. GROUNDWATER PROTECTION ZONE D: Those areas where pumping or use of groundwater is regulated due to remedial action activities necessary to clean up contamination of the groundwater.
6. IMPERVIOUS SURFACE: Any modified surface that cannot effectively absorb or infiltrate water. Impervious surfaces include but are not limited to: roofs and paved areas such as driveways, parking areas, and walkways, decks, patios, and gravel and crushed stone surfaces, unless such structures or surfaces have been designed to effectively absorb or infiltrate water. [Amended 5/10/16]
7. JUNKYARD: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary landfills. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.
8. OUTDOOR STORAGE: Storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
9. PUBLIC WATER SYSTEM: A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
10. REGULATED SUBSTANCE: Petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-90 edition (a copy of which is on file with the Code Enforcement Officer), excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure.
11. REMEDIAL ACTION: Those activities done pursuant to the Record of Decision for the South Municipal Water Supply Well Superfund Site dated September 27, 1989 and the Administrative Order docket No. CERCLA 1-90-1074 issued by the United States Environmental Protection Agency.
12. SANITARY PROTECTIVE RADIUS: The area around a well which must be maintained in its natural state as required by NH Department of Environmental Services for community water systems and for other public water systems.
13. SECONDARY CONTAINMENT: A structure such as a berm or dike with an impervious surface that is adequate to hold at least 110% of the total volume of all containers that will be stored there.

14. SNOW DUMP: For the purposes of this ordinance, a location where snow that is cleared from roadways and/or motor vehicle parking areas is brought by truck and placed for disposal.
15. SOUTH MUNICIPAL WATER SUPPLY WELL SUPERFUND SITE: That area subject to remedial action as defined by Administrative Order Docket No. CERCLA 1-90-1074, issued by the United States Environmental Protection Agency.
16. STRATIFIED-DRIFT AQUIFER: A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.
17. SURFACE WATER: Streams, lakes, ponds and tidal waters, including marshes, water courses and other bodies of water, natural or artificial.
18. WELLHEAD PROTECTION AREA: The surface and subsurface area surrounding a water well or well field supplying a community or non-transient non-community public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.

C. Groundwater Protection Overlay Zone

1. The Groundwater Protection Overlay Zone is superimposed over the existing underlying zoning districts and is comprised of Wellhead Protection Areas and Stratified Drift Aquifer Areas, both of which are shown on a map entitled "Groundwater Protection Overlay Zone".
   a. The Stratified Drift Aquifer Area encompasses the land area that is underlain by a zone of unconsolidated deposits that contain predominantly sand and/or gravel deposits that: (i) contain a usable water supply; or (ii) directly contribute water to more transmissive sand and gravel deposits that contain a usable water supply. The boundary of the Zone is the contact of sand and/or gravel deposits with other geologic deposits or boundary conditions within the subsurface.
   b. Groundwater Protection Zone D encompasses the land area as shown on a map entitled "District D" on file with the Office of Community Development.
2. When the actual boundary of the Groundwater Protection Overlay Zone is in dispute by any owner or abutter affected by said boundary, the Town will engage, at the owner or abutter's expense, a professional geologist or hydro geologist to determine more accurately the precise boundary of the District.
3. The Planning Board may adjust the mapped boundary of the Zone to make it consistent with the above definition, upon the recommendation of a professional geologist using 1:24,000-scale surficial geology maps prepared by the NH Geological Survey, other existing data (including wells, borings, or other excavations of sufficient depth), or appropriate field testing methods.

D. Applicability: All uses permitted by right or allowed by ***conditional use permit or*** special exception in the underlying zoning districts are permitted in the Groundwater Protection Overlay Zone unless they are Prohibited Uses under Section F. All uses must comply with the Performance Standards unless specifically exempt under Section H.

E. Performance Standards: The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Section H: [Amended 5/14/19]

1. All new residential development with a density of greater than one unit per acre shall be connected to town sewer.
2. *For all new development*, "impervious surfaces" *may* not *be* greater than 20% of the land area, unless storm water runoff associated with impervious surfaces greater than 20% of the land area are effectively infiltrated on the site, in accordance with pre-treatment and treatment best practices set forth in the New Hampshire Department of Environmental Services' Stormwater Manual Vol II, "Post-Construction Best Management Practices: Selection and Design" dated December 2008, as it may be amended.

a. Infiltration designs are subject to review and approval at the applicant's expense, by a Stormwater Management Consultant designated by the Planning Board.

b. The total impervious surface proposed may not exceed any impervious surface or lot coverage standards set forth in the Peterborough Zoning Ordinance: Article II "District Regulations"; Section 245-15.3 "Traditional Neighborhood Overlay Zone I"; or 245-15.4 "Traditional Overlay Zone II", as any of these presently exist or may be amended.

3. Any permitted facility that involves the handling, processing, recycling, disposal or storage of hazardous or toxic materials must provide a plan certified by a professional engineer that explains in detail the proposed use and the methods for handling and monitoring those materials.

4. For any use that will render impervious more than 20,000 square feet of any lot, a stormwater management plan shall be prepared in accordance with the Stormwater Management and Erosion Control Regulations and the Stormwater Design Standards that are contained in Appendix B of the Peterborough Subdivision Regulations.

5. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 1998, and any subsequent revisions.

6. All regulated substances must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains.

7. Facilities where regulated substances are stored must be secured against unauthorized entry by means of doors and/or gates which are locked when authorized personnel are not present and must be inspected weekly by the facility owner.

8. Storage areas for regulated substances must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems.

9. Secondary containment must be provided for outdoor storage of regulated substances if an aggregate of 275 gallons or more of regulated substances are stored outdoors.

10. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another.

F. Prohibited Uses.

1. Within the Wellhead Protection Areas only:

a. Gasoline and automobile service stations, including auto body repair.

b. Commercial disposal of septage.

c. Dry Cleaning Establishments.

2. Within the entire Groundwater Protection Overlay District:

a. The siting or operation of a hazardous waste disposal facility as defined under RSA 147-A.

b. The siting or operation of a solid waste landfill.

c. The unenclosed storage of road salt or other deicing chemicals in bulk.

d. The siting or operation of a junkyard.

e. The siting or operation of a snow dump. The siting or operation of a wastewater or septage lagoon.

f. Bulk Fuel Storage Yards.

g. Animal feedlots.

h. The storage of junk or wrecked vehicles unless provisions are made for the collection and proper disposal of any leaking fluids.

i. On-site handling, processing, recycling, disposing, or storing of hazardous or toxic materials or wastes, except when packaged for consumer use or sale.

3. Within the Groundwater Protection Zone D: The pumping or use of groundwater is prohibited due to remediation activities in nearby aquifers in those areas defined and mapped as disallowed groundwater use aquifer areas in the "Memorandum on Institutional Controls, South Municipal Water Supply Well Superfund Site, Peterborough, NH: NHBA6B.051" by Hull & Associates, Inc., and accompanying letter dated October 25, 1993, and as it may be amended in the future. The boundary of this district has been set approximately 1,000 feet beyond the extent of contamination as determined by chemical analyses of the groundwater at the site. The following restrictions and prohibitions shall apply:

a. The requirements, restrictions, and prohibitions of the underlying zoning districts, including any other Groundwater Protection Overlay Zone, shall continue to apply to the extent that they are not inconsistent with the provisions of this section.

b. Pumping of groundwater from any well, trench, sump, or other structure for residential, irrigation, agricultural, or industrial purpose is prohibited, unless such pumping is required for removal of any toxic or hazardous materials or wastes in compliance with applicable laws, regulations, or orders; or unless it is for the specific purpose of pumping groundwater out of a sump to keep a cellar from flooding during periods of high groundwater conditions.

c. The Groundwater Protection Zone D shall remain in effect until the remediation at the corresponding site is complete and the contamination in the aquifer is reduced to levels acceptable to the United States Environmental Protection Agency and the NH Department of Environmental Services.

G. Existing Nonconforming Uses: Existing nonconforming uses may continue without expanding or changing to another nonconforming use, but must be in compliance with all applicable state and federal requirements.

H. Exemptions: The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

1. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Section E, Performance Standards.

2. Storage and use of office supplies is exempt from Performance Standards 5 through 9.

3. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards 5 through 9.

4. The sale, transportation, and use of pesticides are regulated by State law and are therefore exempt from all provisions of this ordinance. For the purposes of this ordinance, "Pesticide" means (a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and (b) Any chemical or biological agent, or substance or mixture of substances of such agents, intended to control a pest or for use as a plant regulator, defoliant, or desiccant.

5. Household hazardous waste collection projects regulated under NH Code of Administrative Rules are exempt from Performance Standards 5 through 9.

§ 245-15. Wetland Protection Overlay Zone ***[Amended 5/13/14, 5/10/16, 5/14/19]***

A. Authority. This ordinance is adopted under the authority granted pursuant to RSA 674: 16, Grant of Power; and RSA 674:21, II, Innovative Land Use Controls.

B. Findings. The wetlands and their buffers in the Town of Peterborough are a valuable natural resource requiring careful management to maintain their usefulness to the public health, safety and welfare. The Town of Peterborough values its wetland resources and as such it desires to:

1. Prevent the placement of structures or development of other land uses near wetlands that could contribute to the pollution of surface and groundwater.
2. Prevent the alteration of wetlands that provide flood protection, recharge of groundwater supply, or augmentation of stream flow during dry periods.
3. Protect potential water supplies, existing aquifers, aquifer recharge areas, and wildlife habitats.
4. Maintain ecological balances and conservation corridors along rivers, streams, and drainage ways.
5. Prevent unnecessary and potentially excessive expenditures of municipal funds for the provision of and/or maintenance of essential services and utilities that might be required as a result of misuse or abuse of wetlands and water bodies and their buffers.
6. Protect, preserve, and enhance those aesthetic values associated with the wetlands of Peterborough.

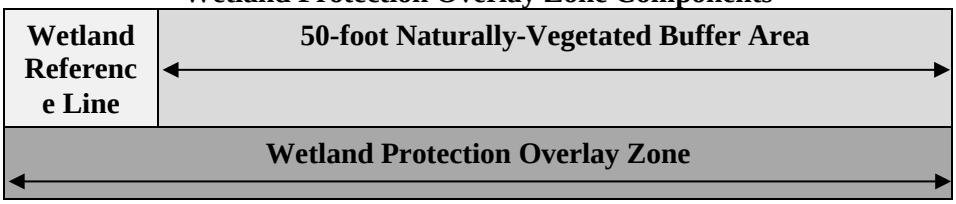
C. Purpose. The purpose of this Overlay Zone is, in accordance with RSA 674:17, to protect the public health, safety and general welfare by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the goals and objectives of the Peterborough Master Plan, and to allow uses that can be harmoniously, appropriately, and safely located in the Wetland Protection Overlay Zone.

D. Definitions. As used in this section, the following terms shall have the meanings indicated:

1. BULK STORAGE – The storage of more than 10,000 gallons of fuel, or 2,000 pounds of chemicals or hazardous materials.
2. CONDITIONAL USE PERMIT – A form of zoning administration that authorizes the Planning Board to grant a special permit for certain designated land use activities that may include the ability to waive or modify standards of the ordinance.
3. FUNCTIONAL VALUE – Functions are the self-sustaining properties of a wetland ecosystem. Values are the benefits that derive from wetland function and the physical characteristics associated with a wetland. Functional Value represents the practical, measurable value of wetlands.
4. HAZARDOUS MATERIALS – Materials that include, but are not limited to, those that are toxic, corrosive, ignitable, reactive irritants, strong sensitizers or which generate pressure through decomposition, heat, or other means.
5. NATURALLY-VEGETATED BUFFER – A protective buffer that maintains a diversity of natural vegetation (which does not mean “lawn”), and remains unaltered by development at the time of construction and thereafter.
6. STRUCTURE – Anything constructed, erected, or assembled for occupancy or use, such as but not limited to: a building, swimming pool, windmill, telecommunication facility, retaining walls over four feet in height, or anything else that requires a building permit.
   a. ACCESSORY STRUCTURE – A structure located on the same lot as the primary structure, which use is clearly secondary and incidental to the primary use of the property.
   b. PRIMARY STRUCTURE – A structure that is used for the principal permitted use of the property.

7. WETLANDS – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
8. WETLANDS BUFFER AREA – The protected upland area adjacent to wetlands that is naturally-vegetated and measured on the horizontal plane.
9. WETLAND PROTECTION OVERLAY ZONE (WPOZ) – All wetlands as defined above and all land within 50 feet of said wetland (as illustrated in Figure #1).

Figure #1:
Wetland Protection Overlay Zone Components



10. WETLAND REFERENCE LINE – The border of the ground at which a shift from wetlands to uplands occurs, as designated by a NH-certified wetland scientist.

E. Applicability. The requirements of Wetland Protection Overlay Zone apply to all underlying districts or zones; regulations of the underlying district(s) or zones continue to apply to the extent they are not inconsistent with the provisions of this section or any federal, state or local laws. In the event of conflict, the more restrictive regulations shall apply.

F. Boundary Delineation:

1. Boundaries of the Wetland Protection Overlay Zone are to be delineated on the subject lot(s) for all subdivisions and site plan reviews; and for any driveway or building permit application for development within 50 feet of a wetland.
2. The Wetland Reference Line shall be delineated in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, 1987, or any update thereof, by a NH State Certified Wetland Scientist.
3. In those cases where wetlands are bisected by a road or driveway and connected by a culvert, the wetlands shall be treated as one for the purpose of determining applicability to this ordinance.
4. In those instances where a wetland may be located on an abutting property and the applicant does not have approval to access the property, the applicant will rely on the best information available to make that determination, including aerial photos, field observations, etc.

G. Boundary Disputes. When a boundary of the wetland is in dispute by any owner or abutter affected by said boundary, the Town will engage, at the owner or abutter's expense, a certified wetlands scientist to determine more accurately the precise boundary of the wetland. A report of the findings shall be submitted to the Planning Board or the Code Enforcement Officer, as applicable, and shall include, at a minimum, a map of the area in question delineating the boundary, if any, and a written report of an on-site field inspection and test boring data.

H. Wetland Buffer.

1. A minimum 50-foot wetland buffer area must be maintained from all wetlands over 10,000 square feet in size[3].
2. The wetland buffer area is considered to be an inviolate buffer that is to remain naturally-vegetated (excepting any area designated for permitted uses).
3. Additional buffer may be required by the Planning Board when a wetland abuts a slope of 10% or more, subject to the provisions of Chapter 233-52 (C).
4. No construction activity is allowed to occur within five (5) feet from the edge of the buffer.

I. Requirements.

1. No more than 50% of any wetland (excluding the buffer) within the Wetland Protection Overlay Zone may be used to satisfy the minimum lot size requirements of the underlying zoning district(s).
2. In areas not served by municipal water and sewer, no wetland shall be used in the calculation of allowable density for any multifamily or Open Space Residential Development.
3. There shall be no bulk storage of fuel, chemicals or hazardous materials within 125 feet of any wetland.

J. Permitted Uses.

1. Within the Wetland Protection Overlay Zone, only those uses are permitted that are consistent with the protection of wetland functions and values. In no case, except as allowed for a permitted use, will uses be allowed that:
   a. Require the placement or construction of any structure, or the storage or parking of any type of motorized vehicle.
   b. Alter the natural surface configuration by recontouring or grading of the land, or the removal of any stumps within the buffer area.
   c. Change the flow of water.
   d. Result in the pollution of the wetlands, surface water, or groundwater.
   e. Involve filling, dredging or draining of the wetland.
2. Permitted Uses within the buffer area include the following or similar uses:
   a. Forestry and tree farming, including any associated access roads, using techniques as set forth in Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, NH Department of Resources and Economic Development, 2004, as it may be amended. [Amended 5/13/14]
   b. Agriculture, including grazing, as defined by RSA 21:34-a, according to recognized soil and water conservation practices, including the protection of wetlands and groundwater from pollution caused by fertilizers, pesticides and herbicides as set forth in Best Management Wetland Practices for Agriculture, NH Department of Agriculture.
   c. Wildlife habitat development and management.

[3] For reference purposes, mapping including but not limited to the following may provide information on wetland locations: (1) USGS Peterborough Quadrangle, 15 Minute Series date 1953; (2) USGS Peterborough North Quadrangle, 7.5 Minute Series, Provisional Edition 1987; (3) USGS Peterborough South Quadrangle, 7.5 Minute Series, Provisional Edition 1987; (4) the National Wetland Inventory; (5) mapping contained in the November 2009 Town of Peterborough Comparative Wetland Evaluation; and (6) Town of Peterborough GIS data.

d. Parks and recreational uses consistent with the purpose and intent of this section, including hunting and fishing.

e. Conservation areas and nature trails.

f. Water impoundments, dry hydrants, and fire protection ponds approved by the state.

g. Wells and well supply lines.

h. Unpaved footpaths, footbridges, bicycle paths, horse paths, or cross-country ski trails no wider than six (6) feet; and fences, benches, wildlife blinds, and the like for noncommercial recreational uses.

i. Repair or maintenance of any of the above, including the removal of invasive species as identified by the USDA for the State of New Hampshire.

3. Exemptions.

a. Pre-existing stormwater management devices, including man-made ditches and swales.

b. *Pre-existing* sedimentation/detention basins or ponds. [Amended 5/14/19]

c. Construction of accessory structures associated with and/or additions to legally pre-existing one- and two-family residential primary structures as of the effective date of this ordinance (5/10/11), provided there is no encroachment closer to the wetland than what currently exists.

K. Conditional Uses.

1. Subject to the provisions of RSA 674:21, II, the Planning Board is hereby authorized to issue Conditional Use Permits for the following, subject to the process and criteria in Article IX *"Conditional Use Permit"* ~~section~~ of the Peterborough Site Plan Review Regulations. In the granting of any Permit, the Board may attach reasonable conditions, or waive or modify any of the requirements of this section if specific circumstances relative to the proposal indicate that the waiver will properly carry out the spirit and intent of the regulations. [Amended 5/10/16, 5/14/19]

a. Streets, roads, access ways, and driveways if essential to the productive use of land not designated as wetland and located and constructed so as to minimize and avoid to the maximum extent practicable, any detrimental impact of such uses upon the Wetland Protection Overlay Zone. [Amended 5/10/16, 5/14/19]

*b. New or expanded stormwater management systems shall be located and constructed so as to avoid siting within the WPOZ or shall be minimized in accordance with the Conditional Use Permit process and standards as required in **§**233-52 of the Site Plan Regulations (as it may be amended). When a Conditional Use Permit has been granted for such a system, any future access, repair, maintenance, or replacement of the system shall be permitted in kind and location without further approval.* [Amended 5/14/19]

c. *New or expanded utility systems, including any rights-of-way or easements associated with the systems shall be located and constructed so as to avoid siting within the WPOZ or shall be minimized in accordance with the Conditional Use Permit process and standards as required in **§**233-52 of the Site Plan Regulations(as it may be amended). When a Conditional Use Permit has been granted for such an underground system, any future access, repair, maintenance or replacement of the system shall be permitted in kind and location without further approval.* [Amended 5/14/19]

d. Construction of accessory structures associated with and/or additions to legally pre-existing multi-family or non-residential primary structures as of the effective date of this ordinance (5/10/11), provided there is no encroachment closer to the wetland than what currently exists.

e. Restoration of a previously disturbed area within the Wetlands Protection Overlay District. Restoration activities may include but are not limited to: [Amended 5/10/16]

   i. Restoring and revegetating disturbed, degraded, or eroded areas in the buffer area with native materials and appropriate native plant species in accordance with a plan prepared by a NH Certified Wetland Scientist, NH Certified Soil Scientist, Wetland Ecologist, NRCS District Conservationist or other qualified individual.

   ii. Wetland restoration in accordance with a plan prepared by a NH Certified Wetland Scientist, or NH Certified Soil Scientist, and approved by NH DES. Note Applicants shall obtain and provide a copy of any wetlands permits require by the State of NH for the activities proposed.

§ 245-15.1. Bulk Fuel Storage District

A. Purpose. The purpose of this section is to establish rules and procedures for bulk fuel storage facilities within the Town of Peterborough. These regulations do not apply to gas stations unless they also conduct a separate bulk fuel storage/distribution business at the site. All existing bulk fuel storage facilities are exempt from these regulations, although any future modification involving the relocation of or installation of additional tanks must conform to these regulations.

B. Location. The Bulk Fuel Storage District is an overlay Zoning District that shall include parcel numbered U016-023-000.

C. Definitions. For the purpose of this section, the following terms shall have the meaning herein.

BULK FUEL STORAGE -- Any location where there are ten thousand (10,000) gallons or more of fuel intended for storage, transfer, or distribution.

D. General Provisions.

1. For existing Bulk Fuel Storage facilities, any modification or expansion of the fuel storage facilities must be approved under the provisions of this regulation.

2. Bulk Fuel Storage facilities are permitted in the Bulk Fuel Storage District only by obtaining a Special Permit granted by the Planning Board. The use shall meet the following minimum requirements:

a. New Bulk Fuel Storage facilities shall not be allowed within the Shoreland Conservation Zone or within 50 feet of a wetland.

b. For existing Bulk Fuel Storage facilities, modification of facilities already existing within the Shoreland Conservation or Wetland zones may be allowed within the Shoreland Conservation or Wetland zones, so long as it involves no increase in the amount of fuel stored within those zones if in the judgment of the Planning Board the modifications improve safety and reduce risk to the environment and to the public.

c. The use shall conform to all other applicable ordinances of the Town.

E. Special Permit Process.

1. Anyone seeking to modify an existing Bulk Fuel Storage Facility or construct a new one must obtain a Special Permit under the provisions of this section as well as Site Plan Approval, both issued by the Peterborough Planning Board. Applicants are encouraged to contact Office of Community Development (OCD) staff early in the planning process, prior to submitting a formal application. OCD shall prepare an application form for this Bulk Fuel Storage Special Permit process. Once an application is received, OCD shall within forty-five (45) days of receipt of a complete application submit a written report to the Planning Board which includes, at a minimum:

a. A description of the project including its size, the type(s) of fuel to be stored, how fuel will be transported to and from the site, hours of operation, spill prevention features, appearance of the facility including height, size, shape, location, and color of tanks, structures, and equipment, as well as lighting and emergency response plans.

b. Comments from the Fire Chief, Police Chief, and Public Works Director.

c. Comments from the New Hampshire Department of Environmental Services.

d. An analysis of the potential impacts of the proposed facility upon drinking water supplies, water quality (both surface and subsurface), and wetlands. The report shall be prepared by a New Hampshire registered engineer at the applicant's expense and shall also discuss potentials for spills, smell, or explosion and identify what steps have been taken to prevent or minimize those potentials. If the project is within the 100-year floodplain, the report shall also identify specific steps that have been taken to avoid damage from flooding or water-born ice.

e. Concerns and comments of adjacent property owners. OCD is directed to attempt to discuss this project with property owners within two hundred (200) feet of the project boundaries, and if located within or adjacent to a residential area, hold one or more neighborhood meetings to identify and when possible resolve concerns of residents. OCD is encouraged to work with the applicant and abutters to address those concerns prior to submitting the report for Planning Board review.

f. The Office of Community Development is authorized to request technical information or independent studies at the applicant's expense as part of its report preparation. If the applicant feels that those requests are unreasonable, they may appeal to the Planning Board, which shall retain final jurisdiction.

g. Upon receipt of the OCD staff report, the Planning Board shall conduct Site Plan and Special Permit review concurrently and shall follow the administrative procedures established by the Board for Site Plan review. A site plan application involving bulk fuel storage will not be accepted or processed until the staff report required under this ordinance has been prepared.

§ 245-15.2. Rural Gateway Overlay Zone

A. Applicability. This establishes a front vegetated buffer for all new construction of buildings and pavement, other than approved access driveways.

1. Route 101 Rural Gateway Overlay Zone is established from the Dublin town line running easterly to parcel number U023-022-000 on the north and parcel number U028-011-000 on the south, and then extending easterly from parcel number U001-010-000 on the north and parcel number U001-013-000 on the south (at the intersection of Routes 101 and 123), extending easterly to the Temple town line.

   a. An eighty-(80) foot vegetated buffer must be provided and maintained between the property line and buildings or parking surfaces.

2. A Route 202 Rural Gateway Overlay Zone is established from the Hancock town line southerly along Route 202 to parcel number U007-001-000 on the easterly side and parcel number U013-004-000 on the westerly side. The Route 202 Rural Gateway Overlay District then extends southerly from near the intersection of Route 202 and Sharon Road (parcel number R003-021-000 on the easterly side and parcel number R003-005-100 on the westerly side) to the Jaffrey town line.

   a. A fifty-(50) foot vegetated buffer must be provided and maintained between the property line and the buildings or parking surfaces.

B. General Provisions.

1. Existing developed lots are exempt from these regulations unless they undergo substantial improvements, as defined in §245-4.

2. The buffer area can be utilized for drainage and for creating access to the site, as well as for the placement of utilities.

3. No vehicles or goods for commercial sale may be displayed within the buffer area.

4. All other provisions of the underlying district(s) shall still apply.

5. When the lot has no existing vegetation along the frontage, vegetation shall be provided that is similar to abutting or neighboring properties, but in any case, it should be native to the area.

§ 245-15.3 Traditional Neighborhood Overlay Zone I ***[Adopted 5/13/14]***

A. Purpose and Intent: The purpose of this section is to allow for the infilling of lots and additional residential housing in close proximity to the Downtown Area in sections of town where there are established subdivided neighborhoods. This approach to development is in furtherance of Vision Statements and Goals & Objectives of the Peterborough Master Plan. Advantages of infill development as described in the Master Plan include:

1. creating housing opportunities that reflect changing household demographics (such as retirees, single person households);
2. discouraging extensive development in rural parts of town;
3. locating density within close proximity to police, fire, and emergency services;
4. allowing residents to become less auto dependent;
5. making more efficient use of the Town's infrastructure including water & sewer services; and
6. creating opportunity for smaller, more energy efficient, and thus more affordable, housing.

B. Authority and Administration: This section is adopted in accordance with RSA 674:21, Innovative Land Use Controls and RSA 675: 1, II. Pursuant to RSA 674:21, II the Planning Board is hereby authorized to grant Conditional Use Permits for applications for subdivisions and new residential dwelling units, as provided in this section. In the granting of any such Permit, the Board may attach reasonable conditions, or waive or modify any of the requirements of this section if specific circumstances relative to the proposal indicate that the waiver will properly carry out the spirit and intent of this ordinance.

C. Applicability: The following provisions apply to all lots in the Family and General Residence Districts surrounding the Downtown Commercial District within the area designated on the zoning map as the "Traditional Neighborhood Overlay Zone I". The dimensional and use standards contained in Paragraph E below shall supersede the underlying zoning districts upon the granting of a Conditional Use Permit; however all other relevant provisions of the zoning ordinance shall still apply.

D. Permitted Uses: Uses permitted in the underlying Family District and General Residence District shall continue to be permitted in those respective districts.

E. Minimum Requirements are as follows:

1. Water & Sewer: In order to be eligible for subdivision under this ordinance, lots must either be already served by Town water and sewer or are able to connect to existing service. Any proposed new dwellings must be approved by the DPW Director for connection to Town water and sewer.\

2. Reuse of Existing Buildings: The demolition of existing habitable dwellings in order to subdivide a lot or create additional dwelling units on an existing lot is strongly discouraged, unless the applicant can demonstrate to the satisfaction of the Planning Board that the structure is in such a state of disrepair that rehabilitation is cost-prohibitive or that the existing structure is out of character with the architectural scale and style of adjacent and nearby residential structures.

3. Lot and Yard Standards. The following minimum lot and yard standards apply to subdivisions or the addition of dwelling units that do not involve subdivision. If a subdivision is proposed, each lot must meet these minimum standards. If no subdivision is proposed, the existing lot must meet these minimum standards before any additional dwelling units could be approved.

	Family District	General Residence District
a. Frontage:	75 feet	50 feet
b. Lot Size:		
i. Single Family:	10,000 square feet	5,000 square feet
ii. Two-Family:	10,000 square feet	7,500 square feet
iii. Multi-Family:	NA	5,000 square feet plus 2,500 square feet for each unit

4. Setback Requirements: The front building setbacks shall be determined by taking the average of existing developed residential lots located on either side of the project parcel**,** on the same side of the street, based on the most recent Town mapping, as measured along the adjacent street frontage from the lot proposed for development. In no instance shall the front setback be less than fifteen (15) feet nor greater than fifty (50) feet. Minimum side and rear setback requirements shall not be less than ten (10) feet, and may be greater if the Planning Board finds that unusual characteristics exist and a greater setback would be more in keeping with character of the neighborhood and streetscape.

5. Building Design: The height, scale and massing of the building, the sizing, orientation and spacing of doors and windows, and the shape and orientation of the rooflines shall reflect other existing residences within 300 feet of the property in both directions on both sides of the street, as measured along the adjacent street frontage from the lot proposed for development. The primary entrance to new buildings shall be oriented to the street, unless the prevailing orientation of the residences within the 300-foot distance is other than toward the street**.** The Planning Board shall utilize the "Traditional Neighborhood Overlay Zone ISite and Building Design Guidelines" that are appended to this section in making a determination of neighborhood compatibility, which shall be required as part of the granting of a Conditional Use Permit.

6. Lot Coverage: In the Family District no more than twenty-five percent (25%) of the lot shall be covered with impervious materials. In the General Residence District no more than thirty-five percent (35%) of the lot shall be covered with impervious materials. Driveways are discounted from this calculation.

7. Parking & Driveways:

   a. Driveways and parking areas shall not be less than five (5) feet from the side or rear property lines and may be greater if the Planning Board finds that a greater setback is necessary to avoid negative impacts to neighbors. Parking spaces for the existing and proposed units shall be shown on plans. Parking for two cars may be in a tandem configuration. Parking spaces or garages must be located at the rear of the lot unless the applicant can demonstrate that it is either not reasonable or feasible to create a parking area in the rear. If a garage cannot be located in the rear of the lot, it must be located behind the front building line of the house.

   b. Driveways and parking areas between lots are encouraged; if a driveway is shared, the setback stated above does not apply. Shared parking must provide the total number of spaces required by the zoning ordinance for the number of units to be created. In such a case, a signed and notarized Cross-Access Agreement between the applicable property owners must be filed with the Registry of Deeds, with a copy provided to the Code Enforcement Officer at the time of building permit application.

F. Procedure:

1. The owner/developer of a proposed project under this overlay zoning ordinance shall submit an application to the Planning Board for a Conditional Use Permit, and subdivision plan where applicable. Said application shall include sufficient site and building design detail to enable the Planning Board to make a determination of neighborhood compatibility for the proposed design.
2. The Planning Board shall hold a public hearing on the proposed development project to which all property owners within 300 feet in each direction on both sides of the street of the proposed new residence shall be provided notice.
3. The Planning Board shall make a decision as to whether the conditions for granting a Conditional Use Permit have been satisfied. In making their decision, the Planning Board may approve, modify or deny an application. If the application is denied, the Planning Board shall provide suggestions as to how the proposal could be modified to make it compatible with the existing neighborhood character.

Appendix to §245-15.3 Traditional Neighborhood Overlay Zone I

TOWN OF PETERBOROUGH
TRADITIONAL NEIGHBORHOOD OVERLAY ZONE I
SITE AND BUILDING DESIGN GUIDELINES

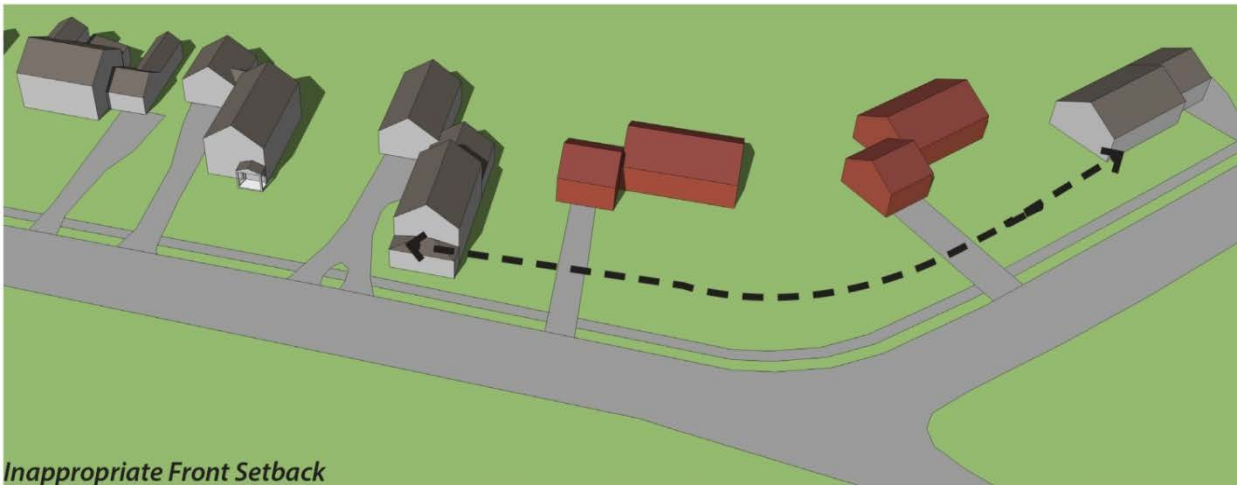
NOTE: These guidelines serve as a reference for the Planning Board and the Code Enforcement Officer in the processing of any applications under the Traditional Neighborhood Overlay Zone I provisions of the Zoning Ordinance, **§245-15.3**.

Site and Building Design Guidelines

The following Design Guidelines are intended to be used by the Planning Board and the public to ensure that new homes in the Traditional Neighborhood Overlay District I respond to existing neighborhood patterns that residents value. The guidelines focus on basic building and site relationships and are intended to foster pedestrian-oriented streetscapes and harmony between new and existing homes. There is a great deal of diversity of architectural styles and site relationships in Peterborough neighborhoods and therefore there many options for new building design. These guidelines are intended to articulate the primary considerations to ensure new homes are sensitive to neighborhood context while also promoting design creativity.

Front Setbacks

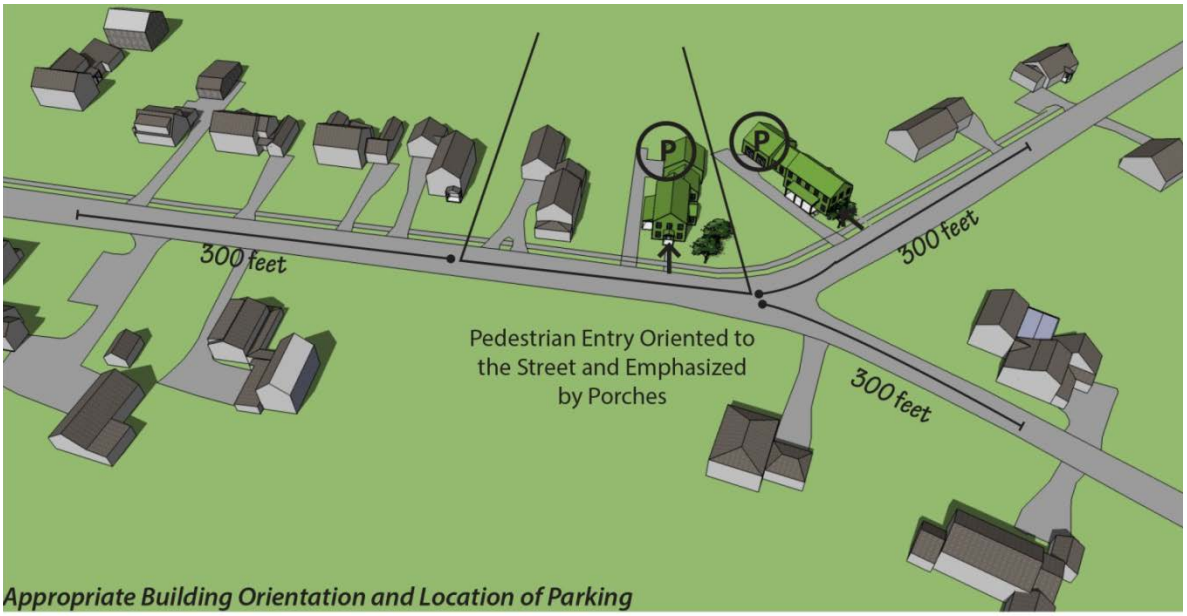
New homes should continue prevailing building setback patterns in order to reinforce the rhythm and character of the streetscape environment. There is quite a bit of variation along residential streets in Peterborough and appropriate setbacks may vary from lot-to-lot depending on the street's context. Setbacks should generally be drawn from neighboring houses on the same side of the street and reinforce the prevailing neighborhood fabric, neither pulling back too far from the street nor setting the home too close to the street. When spaces between the house and the street become too large, the sense of enclosure along the street is lost and it becomes more difficult to provide rear parking or backyard space. Buildings set closer to the street than the prevailing residential patterns disrupt the rhythm and order of the streetscape and appear intrusive.



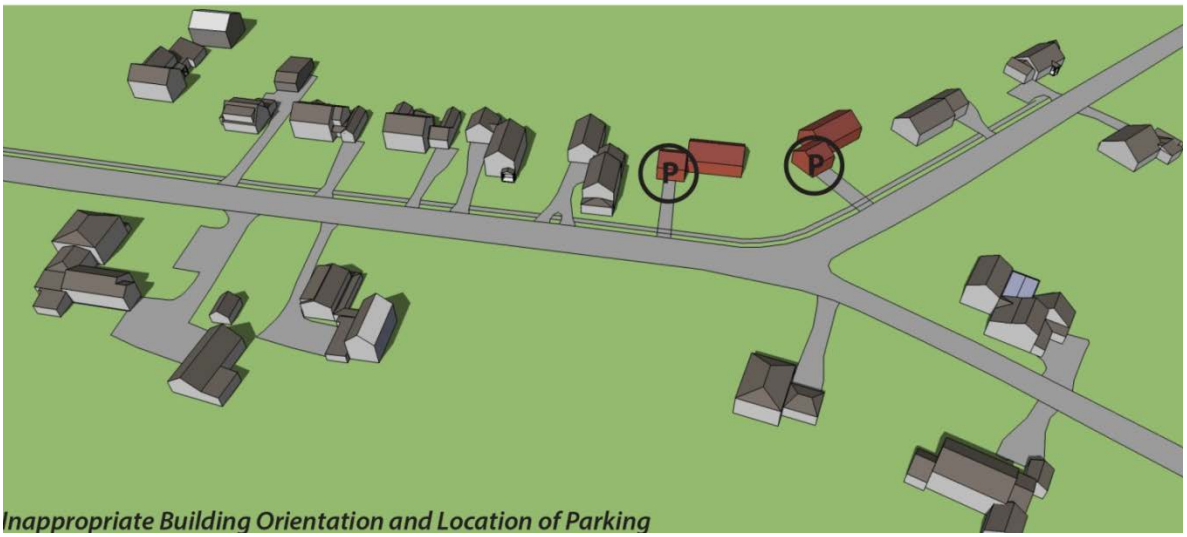
Building Orientation and Location of Parking

Buildings should orient to and face the street. Along street frontages orient windows, the primary pedestrian entry and other building façade elements toward the street. Buildings should not turn their backs or sides to the street.

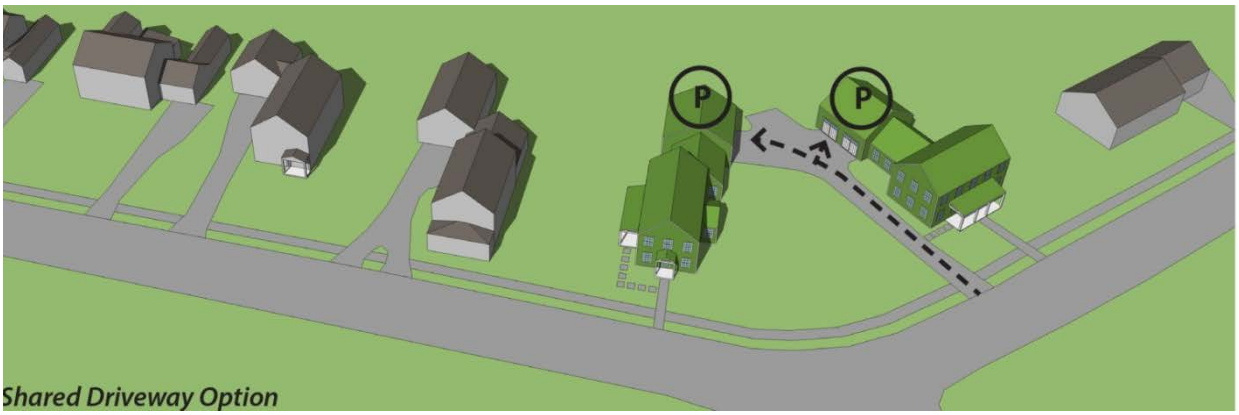
Garages and parking areas should be located to the rear of the lot, ideally front facing garage doors would be set a minimum of 20-feet behind the front façade of the house and the driveway should be limited to one lane between the street and the front façade. If it is not possible to set the garage back 20 feet, the Planning Board may reduce the setback taking into consideration the site conditions and neighborhood context. Garages may be placed beneath the main floor of the house, and turned to the side to reduce the negative visual impact of garage doors facing the street. Shared driveways are encouraged, where appropriate.



Appropriate Building Orientation and Location of Parking



Inappropriate Building Orientation and Location of Parking



Building Height and Massing

The front elevation of a new home should be similar in terms of height and width to other houses along the street. Buildings should be consistent with the orientation of the main mass of the building and its relationship to the street. In many traditional New England neighborhoods, the main building mass was oriented perpendicular to the street creating narrow and deep lot and house patterns. This building pattern often resulted in the row of repeating gables facing the street that is emblematic of nineteenth century New England townscapes.

Architectural Features

Some neighborhoods have clear recurring architectural features (including porches or other entry features, fenestration patterns, roof forms, building details, materials, etc.) that are valued by the community as key aspects of a neighborhood's character. New houses should incorporate prevalent neighborhood architectural features such as porches, gable roofs, dormers, board siding into new buildings when appropriate.

Above: Many neighborhoods in Peterborough have a strong sense of place based on a variety of recurring architectural features including gable roofs, dormers, porches and entry features.

Left: Traditional Gable Front House with Porch and Back Barn. Right, Barn Renovation Reflects Prevailing Neighborhood Architectural Patterns yet appears contemporary.

Above, existing conditions and, below, illustrative visual simulation of new homes incorporating front setback, building orientation, height, massing and prevailing architectural features from the neighborhood context. Note: these images are illustrative only and do not represent a development proposal.

§245-15.4 Traditional Neighborhood Overlay Zone II ***[Rescinded by Court Decree 12/27/19]***

ARTICLE IV – Supplemental Provisions

§ 245-16. Professional uses and customary home occupations[4] [deleted by ATM 3-12-96]

§ 245-17. Certain Manufactured Housing[5]

A. No individual manufactured house of less than three hundred twenty (320) square feet may be located on any lot in Peterborough for longer than thirty (30) days in any twelve (12) month period. However, this does not apply to the storage of camping trailers, travel trailers, or recreational vehicles on the lot of the owner of such vehicle, or in space leased by the owner of such vehicle within a commercial storage yard or building, provided it is not used as a residence.

B. A manufactured house that is less than three hundred twenty (320) square feet may be permitted by special exception from the Zoning Board of Adjustment for the purpose of providing temporary living facilities while a building or home is under construction. Said manufactured house may remain on the site for a period up to one (1) year if the building permit for the construction project is renewed before it expires, or six (6) months if the building permit has been allowed to expire. The applicant may apply to the Zoning Board of Adjustment for renewal of the special exception, but in no case shall renewals exceed a total of one (1) year. To be eligible for said special exception, the following criteria must be met:

1. The unit is placed on the same lot on which the construction of the building or home is taking place;
2. Adequate water facilities are installed;
3. The unit is connected to town sewer or a subsurface sewage disposal system that has been approved by the NH Department of Environmental Services Water Supply and Pollution Control Division;
4. The unit meets the minimum building setback requirements for the district in which it is located;
5. The lot has sufficient off-street parking for vehicles used by the occupants and any visitors;
6. Placement of the unit on the lot will not create a nuisance or be offensive to surrounding property owners;
7. The maximum number of units allowed on one (1) site shall be determined by the Zoning Board of Adjustment, taking into consideration the construction time schedule, number of workers to be on the site for construction of the building, and the length of time the units are to remain on the property. In general, multiple units should only be allowed on a single lot in cases where the construction is to be completed within a six (6) month period.
8. Renewals may be granted by the Zoning Board of Adjustment in cases where construction has not been completed within the year. Renewal periods shall be set by the Zoning Board of Adjustment based on the amount of progress on the construction project (25%, 50%, 75% done, etc.), but in no case shall a renewal period exceed one (1) year.

C. In accordance with RSA 674:32, II, the owner and occupier of a residence that has been damaged by fire or other disaster may place a manufactured home on the lot of the residence for a period not to exceed 12 months while the residence is being rebuilt, provided all state and local regulations regarding water supply and sewage disposal are complied with.

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4 Editor's Note: See § 245-24, Home Based Businesses.

5 Editor's Note: See also Ch. 224, Manufactured Housing Parks.

§ 245-18. Signs

A. Purpose and intent. The purposes of this section are to protect and improve community appearance and aesthetics and to protect the health, safety, and welfare of its citizens without inhibiting the vitality of local businesses and organizations for whom adequate signage is of high importance. This section recognizes that establishments need identification and the public needs direction. This section aims to encourage the use of street graphics which are compatible with community character, are readable and clear, are non-distracting to vehicular and pedestrian traffic, and are maintained in good repair.

B. General definitions.

1. ANIMATED SIGN – Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.
2. BUILDING SIGN -- A sign that is attached to a building and protrudes from the building more than four (4) inches.
3. BUSINESS SIGN -- An on-premises sign which directs attention to any primary business, industry, or other activity which is sold, offered, or conducted on the premises.
4. CHANGEABLE COPY SIGN -- A sign on which message copy can be changed. "Changeable copy sign" includes a sign which has automatic switching, limited to time and temperature.
5. CONSTRUCTION SIGN -- A sign advertising an architect, lending institution, developer, engineer, or contractor for a building project, when such sign is placed on premises under construction.
6. DIRECTORY SIGN -- A wall sign located over or adjacent to doorways, identifying the occupant(s)
7. FREESTANDING SIGN – A sign supported by poles, pylons, uprights, braces, and/or cables and placed upon the ground.
8. FRONTAGE:
   a. LOT OR SITE FRONTAGE -- The length of the property line parallel to and along each public right-of-way or private roadway.
   b. PRIMARY BUILDING FRONTAGE -- The exterior building wall or walls facing a right-of-way or private roadway and any other exterior building wall or walls facing an on-premises public parking lot which contains a public entry to the occupant's premises.
   c. SECONDARY BUILDING FRONTAGE -- The exterior wall or walls which are not classified as primary frontage.
   d. BUSINESS FRONTAGE -- The exterior portion of a building devoted to a particular business establishment which is coterminous with part or all of a primary or secondary building frontage.
9. ILLUMINATION – The directing of light onto a sign whether the light fixture is located on the ground or attached to the sign structure, or the lighting of a sign from a light source internal to the sign itself.
10. INDUSTRIAL COMPLEX – An Industrial Building with three (3) or more businesses fronting on a Town Road.
11. INDUSTRIAL PARK -- Industrially zoned property with three (3) or more separately-owned properties that front on a Town Road.
12. INTERNALLY LIT SIGN – A sign that is lighted by a source concealed behind a translucent sign panel. Any decorative lighting that is used expressly for the purpose of advertisement shall be constructed as a sign.

13. MAINTAIN -- To permit a sign, sign structure, or any part of each to continue or to repair or refurbish a sign, sign structure ,or any part of each. Total liability for sign maintenance and operation rests with the owner.
14. MUNICIPAL SIGN -- A sign installed by the Town of Peterborough or state government for the purpose of naming streets, providing traffic, or traffic safety information and for similar governmental purposes.
15. NONCONFORMING SIGN -- Any sign that existed prior to the adoption of this section which does not conform with the provisions provided for in the Sign Ordinance.
16. OFF-PREMISES DIRECTIONAL -- A sign on private property whose only purpose is to direct vehicular traffic and is not intended to be used as a form of advertisement.
17. OFF-PREMISES SIGN -- A sign which pertains to business, industry, or activity which is not located on the premises upon which the sign is located.
18. ON-SITE DIRECTIONAL SIGN -- A sign on private property whose only purpose is to direct pedestrian or vehicular traffic, such as those indicating entrances, exits, parking, and walkways.
19. PERMITTED SIGN -- A sign must be specifically authorized by this section to be "permitted."
20. POLITICAL SIGN -- A sign which advertises or promotes the candidacy of any individual for elected local, county, state, or national office.
21. PORTABLE SIGN – A sign that is designed to be transported and that is placed on the ground, not secured to the ground or a permanent structure. Portable signs include, but are not limited to, sandwich boards or A-frames.
22. PORTE-COCHERE SIGN -- A painted sign or flat sign placed upon the exterior of a canopy or roof extending over a drive-up entrance to a building.
23. PREMISES -- A lot or number of lots on which are situated a building or group of buildings designed as a unit or on which a building or group of buildings are to be constructed.
24. PROPERTY MAINTENANCE SERVICE SIGN -- A sign advertising a contractor who provides maintenance services to a property, including but not limited to window washing, grounds keeping, painting, and the like.
25. PUBLIC, CIVIC, or EDUCATIONAL SIGN -- A sign which denotes the public, civic, or educational nature of buildings or activities and nonprofit activities.
26. REAL ESTATE SIGN -- A sign which advertises only the sale, rental, or lease of buildings or land on which the sign is located.
27. ROOF SIGNS -- Signs that project above the eaves of a building roof.
28. SANDWICH BOARD – Two connected sign boards that are connected at the top, transportable, and sit on the ground in an “A”-type shape.
29. SIGN -- Any device, illuminated or non-illuminated, or presentation by words, letters, figures, designs, or pictures, publicly displayed to give notice relative to a person, a business, goods, products, a service, an action or a solicitation. "Sign" includes identification, advertising and informational signs and also includes an emblem, logo or trademark that is designed or intended to announce, direct, attract or promote. For the purpose of removal, "sign" shall also include the sign structure. A "sign" shall also include a balloon, banner, pennant, insignia, awning or other figure of similar character located outdoors, whether or not constituting a structure or any part thereof, or whether or not attached to, painted on or in any other manner represented on a building or structure, which is used to announce, direct, attract, advertise or promote.

30. SIGN STRUCTURE -- Any structure which supports or is capable of supporting any sign, including decorative cover. A "sign structure" may be a single pole and may or may not be an integral part of a building or structure.
31. TEMPORARY SIGN -- A sign not constructed or intended for long-term use.
32. TRAILER SIGN -- A sign mounted, located or painted on a vehicle or trailer for the primary purpose of advertising a business or activity not within the trailer.
33. UNLAWFUL SIGN -- A sign which does not comply with the requirements of this section of the Code of the Town of Peterborough.
34. WALL SIGN -- All painted signs on the exterior of a building, or flat signs which are placed flush against the exterior of a building and extend no more than 4 inches from the surface of the building.
35. WINDOW SIGN -- A sign located on the inside of a window, visible from the exterior.

C. Signs which do not require a permit.

1. A lawfully existing sign may have its surface and support renewed or replaced with new material without applying for a new permit if the replacement or renewal is for the same business and has the same dimensions, same copy and same location as the existing sign. Copy information only may be changed by paying a nominal filing fee of five dollars ($5) registering the change. Permitted changeable copy signs are exempt from the filing fee.
2. Existing nonconforming signs. Every sign established to be lawfully in existence at the time of the adoption of this section may continue in existence and be maintained but may not be changed in any of its dimensions, configuration, or prominence or be relocated except to comply with this section, unless the change brings the sign more into conformity with the District provisions.
3. Signs not exceeding one (1) square foot in area and bearing only property numbers, postal numbers, names of occupants and other noncommercial identification.
4. Municipal signs.
5. On-site directional signs up to and including a maximum size of six (6) square feet.
6. Any sign required or permitted by federal, state, county or local law regulation.
7. Legal notices, such as "no trespassing" or "no hunting" signs.
8. Business sign or directory sign; a wall sign located over or adjacent to doorways up to and including a maximum size of two (2) square feet.
9. Signs located on rolling stock of licensed common carriers or registered motor vehicles fit for highway use and used on a regular basis by a business or an employee and not used primarily for advertising purposes.
10. National, state, provincial or religious flags. No unrelated message may be used on any flag.
11. Signs up to and including a maximum size of six (6) square feet with any of the following messages: "Open," "Closed," "Vacancy," "Sale," "Welcome," or “For Rent.” If a flag is used for any of these messages, the flag may be up to 15 square feet.
12. For construction or property maintenance service: One (1) construction sign per contractor, up to and including a maximum size of six (6) square feet, to be removed when the project is complete.
13. Real estate signs which do not exceed the following sizes:
    a. Rural, Family and General Residence Zoning Districts: six (6) square feet.

b. Business districts and lawfully non-conforming commercial, industrial, and office uses in residential districts: twenty (20) square feet. Signs shall be removed when the rental agreement has been fully executed or the property title has been transferred.

14. Temporary signs. Temporary signs are signs which advertise special events and are permitted subject to the following conditions:

a. Charitable or community event. Temporary signs may be erected not more than two (2) weeks in advance of the event and must be removed not later than two (2) days after the event is concluded. An organization may not have a temporary sign in place for more than thirty (30) calendar days per year. These signs may be off-premise, subject to the permission of the property owner(s).

b. Yard sale and Real Estate Open House. Temporary signs may be erected not more than two (2) days before the sale and must be removed not later than two (2) days after the sale or open house is concluded. An individual or one (1) location may not have a temporary sign in place for more than fifteen (15) calendar days per year.

c. Special Commercial Promotions. Temporary signs, displays, or other devices designed to call attention to a commercial enterprise may be erected for the purpose of promoting a sale or other special event upon registration of the sign with the Code Enforcement Officer. A business may not have a temporary sign, display, or other attention grabbing device in place for more than 90 calendar days per year. Application for Special Commercial Promotional Signs shall be made upon forms provided by the Code Enforcement Officer and shall include the information required thereon. A new application is required when the applicant desires to change the dates that the sign is to be displayed.

d. Temporary signs for charitable or community events in Peterborough may be placed on town property or in the Town or State Right-of-Way only for the purpose of providing direction to the event upon application to and approval by the Code Enforcement Officer and the NH Department of Transportation. Such sign(s) may be erected no more than two (2) days prior to the event and must be removed no later than two (2) days after the event.

e. Temporary signs shall not exceed the maximum size allowed in the district in which they are placed, except for portable signs as per Paragraph 14.f.ii below.

f. As an alternative to the temporary signs described in subsections (a) – (e) above, the use of on-site portable signs is permitted by right, with no limitation on duration, subject to the following:

i. A property owner may use either the Temporary Signs of Section 14 (a – c) above, or a portable sign, but not both at the same time.

ii. In the Family and General Residence Districts the sign may not exceed the maximum size allowed in those districts. In all other districts it may not exceed eight (8) square feet.

iii. Only one portable sign per lot is permitted.

iv. The sign shall be stored indoors after business hours.

15. Political signs must comply with NH RSA 664.17 and as it may be amended from time to time.

16. Window signs.

17. Any sign within a development that is not visible from a public road and/or abutting property, provided that it not exceeds 25 square feet in size.

D. Notwithstanding Subsection C or other exemptions, the following signs require a permit:

1. Family and General Residence Districts: one (1) sign not to exceed six (6) square feet identifying the premises or the occupation of the tenants. Signs up to twenty (20) square feet may be permitted

by applying to the Zoning Board of Adjustment for a special exception to be erected to identify buildings such as churches, museums and other semipublic buildings.

2. Rural District: one (1) sign not to exceed twenty (20) square feet and one (1) business sign not to exceed four (4) square feet identifying the premises or any business conducted thereon.

3. Commercial District and Downtown Commercial District. Signs are permitted as follows:

   a. One (1) freestanding sign, not to exceed forty (40) square feet in area, for each separately owned, freestanding habitable building.

   b. A maximum of two (2) signs, that may be any combination of wall and / or building signs are permitted for each business within a building, except that businesses with more than two public entrances may have a sign at each entrance. The total square footage of all wall and/or building signage for each business shall not exceed forty (40) square feet in area. The signs are to be attached to a wall space that is occupied by the business it is identifying.

4. Business/Industrial District: same requirements as for the Commercial District.

5. West Peterborough District.

   a. One (1) freestanding sign, not to exceed thirty (30) square feet in area for each separately-owned, freestanding habitable building.

   b. A maximum of two (2) signs, that may be any combination of wall and/or building signs are permitted for each business within a building. The total square footage of all wall and/or building signage for each business shall not exceed twenty (20) square feet in area. The signs are to be attached to a wall space that is occupied by the business it is identifying.

6. Commercial or industrial uses legally nonconforming to their zoning districts (located in a Family or General Residence District). Any lawful commercial or industrial use of buildings, structures, premises, lands or parts thereof existing at the effective date of this chapter are legally nonconforming. Such properties may have one (1) sign up to twenty (20) square feet and one (1) business sign not to exceed four (4) square feet to identify the premises or any business conducted thereon by applying to the Zoning Board of Adjustment for a special exception. Only one (1) freestanding sign is allowed for each parcel of land.

7. Commerce Park Districts. Signs are permitted as follows:

   a. One freestanding sign, not to exceed forty (40) square feet in area, at the main entrance to a commerce park. Such sign shall not advertise any individual business within the development, but shall be for the purpose of identifying the name of the commerce park.

   b. One wall sign or building sign for each business within a building. No wall sign or building sign for a business located in its own building shall exceed forty (40) square feet in size, and no wall sign or building sign for a business located in a building with more than one business shall exceed 20 square feet in size.

   c. One directory sign per ten businesses, not to exceed forty (40) square feet in area, identifying each of the businesses within the park with the location of each business. For office or commerce parks that contain more than one building, the directory sign may be free-standing, but shall be located in a position within the Park at least fifty (50) feet from a public highway (it is for purposes of identification, not advertisement).

8. Office District.
    a. One (1) freestanding sign, not to exceed thirty (30) square feet in area, for each separately owned, freestanding habitable building.
    b. A maximum of two (2) signs, that may be any combination of wall and / or building signs are permitted for each business within a building. The total square footage of all wall and / or building signage for each business shall not exceed twenty (20) square feet in area. The signs are to be attached to a wall space that is occupied by the business it is identifying.
9. Retirement Community District.
    a. One freestanding sign, not to exceed 25 square feet, at each main entrance if the entrances are located on different roads. The sign shall be located so as not to impede the vision of drivers entering or exiting the development.
    b. Two directory signs, not to exceed 20 square feet in area, identifying buildings or uses in the development. The directory signs may be freestanding, but shall be located in a position such that they are not highly visible from the public roads.
10. Village Commercial District.
    a. One (1) freestanding sign, not to exceed forty (40) square feet in area, for each separately owned, freestanding habitable building.
    b. A maximum of two (2) signs, that may be any combination of wall and/or building signs are permitted for each business within a building. The total square footage of all wall and/or building signage for each business shall not exceed forty (40) square feet in area. The signs are to be attached to a wall space that is occupied by the business it is identifying.
11. Monadnock Community Health Care District.
    a. One (1) freestanding sign, not to exceed thirty (30) square feet in area, for each separately owned, freestanding habitable building.
    b. A maximum of two (2) signs, that may be any combination of wall and/or building signs are permitted for each business within a building. The total square footage of all wall and/or building signage for each business shall not exceed twenty (20) square feet in area. The signs are to be attached to a wall space that is occupied by the business it is identifying.
    c. One (1) freestanding sign not to exceed forty (40) square feet is permitted on Route 202, provided that access into the District from Route 202 is created.
12. All districts. The following signs are permitted in all districts:
    a. Two portecochere signs per lot, not to exceed 16 square feet in area (each).
13. One Off-Premises Directional Sign per property is permitted under the following circumstances:
    a. Signs are to be located on private property, out of the State right of way along Rte 101 or 202.
    b. Applicants are to obtain an easement that is valid for the duration of the sign for the sign that will be submitted as part of the sign application.
    c. Signs shall not exceed the maximum allowable size allowed in the District in which they are placed.
    d. Signs may include the name and street address of the site and shall not be used as a form of advertisement. Signs shall also be able to include a business logo.
    e. Signs shall only be permitted for the following:
        i. Business/Industrial Complexes or Parks with three or more businesses.

E. Determining the size of a sign.

1. In determining the size of a sign under this chapter, the area of the letter, background and frame shall be included, but the foundation and supports of the sign shall be excluded unless the foundation or supports of the sign are of such size or prominence that they become part of the sign itself. Every sign shall be of durable material and maintained in good condition at all times (see Figure #1).

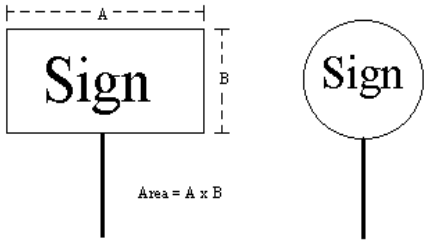
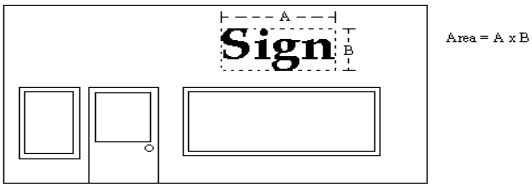


Figure #1

2. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all pieces (see Figure #2).



3. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one (1) sign face (see Figure #3).

4. A sign which has no perimeter or border shall have its area computed by enclosing the entire copy area including logos, symbols, and characters within the outline of a parallelogram, triangle, circle, or other easily recognizable geometric shape and then computing the area.

5. A three-dimensional, round, or irregular shaped sign shall have its area computed by projecting a plane on the largest cross section.

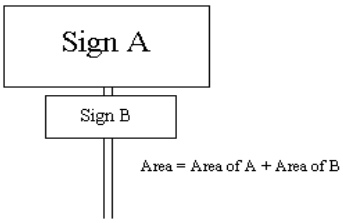


Figure #3

6. Only the area of one side of a double faced sign is counted.

7. Aesthetic enhancements such as planters, hanging flower pots, or raised beds will not be counted in the size of the sign.

F. Height of Signs.

1. No sign on a building shall exceed thirty (30) feet from the ground to the top of the sign.

2. Freestanding signs.

   a. Eight (8) feet in height in the Rural District.

   b. Ten (10) feet in height in all other Districts.

3. The height of the sign is measured from the grade directly below the sign to the highest point of the sign or sign structure.

G. Prohibited signs.

1. Any off-premises advertising signs except for the following:

   a. Temporary signs pursuant to Subsection C (14). Off-premises signs must be placed without damaging property.

   b. Exemption for Parcel #U018-134-000 and any Town-owned Property. One permanent free-standing sign not exceeding forty (40) square feet in size is permitted to advertise temporary community or charitable events.

   c. The Town may place permanent signs that direct traffic to Downtown Peterborough, located on either public or private property, with the permission of the property owner. Sign language

must be general in nature and not serve as advertising for individual business(es). The size and location of the signs will be as approved by the Minor Site Plan Review Committee subject to a duly-noticed public hearing.

d. Multiple establishments on separate lots that share a common driveway may choose to share a freestanding sign at the entrance. If so, this one sign will take the place of the freestanding sign otherwise allowed for each lot.

2. Signs placed in a public right-of-way. However, signs affixed to buildings perpendicularly and hanging at least eight (8) feet above sidewalks are permitted.

3. Animated signs. For the purpose of this section, time/temperature devices shall not be considered an animated sign.

4. No sign shall be erected in such a manner as to obstruct free and clear vision of automobile or pedestrian traffic or by reasons of position, shape, color or wording, interferes, obstructs the view of or may be confused with any authorized traffic sign, signal or device. Lights shall not be used in a manner which will create a traffic hazard or neighborhood nuisance.

5. Obscene signs.

6. A sign which emits odors, vapors, sound or noise.

7. Trailer signs.

8. Signs mounted on utility poles, except for those that go through the PSNH permitting process administered by the Town.

9. No special devices whose intent or effect is to attract attention or flags other than those discussed in this section shall be permitted.

10. No sign shall be illuminated such that the light from the sign would adversely affect neighboring properties or the safe vision of operators of vehicles moving on public roads and highways. At no time shall light be allowed to shine on or into residential structures to an extent that it would constitute a nuisance. To meet these ends, lights illuminating signs shall be so shaded, shielded, or directed or shall be maintained at a sufficiently low level of intensity and brightness. Lighting sources to illuminate signs shall not be located below the sign to be illuminated or visible from public ways or adjacent properties unless the lighting fixture is 1650 lumens or less, which is equivalent to 150-watt incandescent light bulb.

11. Roof Signs.

12. Internally lit signs in the Downtown Commercial District.

H. Permit application process.

1. Except as stated in Subsection C, Signs which do not require a permit, it shall be unlawful for any person to erect, redesign, alter or relocate within the Town of Peterborough any sign, as defined by this chapter, without first obtaining a sign permit from the Code Enforcement Officer and complying with the provisions of this chapter.

2. Applications for sign permits shall be made upon forms provided by the Code Enforcement Officer and shall have attached thereto the following information and such other information pertaining to the proposed signs as the Code Enforcement Officer may reasonably require:

a. Name, signature, address and telephone number of the applicant.

b. Location of the building (including street number), structure or lot to which or upon which the sign will be located.

c. The zone in which the sign is located.

d. The primary building frontage.

e. A representative drawing of the proposed sign and building, including dimensions, height, color, construction material, number and total of all other existing signs on the lot and/or building.

3. Approval. The Code Enforcement Officer shall notify the applicant, in writing, within ten (10) working days after the receipt of all required information of the approval or disapproval of the application. The sign authorized under a sign permit must be erected within six (6) months from the date of approval or the permit shall be null and void, unless the permit is renewed. When the sign is erected, the applicant shall notify the Code Enforcement Officer who will inspect the sign to verify conformity to the application.

4. Permit fees. Permit fees for signs are subject to the schedule in §202-12, Fees, of Peterborough's Land Use Regulations.

I. Guidelines for the Zoning Board of Adjustment. The Zoning Board of Adjustment, before granting a special exception pursuant to this Article, shall find that, in its judgment, all of the following conditions are met:

1. The specific site is a permissible location for the use to be covered by the proposed sign by either being a permitted use or a valid nonconforming use.

2. The location, character, and natural features of the site are appropriate in relation to the proposed sign.

3. The proposed sign is to be appropriately screened or fenced from surrounding properties.

4. The proposed sign will not alter the general character of the district nor reduce the value of the surrounding properties.

5. The size of the proposed sign is the minimum size necessary to accomplish the objectives of the sign.

§ 245-19. District boundaries

A. The boundaries of the districts are hereby established as shown on the District Map. The written descriptions as provided for in Article X shall be the official delineations of Zoning District boundaries if a discrepancy exists between the written descriptions and the Zoning District Map of the Town of Peterborough.

B. The boundaries between districts are, unless otherwise shown, the center lines of streets, alleys and waterways or such lines extended.

C. Where a district boundary line divides a lot of record, the regulations for either district of such lot may extend up to fifty (50) feet into the other district, provided the lot has frontage on a street in the district that is being extended.

§ 245-20. Maximum height

A. Structures. Except where otherwise specified, no structure other than church steeples or Wireless Communication Facilities as provided for in §245-24.3 and Small Wind Energy Systems as provided for in §245-24.5 hereinafter erected in the town shall exceed a total height of fifty (50) feet above the ground. Structures for utility uses, public or otherwise, may only exceed this height limitation after receiving a special exception from the Board of Adjustment. The Board of Adjustment shall take into consideration the following in addition to those issues normally addressed for special exceptions: distance to any nearby residences; screening of the structure and buildings; nuisances caused by the facility, including but not limited to noise, vibration, radiation, interference with neighborhood television, telephone or radio reception, odor, fumes, dust, smoke or waste materials; employees at the site or visiting the site; and traffic generated by the facility.

B. The height of all buildings and structures shall be determined by measuring the difference between the average of the existing ground elevations within six (6) feet around the perimeter of the proposed building or structure and the highest point of the roof or structure. Nonstructural components, such as but not limited to weathervanes, lightning rods, cupolas, mechanical equipment and the like shall not be included in the height of the building provided that the combined height does not exceed sixty (60) feet.

§ 245-21. Compliance required

No building, structure or land shall hereafter be used, occupied, erected, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located and until a permit has been obtained from the Building Inspector.[6]

§ 245-22. Lot size determination

A. Any minimum lot size required by the terms of this chapter shall be determined after subtracting all land within said lot encumbered by any utility, right-of-way or other easements servicing the land beyond the boundaries of said lot.

B. Utilities and dimensional controls. Notwithstanding any other provision of this chapter, development on any lot not serviced by town water shall be governed by the minimum lot size, frontage on the nearest ROW, and setback requirements of the Rural District. This provision does not apply to open space residential development.

C. As set forth in § 245-15.I. Wetland Protection Overlay District:

1. No more than 50% of any wetland (excluding the buffer) within the Wetland Protection Overlay Zone may be used to satisfy the minimum lot size requirements of the underlying zoning district(s).

2. In areas not served by municipal water and sewer, no wetland shall be used in the calculation of allowable density for any multifamily or Open Space Residential Development.

§ 245-23. Frontage

All building lots must have required frontage on an improved public street (Class V or better) or on an improved private street approved by the Planning Board, unless otherwise allowed by the Board of Adjustment.

[6] Editor's Note: The current title of this officer is "Code Enforcement Officer".

§ 245-24. Home-Based Businesses ***[Amended 5/13/14]***

A. General Provisions that apply to all Home-Based Businesses.

1. There are three categories of businesses: Home Occupations, Professional Uses, and Home Industries. All categories are subject to the requirements listed below, in addition to the specific requirements contained herein for each individual category of use.

   a. The activity must be operated by residents of the property.

   b. The activity must be clearly incidental and secondary to the primary use of the premises as a residence.

   c. The activity must not change the character of the premises or surrounding neighborhood. There shall be no window displays or other features not normally associated with residential use.

   d. Parking that is necessary for all employed residents, employees, and customers must be accommodated off-street, and new parking areas must be screened from the view of abutters and from public ways (streets or pedestrian ways) utilizing plantings, fencing, and/or topography. When possible, parking areas shall be located at the side or rear of the residence or accessory buildings.

   e. Proof of compliance with all applicable federal, state, and/or local environmental controls is required, as well as any other applicable local zoning regulations.

   f. When the business use will necessitate the construction of new buildings, building additions, or parking areas, the applicant shall seek Site Plan Approval from the Planning Board in conformance with Chapter 233.

   g. One sign associated with the Home-Based Business is allowed and shall not exceed six (6) square feet in size and may not be placed in windows.

   h. Retail sales are limited to the sale of goods that are produced on-site, and by appointment only.

2. Exemption: The following use is considered to be exempt from the provisions of this section:

   a. A home office that is used only by the resident(s) who conduct business by mail or electronic communication that involves no traffic to the property from customers/clients or deliveries.

B. **Home Occupations** include but are not limited to tradespeople, art studios, individual tutoring, hair dressing, dressmaking/tailoring, baking or other food preparation. Home Occupations are permitted in all districts, subject to the following provisions, in addition to §245-24A:

1. The use may only employ the residents of the property.

2. The use shall have a maximum of 4 client visits per day, assuming one vehicle per client visit. No group classes or activities are allowed.

3. The activity must be conducted entirely within the residence or an accessory building**.** There shall be no exterior display, and no variation from the residential character of the premises**.** Tradespeople are permitted to have not more than 500 square feet of exterior storage of tools, equipment, and materials, provided that the storage area is screened from the right of way and abutters by fencing or year-round vegetation, and meet building setbacks for the property.

4. Commercial vehicles are prohibited.

5. The Home Occupation may not occupy more than 25% of the floor area of the building, but in no case may it exceed 500 square feet.

6. Any resident wishing to establish a Home Occupation shall submit a request on the form provided by the Planning Board's designee (Code Enforcement Officer) for review. If the Code Enforcement Officer determines that the proposed business is in compliance with the regulations listed above, then he/she shall approve the application stating that the proposed Home Occupation is in compliance with this section and does not require approval under §245-24 C or D.

C. **Professional Uses** include but are not limited to physicians, attorneys, engineers, accountants, realtors, professional instructors, Home Day Care, or other recognized or State licensed professions. Professional Uses are permitted in all zoning districts except the Family District by Conditional Use Permit of the Planning Board, subject to the following provisions, in addition to §245-24A:

1. No more than four (4) people, including the resident(s), may be employed on the premises.
2. The activity must be conducted entirely within the residence or an accessory building. There shall be no exterior display of goods or products, no exterior storage of materials or equipment, and no other variation from the residential character of the premises.
3. The Professional Use shall not generate traffic that is inconsistent with or generates significantly more traffic than is occurring on the road leading to the premises, either in quantity or type.
4. The Professional Use may not occupy more than 50% of the floor area of the building.
5. The Professional Use shall not necessitate more than four parking spaces for clients, patients, non-resident employees, or other business related demands.
6. Commercial vehicles are prohibited.

D. **Home Industries** include but are not limited to building contractors and construction trades. Home industries are permitted only in the Rural District by Conditional Use Permit of the Planning Board subject to the following provisions, in addition to §245-24A:

1. No more than six (6) people, including the resident(s), may be employed on the premises.
2. The Home Industry may be conducted in part outdoors, but all such activities, equipment, and storage shall be permanently screened from the view of abutters and from public ways by buffers such as-year round vegetation, fences, and/or topography.
3. No more than one quarter (25%) of the lot area, exclusive of areas covered by buildings, shall be used for the Home Industry, including outdoor storage or parking.
4. The Planning Board must determine that access to the premises by all vehicles that are anticipated to commonly serve the use will do so without adversely affecting safety in the vicinity, whether those vehicles are based on the premises or elsewhere.
5. Commercial vehicles may be permitted provided that the vehicles do not adversely affect the character of the neighborhood, as determined by the Planning Board.

E. **Conditional Use Permits.** Subject to the provisions of RSA 674:21, II, the Planning Board is hereby authorized to issue Conditional Use Permits for Professional Uses and Home Industries. In the granting of any Permit, the Board may attach reasonable conditions, or waive or modify any of the requirements of this section if specific circumstances relative to the proposal indicate that the waiver will properly carry out the spirit and intent of this section.

§245-24.1 Accessory Dwelling Units (ADU). ***[Amended 5/10/16]***

A. One Accessory Dwelling Unit shall be allowed as a matter of right in all zoning districts that permit single-family dwellings and on any parcel where only one existing, legally conforming single family dwelling already exists as of the date this ordinance is adopted, subject to the following requirements:

1. The minimum area for an Accessory Dwelling Unit may not be less than 400 square feet nor more than the greater of 750 square feet or 30% of the gross living area of the principal unit, not including unfinished spaces such as but not limited to unfinished attics or unfinished basements. No more than Three (3) bedrooms may be permitted in an Accessory Dwelling Unit.

2. No increase in lot size, frontage, or setbacks shall be required beyond what would be required for a single-family dwelling without an Accessory Dwelling Unit.

B. The Accessory Dwelling Unit may be within or attached to the principal dwelling unit or may be within separate detached building on the property (such as a garage or barn).

1. Unless otherwise provided for herein, all existing regulations applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit, including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. (Available from Office of Community Development.)

2. For an ADU that is located in the same building as the primary dwelling unit, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but there is no requirement that the interior door shall remain unlocked.

3. Adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38 shall be demonstrated by the applicant, but separate systems, including but not limited to plumbing, heating, electrical and sanitary disposal systems, are not required for the principal and accessory dwelling units provided that occupants of both units have access to the electrical panel and circuit breakers serving their respective units.

4. When converting an existing structure or a portion of an existing structure to an ADU or constructing a new addition or detached structure to create an ADU, compliance with applicable sections of the fire code and building code shall be required.

5. All applications to create an accessory dwelling unit shall demonstrate to the CEO that the property meets the minimum parking requirements of two (2) off-street parking spaces for the principal unit and one (1) off-street parking spaces for the accessory dwelling unit.

6. When the creation of an ADU requires an addition to or modification of the exterior of the existing single family home or existing detached structure, or the creation of a new detached structure, the architectural design and details to be used shall be aesthetically compatible with and maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.

   i. An addition to or exterior modification of an existing single family home or detached structure shall be designed to match the architectural style, detail, and materials of the existing structure.

ii. When constructing a new detached structure to accommodate an ADU, the exterior design may either reflect the architectural style, detail, and materials of the existing single family structure, or it may reflect the architectural style, details and materials that are commonly found in detached accessory structures associated with a single family dwelling, such as a barn, or a garage with apartment over.

iii. The Code Enforcement Officer shall be responsible for reviewing and evaluating architectural designs for compatibility prior to issuance of a building permit and may, at his/her sole discretion, refer said review and evaluation to the Minor Site Plan Review Committee to make a final decision of compatibility.

C. The owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit as their "Principal Place of Residence." Whichever dwelling unit is not the property owner's principal place of residence may be rented to a person(s) unrelated to the property owner

1. The owner shall demonstrate to the Code Enforcement Officer that one of the units is his or her "Principal Place of Residence" prior to issuance of a Building Permit for the accessory dwelling unit.

i. The term "Principal Place of Residence" for purposes of determining owner occupancy shall mean the location where the property owner is domiciled and has a place of abode, and the location where the property owner has, through all of his or her actions, demonstrated a current intent to designate said residence as his or her principal place of physical presence. Such an intent on the part of the property owner is evidenced by, among other things, his or her voter's registration, vehicle registration, driver's license, or the placement of his or her children in local public schools. Any temporary lapse of owner occupancy in the primary residence caused by the death of a property owner shall be permitted for a reasonable period of administration.

ii. The property owner shall submit to the Code Enforcement Officer a signed and notarized "memorandum of adequate notice" on a form provided by the Office of Community Development, to be recorded at the registry of deeds at the applicant's expense. The notice shall identify the property on which the accessory dwelling unit is located by source deed, and serve as a notice to successor owners that the accessory dwelling unit is subject to the provisions of this section of the zoning ordinance, and that owner occupancy of one of the two units is required by this subsection. This notice shall be recorded upon issuance of a Building Permit.

iii. If the owner of the property is a trust, the term "property owner" shall mean the creator or beneficiary of the trust. If the owner of the property is a corporation, the term "property owner" shall mean the principal stockholder.

2. An Accessory Dwelling Unit may not be subdivided nor sold separately from the principal dwelling, unless the applicant for subdivision can demonstrate that that each new parcel meets the dimensional requirements for a single family residence within the zoning district where the property is located, including but not limited to lot area, frontage, setbacks, and lot coverage.

D. Application Procedure.

1. All applications for an Accessory Dwelling Unit shall be made on forms supplied by the Office of Community Development and submitted to the Code Enforcement Officer, along with any applicable fees and supporting documentation.

2. Upon receipt of an application, the Code Enforcement Officer shall verify the compliance of the proposed project with this section of the zoning ordinance, and with applicable sections of the building code. The application shall also be referred to the Peterborough Fire Department to determine compliance with applicable sections of the Fire Code.

3. In the event that the application shows modification or new construction of any building exterior to accommodate the creation of an ADU, the Code Enforcement Officer may, at his discretion, refer the review for compliance with **§**245-24.1.B. to the Minor Site Plan Review Committee for a decision on this standard.

4. Director of Community Development shall review the "memorandum of adequate notice" for acceptable form and completeness. Upon issuance of a building permit for the project The Office of Community Development shall send the notice to the registry of deeds for recording. Evidence of recording shall be submitted to the code enforcement officer prior to the issuance of a Certificate of Occupancy.

§ 245-24.2. Dish Antennas

A. Purpose: to provide for the installation of dish antennas in all areas of town, except Commercial and Industrial Districts, in a safe and aesthetically pleasing manner.

B. Standards applicable to antennas four (4) feet in diameter or greater:

1. Only one (1) antenna shall be allowed for each lot.

2. The antenna shall be placed a minimum of fifty (50) feet back from the front property line and shall meet the setback requirements for the district in which it is located.

3. The antenna shall be securely mounted on the ground and shall not be placed on any vehicle or movable structure.

4. The antenna shall be visually screened from roadways and adjoining properties by the use of vegetation to the maximum extent possible without impairing efficiency and shall be effective year round.

5. The maximum height for any portion of the antenna shall be fifteen (15) feet from the natural ground level.

6. The antenna shall be painted matte black or earth tones which will blend with the surrounding vegetation.

C. Land situated in the Commercial or Industrial Districts shall be exempt from this section.

§ 245-24.3. Wireless Communication Regulations

A. Purpose. These regulations are intended to accommodate the communications needs of Peterborough residents and businesses while also protecting the public health, safety, property values, and visual quality of the Town.

1. The Town of Peterborough wants to encourage and facilitate communication services within the Town, but in a manner that protects historic values, avoids environmental impacts, assures safety of property and lives, and minimizes visual impacts.

2. These regulations discourage the construction of new towers, except where all other reasonable opportunities have been attempted, and prohibit any telecommunication facility that would adversely alter the town's visual landscape.

B. Definitions. For the purpose of this section, the following terms shall have the meaning given herein.

1. CAMOUFLAGED -- A wireless communication facility that is disguised, hidden, part of an existing structure, or placed within an existing or proposed structure is considered "camouflaged."

2. CO-LOCATION -- The use of a single antenna support structure or underground conduit or duct by more than one wireless communications service provider to accommodate wireless communications facilities.

3. STREET-SIDE UTILITY POLES -- Street-side utility poles are those poles which are located in or within twenty-five (25) feet of a road right-of-way.

4. WIRELESS COMMUNICATION FACILITIES – Equipment enclosures, antenna support structures, and associated facilities for the reception and transmittal of radio frequency, microwave, or other signals for commercial communications purposes. These regulations do not apply to radio or television reception antennas, satellite, or microwave parabolic antennas not uses by wireless communications providers, receive-only antennas, antennas under seventy (70) feet in height owned and operated by a federally-licensed amateur radio station operator, or any tower or antenna lawfully in existence within the Town of Peterborough on the date of enactment of these regulations. Nor do these regulations apply to any cable television company facility holding a valid and current franchise, or the existing radio or television broadcasting facilities.

C. Telecommunications Overlay District.

1. This ordinance establishes an overlay district that makes new telecommunication facilities a permitted use in all zoning districts, subject to obtaining a special permit from the Planning Board. More than one telecommunication facility can be located on a parcel, so long as all facilities comply with these regulations. These regulations pre-empt all other height regulations contained in the Peterborough Zoning Ordinance as they apply to telecommunication facilities.

2. Wireless Communication Towers are permitted in all zones except the Family and General Residence Districts. Wireless Communication Towers proposed to be in the Commercial or Downtown Commercial Districts are only permitted if they are camouflaged.

D. General Regulations.

1. All wireless communication facilities shall require a building permit. Additional requirements are as follows:

a. Existing Structures. Peterborough encourages the placement of wireless communication facilities on existing towers or on existing structures, so long as such placement is consistent with the purposes and standards of these regulations. A special permit from the Planning Board shall not be required if a new antenna or other facilities are installed on an existing tower or on or in an existing structure, other than a street-side utility pole, so long as the height of that tower or structure is not increased.

b. Reconstruction of Existing Structures. Towers in existence prior to the adoption of these regulations may be reconstructed in kind without Site Plan Review or a Special Permit, so long as there is no increase in height, so long as the reconstruction will not result in increased visual or environmental impact, and so long as there is no expansion or substantial modification of ancillary facilities or driveways. If additional ancillary facilities are needed or if other site modifications are required, the project shall require Site Plan approval from the Planning Board. If reconstruction will result in an increase in height or a significant modification of the appearance or type of tower, then a special permit shall be required.

c. Street-side Utility Poles. Street-side utility poles are those poles which are located in or within twenty-five (25) feet of a road right-of-way. The placement of new wireless telecommunication facilities on existing street-side utility poles will require a special permit. The Town encourages the re-location of utility poles or placement of underground utilities and discourages the placement of additional wireless telecommunication devices upon such poles. Antennas that can be incorporated into existing freestanding streetlights shall only require site plan review.

d. Construction of New Towers. The construction of new towers for telecommunication facilities is discouraged except where and when no reasonable alternative exists, and such projects shall require a Special Permit from the Planning Board, and must comply with the provisions of these regulations. A separate Site Plan Review will not be required when a Special Permit is required. However, these regulations incorporate the Peterborough Site Plan Review Performance Standards, to the degree those standards do not conflict with the provisions of these regulations, in which case these regulations shall prevail.

e. Regional Notification. In accordance with the regional notification requirements of RSA 12-K:7, the applicant shall pay for notification to adjacent communities when the construction of a new tower or an increase in height of an existing tower. For the purposes of these regulations it shall be assumed that the adjacent towns of Dublin, Greenfield, Hancock, Jaffrey, Sharon, and Temple could be visually affected, and that unless specifically determined by the Peterborough Planning Board to not be necessary, each of those towns will be notified by the Office of Community Development, at the applicant's expense.

E. Dimensional Requirements.

1. Height. It is the intent of these regulations that wireless communication facilities shall not have an urbanizing effect upon the rural visual character of Peterborough. For that reason, the maximum height of new wireless communication facilities shall not exceed twenty (20) feet above the average surrounding tree canopy height as measured within a two hundred (200) feet radius of the proposed facility location. Nor shall the height exceed ninety (90) feet. The Planning Board shall have the authority to grant exceptions to the height limitations. The Board may require a lower height than the maximum allowed if, in its judgment, such lower height is necessary at the proposed location to protect the rural and visual character of adjacent properties and the community as a whole. The Board may also, on a case-by- case basis, allow an increase in height of wireless telecommunication facilities to an upper limit of one hundred twenty-five (125) feet, with the following restrictions:

a. No telecommunication tower or facility shall exceed ninety (90) feet unless it is surrounded by mature trees that will be protected by easement or other means to assure dense natural screening.

b. The Board must make written findings of fact as to why the increase in height is in the best interest of the community and why the increased height will not harm the visual quality and character of adjacent properties and the community as a whole. It is the presumption of this ordinance that heights greater than ninety (90) feet tend to be a disruptive visual element in the Peterborough landscape, and that the Board will not normally allow a greater height.

2. Height on Existing Structures. The height of existing structures may, by special permit from the Planning Board, be increased to accommodate wireless communication facilities if the facility is camouflaged, so long as the facility is, in the judgment of the Planning Board, in scale and proportion to the existing structure.

3. Antenna Types. Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall 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.

4. Setback. All wireless communication facility buildings shall meet the setback requirements of the underlying zone in which they are to be located.

5. Safety Zone. All wireless communication facilities towers shall have a safety zone sufficient, in the judgment of the Board, to protect the public and adjacent properties from either a structural collapse or from wind-blown ice. Unless the applicant provides convincing evidence to the contrary, the base of any telecommunication facility shall be set back from all property lines a distance equal to its height. The Board may require a greater setback distance to address wind-blown ice.

F. Design Standards.

1. Engineering Certification. Wireless communication facilities will require plans certified by a New Hampshire licensed structural engineer. Prior to the issuance of a Certificate of Occupancy, the Office of Community Development shall be provided with a written certification from a qualified New Hampshire licensed engineer, at the expense of the applicant, that the facilities have been constructed and installed in accordance with the approved plans and that the facility is operating in compliance with its Federal license.

2. Visual Appearance.

   a. All wireless communication facilities shall be camouflaged to the greatest extent possible, using compatible building materials and colors, screening, camouflage techniques, with native species landscaping and/or placement within trees. Existing on-site vegetation shall be preserved to the maximum extent possible.

   b. Every wireless communication facility must blend into its surroundings as much as possible. Each application for wireless communication facilities must demonstrate that there will be minimal visual impact. A photo-realistic simulation and an on-site balloon test shall normally be required for all new towers and may be required for other new wireless communication facilities.

   c. The color of equipment sheds should blend in with their surroundings, to be determined by the Board on a case-by-case basis. Landscaping or screening shall normally be required for equipment sheds and may be required for other components of a wireless communication facility.

   d. 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) feet for 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.

e. Communication towers shall normally not be approved in open fields, even if disguised as flag poles. When possible, wireless communication facilities should be placed within existing buildings or structures so as to hide or camouflage them. In rural portions of the town where existing structures may not exist for camouflaging, the placement of towers and associated facilities within permanently wooded areas is encouraged so that native species of trees can provide natural camouflage. The Town shall require some form of easement or other means of assuring that an adequate buffer of trees is maintained until the tower is removed. Facilities shall not be located within two hundred (200) feet of a crest, ridgeline, or summit, except that the Planning Board may allow siting on a minor crest or ridgeline if the Board concludes that such siting will have minimal off-site visual impact and will otherwise best meet the purposes of this ordinance.

f. Any telecommunications facility located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of building. Any alterations made to accommodate wireless communication facilities within or on an historic structure must be fully reversible unless otherwise approved by the Planning Board.

3. Noise. Wireless communication facilities must comply with the noise standards of the Peterborough Zoning Ordinance.

4. Equipment Shelters. Whenever possible, equipment shall be located within existing structures or in underground vaults. When required to be above ground, equipment shelters shall be of materials and colors that blend into the surrounding landscape, and shall be screened, unless otherwise approved by the Planning Board, behind an effective year-round buffer equal to the height of the proposed building.

5. Lighting. Wireless communication towers and antennas shall not be lighted, except as specifically required by the Federal Aviation Administration. Lighting of equipment structures or other associated facilities is discouraged and shall not be visible beyond the property line. All utility wiring to the facility shall be underground, unless otherwise approved by the Planning Board.

6. Signage. Signage shall be limited to an identification of the property and owner and warning of any dangers. All signage must comply with the Town's sign regulations.

7. Security Fencing. Unless otherwise specified by the Planning Board, security fencing shall be provided to prevent access, except by authorized personnel. This will normally require a locked wall, fence, or berm that completely seals off the facility from unauthorized entry or trespass. The appearance of this fencing should blend into the existing setting of the site. Silver-colored galvanized fencing will normally not be accepted.

8. Emissions.

a. All wireless communication facilities must comply with the Radio Frequency Radiation (RFR) standards of the Federal Communications Commission (FCC), and the Town may require periodic inspections by a qualified engineer, at the applicant's expense, to assure compliance with FCC guidelines.

b. No antenna will be permitted in a location where it will interfere with existing transmittal or reception of radio, television, audio, video, electronic, microwave, or other signals. The applicant must specifically demonstrate to the satisfaction of the Town that the proposed emissions will not interfere with Town of Peterborough's communications (Police, Fire, and Public Works).

G. Maintenance and Inspections.

1. All facilities must be maintained in good repair and must at all times comply with all FCC regulations. To assure compliance with these regulations, prior to the issuance of a certificate of occupancy, the applicant shall provide the Town with written certification, based upon a documented field inspection, that the facilities are fully compliant with the plan approved by the Town, that the facilities are structurally sound, and that they are operating in compliance with FCC regulations, including those dealing with emissions.

2. The applicant shall continue to provide such inspection-based certification at least every five years or at other shorter intervals, as specified by the Planning Board at the time of approval. The Board may require a special inspection of wireless communication facilities after major storm events such as hurricanes or ice storms.

H. Monitoring. A condition of the issuance of a building permit for a wireless communication facility shall be that representatives of the Town of Peterborough may enter the site of such facility to obtain Radio Frequency Radiation (RFR) measurements, noise measurements, and to otherwise determine compliance. The Town will provide at least seven (7) days written notice of such inspection and shall provide the owner/applicant the opportunity to be present during such inspection.

I. Removal of Facilities. The owner of a wireless communication facility shall remove antennas, mounts, equipment shelters, security barriers, and other facilities from the site within one hundred and twenty (120) days of discontinuance or abandonment. The site must be left in a stable, non-eroding, litter-free, and attractive condition. To assure that such removal takes place, a performance guarantee shall be provided in a form that is acceptable to the Planning Board, equal to the estimated cost of removal of the approved facilities. The performance guarantee can be used by the owner of the facility, with prior written approval of the Town, to pay removal costs. Any remaining funds will be returned to the owner upon the successful removal of discontinued or abandoned facilities. If the owner fails to remove the facilities or to properly restore the site, the Town may utilize these funds to pay for such removal, thirty (30) days after sending written notification by certified mail of the Town's intent to remove.

J. Sale of Facilities. To enable the Town to provide due notice, the original applicant and any subsequent owner shall notify the Town within thirty (30) days of transfer of ownership, identifying the name, address, and phone number of an appropriate contact person for the new owner.

§ 245-24.4. Sexually Oriented Businesses

A. Purpose and Intent. It is the intent of this section to establish reasonable and uniform regulation to prevent the concentration of sexually-oriented businesses within the Town of Peterborough; and it is the intent to promote the health, safety, and general welfare of the citizens of the Town of Peterborough. It is the intent of this section to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually-oriented businesses. The provisions of this amendment have neither the purpose nor the effect of imposing limitation or restriction on the content of any communicative materials, including sexually-oriented materials; and it is not the intent nor effect of this section 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; and neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

B. Location Restrictions of Sexually Oriented Business. Sexually oriented businesses, as defined in Section §245-24.4 of this ordinance shall be subject to all regulations, requirements, and restrictions for the zone in which the sexually-oriented business is permitted and shall be subject to the following distance requirements:

1. No sexually-oriented business shall be permitted within one thousand (1,000) feet of another sexually-oriented business which is either existing at the time of the effective date of this amendment or one for which a building permit has been applied for, and no sexually-oriented business shall be permitted within a building, premise, structure, or other facility that contains another sexually-oriented business.

2. No sexually-oriented business shall be permitted within five hundred (500) feet of any Residence, Church, YMCA, Youth Center, Town Hall, or Public or Private School (pre-school through high school).

3. Sexually-oriented businesses shall be allowed only in the Commercial District (§ 245-10.1). The distance requirements above shall be measured in a straight line, without regard to intervening structures from the property line of any site to the closest exterior wall of the sexually-oriented business.

C. Definitions.

1. SEXUALLY-ORIENTED BUSINESS -- Any place of business at which any of the following activities are conducted:

   a. ADULT BOOKSTORE OR ADULT VIDEO STORE -- A business that devotes more than fifteen percent (15%) of the total display, shelf, rack, table, stand, or floor area for the display, sale, and/or rental of the following:

      i. Books, magazines, periodicals, or other printed matter, or photographs, films motion pictures, video cassettes, slides, tapes, records, computer disks, CD-ROM's, or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1; or

      ii. Instruments or devices which are designed for use in connection with "sexual conduct" as defined by NH RSA 571-B:1, other than birth control devices.

      An adult bookstore or adult video store does not include an establishment that sells or rents books, videos, or periodicals representing "harmful to minor" or "sexual conduct" materials as listed above if sales and rentals of such materials are an incidental or accessory part of its principal stock and trade and does not devote more than fifteen percent (15%) of the total display, shelf, rack, table, stand, or floor area of the establishment.

   b. ADULT MOTION PICTURE THEATER -- An establishment with a capacity of five or more persons where for any form of consideration films, motion pictures video cassettes, slides, CD-ROM, computer displays, or similar photographic reproductions are shown, and in which

substantial portions of the total presentation time is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, for observation by patrons. For subsection 3, 4, 5, 6, and 7, a "substantial portion of the total presentation time" shall mean the presentation of films or shows described above for viewing on more than seven days within any fifty-six (56) consecutive-day period.

c. ADULT MOTION PICTURE ARCADE -- Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, computers, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, in which a substantial portion of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

d. ADULT CABARET -- A nightclub, bar, restaurant, or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, and /or features films, motion pictures, video cassettes, CD-ROM's, computer displays, slides, audio tapes, or other audio or photographic reproductions, a substantial portion of the total presentation time of which is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

e. ADULT DRIVE-IN THEATER -- An open lot or part thereof, with appurtenant facilities devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions for any form of consideration to persons in motor vehicles or on outdoor seats in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

f. ADULT MOTEL -- A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, computers, CD-ROM, slides, or other audio or photographic reproductions, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis upon the depiction or description of materials which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

g. ADULT THEATER -- A theater, concert hall, auditorium, or similar establishment either indoor or outdoor in nature which for any form of consideration regularly features live performances, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis on activities which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

h. NUDE MODEL STUDIO -- A place where a person who appears in a state of nudity or displays male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration of such display, or where such display is otherwise characterized by an emphasis on activities which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

i. SEXUAL ENCOUNTER CENTER -- A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration: (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (b) activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; or where the activities in (a) or (b) is characterized by an emphasis on activities which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

§245-24.5 Small Wind Energy Systems

A. Purpose and Intent. This small wind energy systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

B. Definitions. For the purpose of this section, the following terms shall have the meaning given herein.

1. METEOROLOGICAL TOWER (met tower). Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

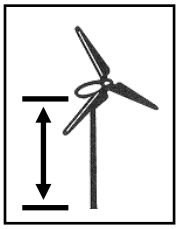
2. MODIFICATION. Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

3. NET METERING. The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

4. POWER GRID. The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

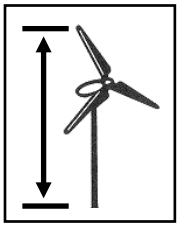
5. SHADOW FLICKER. The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

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



7. SYSTEM HEIGHT. The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

8. TOWER. The monopole, guyed monopole or lattice structure that supports a wind generator.



9. TOWER HEIGHT. The height above grade of the fixed portion of the tower, excluding the wind generator.

10. WIND GENERATOR. The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

C. Small Wind Energy System Overlay District.

1. This ordinance establishes provisions that make new small wind energy systems and met towers an accessory use permitted in all zoning districts, subject to obtaining a special permit from the Planning Board. More than one small wind energy system or met tower can be located on a parcel, so long as all facilities comply with these regulations. These regulations pre-empt all other height regulations contained in the Peterborough Zoning Ordinance as they apply to small wind energy systems and met tower facilities.

D. General Regulations.

1. Applications for special permits from the Planning Board for the erection of small wind energy systems or met tower facilities shall include a site plan with the following information:

   a. Property lines and physical dimensions of the applicant's property.

   b. Location, dimensions, and types of existing major structures on the property.

   c. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.

   d. Setback requirements as outlined in this ordinance.

   e. The right-of-way of any public road that is contiguous with the property.

   f. Any overhead utility lines.

   g. Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.

   h. Sound level analysis prepared by the wind generator manufacturer or qualified engineer.

   i. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

   j. List of abutters to the applicant's property.

   k. Abutter and Regional Notification: In accordance with RSA 674:66, the Planning Board shall notify all abutters and the local governing body by certified mail upon application for a special permit to obtain a building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the Planning Board prior to the approval of a special permit. The Planning Board shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Planning Board shall follow the procedures set forth in RSA 36:57, IV. Prior to the issuance of a building permit the Planning Board shall submit their findings to the Code Enforcement Officer that are in conformance with this section.

E. Standards:

1. Setbacks: The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

   a. Small wind energy systems must also meet all setbacks for the zoning district in which the system is located.

   b. Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

2. Tower Height: The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the tower height exceed 150 feet.

3. Sound Level: The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

4. Shadow Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

5. Signs: All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.

6. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

7. Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

8. Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

   a. The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

   b. The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

   c. A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

9. Approved Wind Generators: The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

10. Utility Connection: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.

11. Access: The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

12. Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

F. Abandonment:

1. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Code Enforcement Officer by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

2. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Code Enforcement Officer. "Physically remove" shall include, but not be limited to:

   a. Removal of the wind generator and tower and related above-grade structures.

   b. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the Code Enforcement Officer may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the Code Enforcement Officer shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the Code Enforcement Officer shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

4. If the owner fails to respond to the Notice of Abandonment or if, after review by the Code Enforcement Officer, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the Code Enforcement Officer may pursue legal action to have the small wind energy system removed at the owner's expense.

G. Violation: It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the small wind energy system.

H. Penalties: Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17.

§ 245-24.6 Workforce Housing [Adopted 5/13/14, Amended 5/14/19]

A. Authority. In accordance with RSA 674:21 the Planning Board is hereby authorized to review and approve innovative land use projects for workforce housing as defined in RSA 674:58.

B. Purpose. The purpose of this section is to provide reasonable and realistic opportunities for the development of workforce housing, as mandated by RSA 674:58.

C. Applicability. The development of workforce housing may be permitted in all districts in which residential uses are allowed and is subject to the Town's Subdivision and/or Site Plan Review Regulations and all applicable zoning provisions.

D. Definitions [relocated from **§245-4 "Definitions"]**

WORKFORCE HOUSING - Means housing as that term is defined in NH RSA 674:58, IV, as amended, and is either:

1. intended for sale and is affordable to a household with an income of no more than 100% of the median income for a 4-person household for Hillsborough County as published annually by the US Department of Housing and Urban Development (2018 limit for "Hillsborough County (part)" = $87,800); or

2. is intended for rent and is affordable to a household with an income of no more than 60% of the median income for a 3-person household for Hillsborough County as published annually by the US Department of Housing and Urban Development (2018 limit for "Hillsborough County (part)" = $47,460).

Housing developments that exclude minor children from more than 20% of the units or in which more than 50% of the units have fewer than two bedrooms do not constitute workforce housing. [Adopted 5/13/14]

E. General Requirements.

1. When workforce housing units are part of a larger project, they shall be geographically dispersed throughout the development.

2. Multi-family Workforce Housing, as defined by RSA 674:58 II, is permitted *in any district that permits multifamily housing and* in the Rural District, however there may be no more than one such building permitted per lot *in the Rural District*.

F. Conditional Use Permits. The Planning Board is hereby authorized to issue conditional use permits for an innovative design that would require waiver or modification of the lot and yard standards of the zoning district(s) in which the proposal is located. The Board may allow waivers or modification subject to the following:

1. The proposed design or development is compatible with surrounding neighborhoods/areas.

2. *Strict conformity with standards poses an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the ordinance.*

3. *Specific circumstances relative to the proposal, or condition of the land on and around which the project is proposed, indicate that that the waiver or modification will properly carry out the spirit and intent of the ordinance.*

4. That the waivers or modifications requested are necessary to accomplish the purpose of the section.

G. Guarantee of Long-Term Affordability.

1. In order to qualify as a workforce housing development, the applicant must present covenants and/or other contractual guarantees that assure the units are affordable as defined by RSA 674:58, IV.

2. The units shall remain affordable for a period *of twenty-five (25) years, which may be extended by the Planning Board within three (3) years prior to expiration for additional terms of ten (10) years, if the Planning Board determines that the then existing demand for workforce housing continues to be significant and that this circumstance warrants the extension* of time.
3. -*The* means of an instrument *to guarantee affordability shall be* agreed to by the Planning Board, approved by Town Attorney, *and recorded at the Hillsborough County Registry of Deeds.*

§ 245-24.7. Solar Energy Systems ***[Adopted 5/8/18]***

A. Authority

This ordinance is enacted pursuant to RSAs 672:1 III-a, 674:17 (I)(j), and 674:36 II. (k).

B. Purpose

The purpose of this ordinance is to:

1. *Enable and promote the development of distributed solar energy collection systems in appropriate locations in the town of Peterborough, in a manner that:*
   a. *minimizes disturbance of environmentally sensitive lands and the productive capacity of agricultural lands;*
   b. *protects the character of Peterborough's rural and scenic lands; and*
   c. *protects the public's health, safety and welfare.*
2. *Facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated polices of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability*
3. *Encourage:*
   a. *The development of roof- or building-mounted systems;*
   b. *The development of Shared/Community Solar Energy Systems;*
   c. *Environmentally sensitive site selection, preparation and design that avoids, minimizes and mitigates adverse impacts related to excessive deforestation, soil disturbance, sensitive habitat loss, stormwater runoff, potential for erosion, visual impacts, and nuisance to residential neighborhoods.*

C. Definitions

SOLAR ENERGY − Radiant energy, whether direct, diffuse, or reflected, received from the sun at wavelengths suitable for conversion into thermal or electrical energy.

SOLAR ENERGY SYSTEM − Equipment for the purpose of (1) collecting solar energy and (2) preparing that energy for practical use. A solar energy system includes all related equipment to generate, condition, store, and transfer energy for on-site use or for distribution onto the electrical grid. These systems include:

- *Solar Photovoltaic Systems that convert sunlight into electricity through systems that include solar collection, inversion, storage and distribution; and*
- *Solar Thermal Systems, which are solar collection systems that directly heat water or other mediums using sunlight. Solar thermal systems are used for such purposes as space heating, domestic hot water, and heating pool water.*

ROOF- OR BUILDING-MOUNTED SOLAR ENERGY SYSTEM − A solar energy system attached to and supported by a building. These systems may include limited accessory equipment that is ground-mounted.

FREESTANDING SOLAR ENERGY SYSTEM − A ground-mounted solar energy system, including but not limited to fixed, passive or active tracking racking systems. These systems include a system mounted on top of a freestanding car port designed and constructed specifically for mounting a system over a parking lot.

SINGLE-FAMILY OR DUPLEX RESIDENTIAL SOLAR ENERGY SYSTEM – An on-site system that is designed to provide energy for the principal and accessory uses of the property.

MULTIUNIT RESIDENTIAL OR NONRESIDENTIAL SOLAR ENERGY SYSTEM − An on-site system that is designed to provide energy for the principal and accessory uses of the property.

SHARED/COMMUNITY SOLAR ENERGY SYSTEM – A solar energy system that serves a group of local energy users situated on one or more separate lots, which are not necessarily contiguous. These systems may be connected to privately owned distribution lines or utility owned distribution or transmission lines. Users are typically connected to the shared system through a group net metering agreement, power purchasing agreement, or other similar agreement or method.

ENTERPRISE SOLAR ENERGY SYSTEM – A system designed to generate energy for use off-site through connection to utility owned distribution or transmission lines. These systems are a principal use of the property upon which they are sited.

RATED NAMEPLATE CAPACITY – Maximum rated alternating current ("DC") output of solar collection system based on the combined capacity of the solar modules present in the system, measured in megawatts (MW) or kilowatts (kW).

D. Uses by district

1. Municipal Solar Energy Systems
All solar collection systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54. It is the policy of the Town of Peterborough to comply with local land use regulations to the greatest extent practicable.

2. Roof- or Building-Mounted Systems

a. Roof- or building-mounted systems are permitted on all buildings in all districts, regardless of primary building use, subject to issuance of a building permit and compliance with the following:

i. All roof- or building-mounted systems shall comply with all relevant building and fire codes.

ii. There is no regulatory limit to the amount of energy that can be generated with roof top systems. Generation levels will be limited by available roof area and limitations associated with building and fire standards.

iii. When mounted on multifamily, commercial or industrial buildings, if equipment for energy conversion, storage, or distribution will be ground- mounted, compliance with site plan regulations will be required and may be approved administratively.

iv. Roof- or building-mounted systems are exempt from building height standards. However, systems that extend above the roofline shall be located and designed to minimize visual impacts to abutting properties. Systems located in the Rural District, General Residence District, and Family District that extend above the highest point of a building's roof-line by twelve (12) feet or more shall require a Special Exception. In reviewing the request for a Special Exception, the Zoning Board's consideration shall be limited to evaluating whether the design will cause an unreasonable visual impact to abutting properties. In granting a Special Exception, the Zoning Board shall have the authority to require an applicant to modify the design to minimize potential adverse visual impacts caused by excessive system height. (Note: In the event that Proposed Zoning Amendment C "Zoning Simplification" is adopted at 05/08/18 Town Meeting, the zoning district references shall be replaced by T2 Rural, T3-Village Edge, and T4-Residential)

3. *Freestanding Solar Energy Systems (Ground-Mounted)*

a. *<u>General standards</u> that apply to all Freestanding Solar Energy Systems:*

i. *Solar Energy Systems shall be considered structures and shall comply with building setback requirements from lot lines for the entire system. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.*

ii. *To the greatest extent possible, sites shall be selected and prepared to minimize soil disturbance and grading.*

iii. *Systems may not be sited in a manner that disturbs wetlands unless a NH Department of Environmental Services wetland permit has been issued.*

iv. *All systems and non-vegetated buffers shall be sited to avoid encroachment into the Wetland Protection Overlay Zone and the Shoreland Conservation Zone.*

v. *Free standing systems may not be sited in the 100-year Flood Plain.*

vi. *The systems shall be located to minimize visual impacts to abutting properties and the road. To the greatest extent possible, sites shall be designed to preserve and take advantage of existing vegetation, topography or structures to screen the freestanding system from abutting properties and roads. If existing vegetation or other site characteristics cannot be preserved or do not exist to adequately screen the system, additional landscape screening shall be provided.*

vii. *Solar panels shall have anti-reflective coatings.*

b. *<u>Single-Family or Duplex Residential Solar Energy Systems</u> (an onsite, accessory use) are permitted in the Rural District (T-2 Rural if Amendment C is adopted) Family and General Residence (T-3 Village Edge and T-4 Residential if Amendment C is adopted) districts subject to issuance of a building permit and the following:*

i. *The solar energy systems shall be designed at a scale that balances energy generation with the projected energy needs of the principal residential use and any permitted accessory uses. In any event, energy generation shall not exceed 50 kW DC in the rural district and 25 kW DC in other permitted residential districts.*

ii. *When possible, systems shall be sited on relatively level ground and in locations that minimize the need for clearing of forest and site grading. All disturbed soils shall be properly stabilized and revegetated.*

iii. *The systems shall be located to rear of the property between the rear of the building and the rear property line when feasible. In any event, no part of the system may be placed closer to the front property line than the part of the house closest to the street, provided, however, that the system need not be set back further than 100 feet from the front property line.*

c. *<u>Multiunit Residential or Nonresidential Solar Energy Systems (an onsite accessory use serving the primary uses of the property)</u> are permitted in all districts, except Down Town Commercial District, and the Village Commercial district, (T5- Town Center District if Amendment C is adopted) subject to Site Plan Review, issuance of a building permit, and the following:*

i. *The maximum allowed level of generation for the system is 300 kW DC.*

ii. *These systems may include Shared/Community Solar Energy Systems.*

iii. *These systems are exempt from all lot coverage and impervious surface standards.*

iv. Systems shall be sited to minimize the need for clearing of forest and site grading and all disturbed soils shall be properly stabilized and revegetated. If no clearing of forest or site grading is required to construct the system, site plan review may be approved administratively. If forest clearing or grading is required, then compliance with site plan regulations will be required with approval by the Planning Board or its designee.

v. The systems shall be located in the rear of the property between the building and rear property line when feasible and shall provide screening to minimize adverse visual impacts from the street and abutting residential properties. Systems may not be sited in the front of a building unless adequately screened, as determined during site plan review.

d. Small-scale Enterprise Solar Energy Systems are permitted in the Rural District (T-2 Rural if Amendment C is adopted), the Commerce Park District and the Business/Industrial District subject to Site Plan Review, issuance of a building permit, and the following:

i. These systems may include Shared/Community Solar Energy Systems.

ii. These systems are exempt from all lot coverage and impervious surface standards.

iii. The maximum allowed level of generation for the system is 1 MW DC. The Solar Energy System footprint shall not be larger than 5 acres and the total disturbed area including the tree-free buffer around the solar field shall not be greater than 18 acres.

iv. Systems sited on previously disturbed commercial or industrial properties including brownfield sites, capped landfills, underutilized parking areas, and other underutilized commercial or industrial sites may be approved administratively provided that:

a) Compliance with general standards above can be demonstrated;

b) The site does not require clearing of forest or site grading to construct the system;

c) The site plan demonstrates that stormwater will be properly managed on the site and all disturbed soils on the site will be properly stabilized.

v. Abandonment and Decommissioning

a) The owner of a solar system shall remove panels, ground-mounted structures, anchors, underground utility lines, equipment shelters, security fencing, and other facilities from the site within one hundred and twenty (120) days of discontinuance or abandonment of the system. The site must be restored and left in a stable, non-eroding, litter-free, and attractive condition.

b) *To assure that such removal takes place, a performance guarantee shall be provided in a form that is acceptable to the Planning Board, equal to the estimated cost of removal of the approved facilities. The performance guarantee can be used by the owner of the facility, with prior written approval of the Town, to pay removal costs. Any remaining funds will be returned to the owner upon the successful removal of discontinued or abandoned facilities. If the owner fails to remove the facilities or to properly restore the site, the Town may utilize these funds to pay for such removal, thirty (30) days after sending written notification by certified mail of the Town's intent to remove.*

ARTICLE V – Performance Standards

§245-26. Open Space Residential Development

A. Purpose. The purposes of Open Space Residential Development (OSRD) are to encourage flexibility in the design of residential land use; promote the most efficient use of land in harmony with its natural features; provide reasonable opportunities for housing for all Peterborough residents while at the same time maintain a rural density compatible with the character of Peterborough; discourage development sprawl; preserve open space, agricultural land, tree cover, scenic vistas and wildlife habitats; and preserve undeveloped frontage along existing roads; and facilitate the economical and efficient provision of common utilities. These purposes are considered to be consistent with the Vision for Peterborough as stated in the Master Plan.

B. Definitions. The following definitions apply specifically to Open Space Residential Development. Definitions in the Peterborough Zoning Ordinance, Subdivision Regulations, and Site Plan Review Regulations also apply where pertinent.

1. COMMON OPEN SPACE -- Land within or related to open space development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development, or the public, which may contain such accessory structures and improvements as are necessary and appropriate for recreation and shared utilities.

2. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) -- A form of residential subdivision that encourages and facilitates the maximization of protected open space by allowing housing units to be grouped on sites or lots with dimensions, frontages and setbacks reduced from conventional sizes.

3. DEVELOPABLE LAND -- The land area of the total tract available for development after deducting wetlands and slopes over 25%.

4. HOMEOWNERS ASSOCIATION -- A private nonprofit association which is established by the developer to manage and support the activities of the open space development. Membership in said association shall be mandatory for property owners. Individual owners share common interests in open space and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforcing certain covenants and restrictions. Articles of Association or Incorporation or any amendments thereto must be acceptable to the Planning Board and approved by Town Counsel.

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

C. Development Design Criteria. When considering any OSRD project, the Planning Board shall give particular attention to the following criteria, which address not only physical design standards but the cumulative effect of the proposal on the land in question, the neighborhood, and the town.

1. The proposed development will be consistent with, and comply with, the general purpose, goals, objectives, standards and provisions of the Peterborough Master Plan.

2. The individual lots, buildings, streets and parking areas shall be designed and situated as to minimize alteration of the natural, cultural and/or historic site features, and will take those features into account in the placement of all structures.

3. The suitability of all common open space shall be determined by the size, shape, topography and location for the proposed purpose, and shall be accessible to all intended users.

D. General Requirements.

1. Location. Open Space Residential Development shall be permitted in all districts except the Downtown Commercial, Commercial, Industrial, Office, and Commerce Park Districts. However, the Planning Board reserves the right to disapprove or limit a proposal based on issues such as road conditions or infrastructure, for example.

2. Permitted Uses. Open Space Residential Development is limited to residential development, uses accessory thereto, and any incidental recreational uses as approved by the Planning Board.

3. Tract Area. The minimum tract area for Open Space Residential Development shall be at least ten (10) acres.

4. Allowable Density. The maximum number of dwellings shall be determined by dividing the total tract area by the minimum lot size for the district(s) in which the proposed development is located. Density shall not exceed what would be allowed in the district(s) under a conventional subdivision, except where density bonuses might apply, as specified in Paragraph H. For the purposes of this section, the minimum lot size applies only to single-family dwellings.

5. Allowable Lot and Yard Requirements. The Planning Board may, but is not required to, reduce conventional lot sizes, frontages, and setbacks for developments that meet the criteria outlined in Paragraph C above. In determining the extent to which these controls may be reduced, the Planning Board shall consider the purposes as outlined in Paragraph A and the Vision and Recommendations of relevant sections of the Peterborough Master Plan.

   a. The minimum lot size for individual building lots within an Open Space Residential Development project shall be determined by the Planning Board and negotiated between the Board and the applicant.

   b. Consideration shall be given to flexibility in site design and the preservation of open space; however, in no case shall the minimum lot size per dwelling be less than 25% of the required area for a lot in a conventional subdivision.

6. Frontage and Setback Requirements. The following dimensional standards are intended to create a sense of place, or neighborhood - a "pedestrian friendly" space, allowing opportunities for children to play and residents to gather in the proximity of the home.

   a. Tract Dimensions.

      i. Frontage. The minimum frontage from which the development gains access shall be fifty (50) feet on a town- or state-maintained road. The Planning Board reserves the right to require additional frontage to secure appropriate buffering, depending upon adjacent land uses.

      ii. Setbacks. No building shall be closer than seventy-five (75) feet to the perimeter of the tract.

   b. Internal Dimensions.

      i. Frontage. Individual lots within the development shall front only on internal roads. The amount of frontage shall be determined by the Planning Board in order to encourage flexibility in site design. The Planning Board reserves the right to require appropriate separation between driveways.

      ii. Setbacks. Front, side, and rear setbacks for individual lots within the development may be modified, as determined by the Planning Board; in no case, however, shall buildings be closer than twenty (20) feet from one another.

7. Landscape Buffer. A buffer area of at least seventy-five (75) feet from the perimeter of the tract measured inward shall be provided. The natural vegetation shall be retained or, if required, vegetation of a type and amount as deemed appropriate by the Planning Board shall be planted and maintained. No dwelling, accessory structure, street or parking area shall be permitted within the designated buffer area. Streets that serve as access to the development may cross the buffer.

8. Water and Septic Systems. The design and construction of all water systems and either individual or common septic systems must be approved by the Peterborough Department of Public Works and the State of New Hampshire Department of Environmental Services Proposals will be evaluated based on the potential risks in the event of a system failure. Septic systems may not be located in the common open space, unless it can be demonstrated that there will be no detrimental impact on the utility and purpose of the common open space. A backup system, however, may be placed within the common open space, as well as on-site wells.

9. Streets and Walkways.

   a. All interior streets shall be designed and constructed in accordance with the Town of Peterborough Road Standards. In the interests of encouraging a sense of neighborhood place and scale, road width may be negotiated, but not at the expense of public safety. The Planning Board may require special safety measures, such as posted reduced speed limits, speed barriers, or other features that encourage safe use of any proposed roadway.

   b. In the design and placement of walkways and sidewalks, the Planning Board shall consider pedestrian safety and the creation of a sense of neighborhood and community.

E. Common Open Space.

1. The amount of common open space in the development shall be the amount saved by reduction in lot sizes; except that at least 50% of the total tract shall be designated as permanent common open space. Land designated as common open space may not be further subdivided. The area designated for roadways may not be included in the calculation for common open space.

2. Common open space may include areas of water; it may not consist principally of land difficult to utilize. The minimum required common open space shall not consist of more than 50% of undevelopable land.

3. The area, configuration, and location of designated open space shall be as approved by the Planning Board. All areas of open space do not necessarily need to be contiguous, but consideration shall be given to connections between non-contiguous areas, as well as accessibility by all residents of the development.

4. The common open space may be used for the purposes of recreation, conservation or agriculture, as approved by the Planning Board. During the review process consideration will always be given to abutting land uses. Any future change in such designated use must be approved by the Planning Board.

F. Homeowner’s Association.

1. A Homeowner's Association shall be formed to manage the common lands, as applicable, and infrastructure facilities of the development, including water and septic systems, maintenance of roads, landscaping, lighting, signage, structures, etc.

G. Open Space Ownership and Management.

1. The Common Open Space shall be held, managed and maintained by the developer until it is owned and maintained in one or more of the following ways, subject to approval by the Planning Board:

   a. In common by a Homeowners Association. If an association is formed to own and maintain the common open space, it may not be dissolved without the consent of the Planning Board.

b. By the Town of Peterborough, which may, if approved by the voters at Town Meeting, accept dedication of any portion of the common open space for perpetual public use and maintenance.

c. By a bona fide Conservation Trust registered in the State of New Hampshire or other suitable organization.

2. All common open space and facilities shall be permanently protected by covenants, easements, and/or restrictions running with the land, which must be approved by the Planning Board and Town Counsel before conveyance to the land owner(s).

3. Documents pertaining to Open Space Residential Development shall be recorded with the approved Plat.

4. The persons or entities identified as having the rights of ownership over the common open space shall be responsible for its continued upkeep and proper maintenance.

5. The common open space in an approved development is considered to be part of the residential use of the development and shall not be considered to be eligible for any current use taxation assessments under RSA 79-A, except where such use consists of actively operated farmland.

H. Density Bonus for Innovative Open Space Protection.

1. The Planning Board may award the development a density bonus that increases the maximum number of dwelling units available under conventional subdivision. Bonuses may be awarded from any combination of the following criteria, but in no case shall be bonus result in more than a 25% increase in dwelling units. If the calculation results in a fraction, that number will be rounded down.

2. Any of the following criteria that are the basis for a density bonus are considered to be part of the project approval and may not be altered or terminated, except with written approval of the Planning Board following a public hearing on the change.

a. Additional Open Space Bonus. 10%, where the proposed OSRD plan shows 60% or more of the tract as open space protected as such in perpetuity, OR 20% where the proposed OSRD plan shows 70% or more of the tract as open space protected as such in perpetuity.

b. Trails Bonus. 5%, where there is a linking of existing/proposed trails or open space networks with trail corridors through the site, and the general public is granted access to these trails in perpetuity. The minimum nature of public access required to trigger this bonus is pedestrian traffic. The instrument granting access, acceptable to the planning board, shall restrict the use of motorized vehicles where appropriate.

c. Agricultural Land and Use Bonus. 10%, where the development protects agriculturally valuable lands and provides permission for their use as such in perpetuity. If the portion preserved for agricultural use is equal to 25% or more of the tract, then the full bonus may be awarded, with a smaller bonus awarded for smaller percentages, but also taking into consideration the importance of the land for preserving the rural character of the Town. The instrument granting use, acceptable to the Planning Board, may reasonably restrict the type of intensity of farming to occur to prevent nuisances. This provision only requires that permission is available; the fact that agricultural uses are not pursued at any particular time does not affect the validity of the bonus; however, at a minimum, fields should not be allowed to become overgrown, but be kept open by mowing.

d. Forest Management Bonus. 15%, on sites where the open space to be preserved is mostly mature forest (70% or greater), where 30% or less of the basal area will be cut, and where the cutting is well distributed and will be based on a management plan developed by a NH Licensed Forester and approved by the Planning Board.

e. View Shed and Viewpoint Bonus. 5%, if the development protects in perpetuity view sheds and associated viewpoints, which are lands or corridors of land that contribute to the visual landscape of the Town, including items such as open fields containing stonewalls and forested hillsides. View sheds and viewpoints identified in the Master Plan and the Town's Natural Resource Inventory will be given priority consideration.

f. Historic Features Bonus. 5%, if the development protects in perpetuity historically significant buildings and landscapes, identified as such in the Master Plan that include buildings and associated uses that are maintained and visually separated from the developed portion of the OSRD. Structures or landscapes not identified as such through the Master Plan may be determined by sufficient evidence presented to the Planning Board during review of the development. Such evidence may include comment from the Heritage Commission or Historical Society, listing or eligibility for listing on the National Register of Historic Landmarks, or other qualified statements of historic value.

I. Review Process.

1. All proposals for OSRD are subject to subdivision approval. Conceptual discussions with the Planning Board are encouraged before any final approvals are sought. In addition, relevant sections of the Site Plan Review Regulations will be applied, including but not limited to issues around traffic, signage, lighting, etc.

2. Although OSRD projects may be subdivided and developed in phases, no incremental approvals will be granted. The entire tract to be considered for development must be presented as a whole so that the Planning Board may consider the entirety of the project.

3. It is the intent of this section to authorize the Planning Board to modify any of the requirements herein as deemed reasonable by the Board.

§ 245-27. Incentive Zoning [Repealed]

§ 245-28. Phased development

A. The purpose of this section is to regulate residential growth in Peterborough in a manner which will ensure that public services and facilities can be provided to the new residents without creating undue burdens on the town which could result from large population increases in a short period of time. The objectives of these phased development regulations are to:

1. Provide for the current and future housing needs of existing residents and their families, while accommodating Peterborough's fair share of the population growth in the region.

2. Assure fairness in the development of large residential projects.

3. Ensure that this provision does not unduly increase construction costs to builders by preventing them from erecting or creating several dwelling units as part of one (1) project.

4. Plan for the continued residential growth of Peterborough at a rate which will be compatible with the orderly and gradual expansion of community services, including education, fire protection, police protection, road maintenance, waste disposal, recreation, etc.

B. Applicability. For any type of residential development involving the construction of dwelling units which will increase the total town population (the best estimate thereof) by more than one percent (1%), a phasing schedule shall be submitted as part of the completed application for development review. For subdivisions that do not involve the construction of dwellings by the subdivider which will increase the towns population by more than two percent (2%), a phasing schedule shall be submitted as part of the completed application for subdivision review. In such cases, no more than nineteen (19) lots may be purchased by any single builder or contractor for the purpose of constructing dwellings for speculation sale. [In other words, if the development involves the construction of single family dwellings, duplexes, or multi-family units, the threshold is one percent (1%). But if the subdivider intends to sell lots to individual buyers for them to build their own homes on, then the threshold is two percent (2%).

C. Said phasing schedule shall specify the location, type and number of units to be occupied in each year of the project. The phasing schedule shall be administered through the issuance of occupancy permits, in order to allow flexibility in the construction of the units.

D. The population statistics to be used in determining the phasing schedule shall be those published in the Planning Board's documents and used by the Board. An applicant may submit alternative statistics, along with an explanation of the methodology used to obtain them and a justification for using them. The Planning Board shall review any such alternative statistics and reserves the right to reject them if the Board has information indicating that other statistics are more accurate. If no statistics are available, the Office of State Planning projections shall be used to calculate by linear regression the annual population for the years needed.

E. In reviewing the phasing schedule, the Planning Board shall take into consideration the following:

1. No individual phase shall increase the town's population by more than one percent (1%) in any given year. The maximum number of units in each phase shall be calculated using the appropriate multipliers for New England as published in the most recent version of the New Practitioner's Guide to Fiscal Impact Analysis by the Center for Urban Policy Research, Rutgers University. The type of housing and the appropriate number of bedrooms shall be used to calculate each phase individually. Other statistics may be presented to the Planning Board and are subject to the Board's review and acceptance.

2. The Planning Board shall not require a phasing schedule so strict as to limit the project to a number of units per year which would render the project financially unfeasible. The Board shall use its best judgment regarding this issue.

F. The Planning Board shall review this section at least once every three (3) years to determine the appropriateness of the percent increases allowed.

ARTICLE VI – Nonconforming Uses

§ 245-29. Continuation

A. Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this chapter and made nonconforming by its provisions or any amendments thereto may be continued subject to the provisions of this Article.

§ 245-30. Enlargement, Change, or Replacement of Nonconforming Uses

A. Any use of a property made legally nonconforming by the district provisions of this chapter may be replaced only by a special exception granted by the Board of Adjustment provided:

   1. The Board of Adjustment finds that the proposed use is equally or more appropriate to the zoning district than the existing nonconforming use.

   2. The nonconforming use of the property has not ceased for any reason for a period of one (1) year or more within the last three (3) years prior to making application. This provision does not apply when the property owner can offer evidence that there has been no intent to discontinue the use.

B. Whenever a nonconforming use is changed to a permitted use, such use shall not thereafter revert to a nonconforming status, notwithstanding any other provisions of this chapter.

C. Any reconstruction or repair of a partially destroyed, demolished or damaged structure which contains a nonconforming use must be commenced within one (1) year of such damage or destruction, and the reconstruction completed and the structure suitable for occupancy within two (2) years of such damage or destruction.

D. Natural but limited expansions of nonconforming uses are permitted, provided that the Code Enforcement Officer determines that such expansion is consistent with criteria set forth in **§ 245-41.D**. [Amended 5/13/14]

§245-30.1 Enlargement, Change, or Replacement of Nonconforming Buildings

A. Existing legally nonconforming buildings or structures that have nonconforming setbacks may be enlarged or changed, as long as it does not further encroach into a setback. The height of any non-conforming section of the building or structure may not increase**.** Proposals that further encroach into the setback or will exceed the height of the existing building or structure will require a variance. [Amended 5/13/14]

B. Any reconstruction or repair of a partially destroyed, demolished, or damaged structure which is nonconforming must be commenced within one (1) year of such damage or destruction, and the reconstruction completed and the structure suitable for occupancy within two (2) years of such damage or destruction.

§ 245-31. Lots of record

A. In any district, notwithstanding limitations imposed by other sections of this ordinance, single lots of record at the effective date of this ordinance may be built upon, provided that the setbacks are complied with. However, if such lot abuts one or more lots in the same ownership, and any of them are nonconforming to the size, frontage, or setback requirements for the district, then § 245-31B shall apply.

B. All contiguous lots owned by the same entity, including but not limited to an individual, corporation, partnership, or trust, shall not be transferred as a buildable lot for the construction of any structure without obtaining subdivision approval from the Planning Board, unless each of the individual lots complies with all size, frontage, and setback requirements for the District in which it is located except for those lots that had dwellings located upon them at the enactment of zoning (March 10, 1970). In cases where a subdivision approval is required, the Planning Board shall take into consideration the character and density of the surrounding area, the size of the surrounding lots, and, if not on the public sewer system, the ability of the available land area on each of the subject lots to support a septic system. The Planning Board may require that lot lines be shifted in order to bring the lots closer into compliance with the District requirements.

C. A nonconforming lot may be enlarged, even though the enlargement does not make the lot conforming.

D. Minor lot line adjustments between nonconforming lots are permitted provided the change does not render the lot unusable for its allowed purpose.

ARTICLE VII – Additional Regulations

§ 245-32. Off-Street Parking [Amended 05/14/19]

A. Number of Spaces.

1. Off-street parking must be provided to service all increases in parking demand resulting from new construction, additions, conversion of residential property to business use, or conversion of any building to multi-family residential use. Any existing spaces removed shall be replaced in kind unless they are in excess of the number required. Parking spaces also serving as loading areas shall not be credited. The number of spaces provided shall be determined to meet these requirements if either the total number of resulting spaces is adequate to serve all proposed uses on the premises, or if the net addition in spaces is adequate to serve the net added parking demand, as indicated by the requirements of §245-32 A(2). [Reference updated]

2. Schedule of Requirements. The required parking spaces specified in Table #1 are calculated per

Table #1: Schedule of Minimum Parking Requirements	
Land Use	**# of Parking Spaces**
a. Residential Dwellings	2 per unit
b. Accessory Apartments/Dwellings	1 per unit
c. Home Occupation	1 space regardless of floor area
d. Lodging Facilities	1.2 per room
e. Retail Establishments	2
f. General Office	3
g. Medical Office	3
h. Banks	3
i. Automotive Sales/Service	2
j. Restaurants	7
k. Industrial Facilities	2
l. Self Service Warehouse	1 per 10 units
m. Personal & Professional Services	2
n. Conference Facilities	1 space per 3 seats
o. Educational Facilities	2
p. Religious Facilities	1 space per 4 seats
q. Day Care	1 per 6 children
r. Physical Fitness, Dance Studios	2
s. Indoor Recreation	5
t. Museums	1
u. Nursing Homes/Assisted Living Facilities	2
v. Mixed Uses	Total of all individual uses in the proposal.
w. Other	To be determined by the Planning Board based on similar uses and similar circumstances.

1,000 square feet of gross floor area, unless otherwise indicated.

3. The number of spaces may be reduced to less than that stipulated in §245-32 A(2) if, in acting on site plan review, the Planning Board or Minor Site Plan Review Committee determines that a smaller number would be adequate for all parking needs.

4. *For purpose of meeting the minimum parking requirements for new residential development,* a garage or carport bay shall qualify as a parking space. *Tandem parking on the driveway, including the portion of the driveway in front of a garage or carport bay, may also qualify to meet minimum parking requirements provided that the space closest to the road is set back behind the front building line of the house.*

a. Exemption for Accessory Dwellings: An Accessory Dwelling parking space may be accommodated in front of a garage. If the occupant(s) have more than one (1) vehicle, off-street parking must be provided on the lot or at some other location.

B. Parking Facility Design.

1. Perimeter Setbacks. All parking facilities shall conform to the setbacks in Table #2.

a. Waivers. If there are on-street or public parking spaces within three hundred (300) feet of the main entrance to a business, the number of spaces required may be reduced by that number of on-street or public spaces. The town official or board issuing a permit or approval shall make this determination.

2. Backing: All parking area having six (6) or more spaces shall be so designed that no vehicles shall be required to back onto a public way or back onto a driveway serving as access to fifty (50) or more parking spaces, in order to enter or exit from a parking space.

3. The minimum dimensions shall be as follows:

a. Each parking space shall be nine (9) feet by eighteen (18) feet. Handicap parking spaces shall be twelve (12) feet by eighteen (18) feet.

b. The minimum width of aisles shall be:

i. Twenty-four (24) feet for parking lots designed with ninety (90) degree stalls (perpendicular parking); or

ii. Sixteen (16) feet for parking lots designed with sixty (60) degree stalls (angled parking); or

iii. Twelve (12) feet for parking lots designed with forty-five (45) degree stalls (angled parking).

iv. For parking lots designed with angle parking differing from those stated above, the aisle width shall be the same as that for the next higher angle design.

Table #2: Perimeter Setbacks

District	**Front Setback**	**Side & Rear Setback**[1]
Downtown Commercial[2]	5 feet	5 feet
Commercial	20 feet	10 feet
Industrial	20 feet	10 feet
All Districts	20 feet	
Village Commercial:		
▪ Abutting Routes 101 or 202	20 feet	10 feet
▪ From Internal Streets	10 feet	5 feet
West Peterborough	10 feet	10 feet
Monadnock Community Health Care:		
▪ From Internal Streets	5 feet	5 feet
All Other Districts (except Commerce Park)	20 feet	20 feet

[1] Except where any parking spaces abut the Family, General Residence and/or Rural Districts, in which case the setback will be twenty (20) feet. Where lot lines abut a commercial (business) district, the affected property owners may agree to a five-foot setback.

[2] Except that reductions are possible, in accordance with §245-9 F (2).

§ 245-33. Pollution and disturbance

A. Purpose: to establish controls for the following types of pollution and disturbances: noise, light and glare, air quality, hazardous materials, vibration, and electrical disturbance, in order to protect the health, safety, and the quality of the environment.

B. Applicability.

1. All applicants for subdivision, site plan review, special exceptions, or building permits shall be subject to the following standards. The Planning Board, Zoning Board of Adjustment, or Code Enforcement Officer shall grant approvals only upon their determination that the resulting use or development will comply with the following standards, or will not increase the extent or degree of any existing noncompliance with them.

2. If the Planning Board, Zoning Board of Adjustment, or Code Enforcement Officer determines that there are reasonable grounds to believe that the use or development may result in noncompliance, they may require the applicant to submit evidence sufficient to enable them to make an objective determination, such as:

   a. documentation of the performance of similar facilities or processes on other sites; and/or

   b. specifications for the mechanisms and techniques involved; and/or

   c. certification of compliance by an engineer acceptable to the Planning Board, Zoning Board of Adjustment, or Code Enforcement Officer for his (the engineer's) competence in the relevant field and lack of conflict in the case involved.

3. The Planning Board, Zoning Board of Adjustment, or Code Enforcement Officer may, at the applicant's request and expense, engage an expert consultant to conduct a study and provide a report on compliance, and on means of mitigating any potential noncompliance.

4. The following standards shall not apply to:

   a. warning devices, temporary construction or maintenance work, parades, special events, or similar temporary or transient circumstances; or

   b. one- and two-family dwellings and permitted accessory uses thereto.

5. The Zoning Board of Adjustment may as a special exception authorize a use not in compliance with the following, upon its determination that peculiarities of the location or activity assure that there will be no adverse disturbance to the use and enjoyment of nearby premises, and that the greatest degree of compliance reasonably feasible has been provided.

C. Noise.

1. On-site activities shall not at any point beyond the boundary of the premises result in sound levels which commonly exceed the ambient (background) level by more than 10 decibels or exceed the ambient level at any time by more than fifteen (15) decibels. Sound not discernible with normal human hearing two hundred (200) feet beyond a point on the boundary of the premises is presumed not to exceed the ambient level by more than ten (10) decibels at that point.

2. Vehicles parked on the premises and idling are subject to this standard, but traffic on streets is not.

3. Exemptions:

   a. On-site emergency generators needed to provide power during electrical outages are exempt from the provisions of subparagraph (1) above.

   b. Customary uses associated with one- and two-family residences, such as air conditioners.

   c. Customary equipment used during construction of one- and two-family residences, such as air compressors or generators.

D. Light and glare.

1. Purpose: To create standards so that outdoor lighting does not unreasonably interfere with the use and enjoyment of property within Peterborough. These standards reduce light trespass, glare, and light pollution, and promote conservation of energy, while maintaining nighttime safety, security, and productivity.

2. Lighting shall be designed to adequately illuminate the site and parking areas without causing glare or excessive illumination on neighboring properties or streets. Glare from vehicle headlights shall be mitigated through location and design of egresses, landscaping, and screening. Illumination of illuminated areas from light fixtures shall comply with Table #3, which gives the allowable foot-candles for various types of light fixtures in varying heights, for the different zoning districts.

Table #3: Lighting Standards	**Cutoff - 90° or less**	
ZONING DISTRICT	**Average Illumination (Foot-Candles)**	**Max. Fixture Height (feet)**
Downtown Commercial District	1.5	20
Commercial District	1.5	30
Other Business Districts*	1.0	25
Family, General Residence, Rural and Retirement Community	1.0	15
Village Commercial District	1.5	20
West Peterborough District	1.0	15
Monadnock Community Health Care District	1.0	25
* Office District, Commerce Park District and Business/Industrial District		

3. All outdoor light fixtures shall be shielded so that no direct light is projected above a horizontal plane passing through the light source.

4. Light sources to illuminate signs shall be located above the objects to be illuminated and shall be shielded so that the light source is not visible from public ways and adjacent property.

5. Acceptable light sources are metal halide, incandescent, neon tubing, fluorescent, *and LED*. All other light sources including any flickering or pulsing light are prohibited. Processes which create light flashes such as, but not limited to, electric arc welding, shall be confined to buildings or shielded to prevent either glare of flashes reflected from the sky. *[Amended 5/10/16]*

6. Outdoor lighting shall be turned off or reduced in intensity by 11:00 p.m. unless an activity being lighted extends beyond that time. Lighting of display lots such as but not limited to, automobile sales or rental, recreational vehicle sales, or building material sales shall be turned off within (30) thirty minutes after closing at the end of the business day. Any lighting used after work hours shall be security lighting only, reduced from the level of full illumination lighting. Similarly, lighting or parking lots shall either be turned off or noticeably reduced to security levels after the closing of business. The intention of this requirement is to reduce after-hours illumination to the greatest extent while recognizing the need for security lighting.

7. Lighting shall be located, shielded, and maintained to prevent light trespass onto adjacent properties and public ways; measured at the boundary of the illuminated and adjacent property in excess of 0.1 foot-candles.

8. Exemptions to the Lighting and Glare standards:
    a. Installations existing prior to the enactment of this ordinance are exempt from its requirements. Alterations that would increase or replace fifty percent (50 %) or more of the existing outdoor lighting fixtures on the premises. In such case, fixtures shall conform to the requirements of this ordinance.
    b. Lighting of the American flag.
    c. Historic monuments and statues.
    d. One and two-family residential properties.
    e. Municipal street lighting.
    f. Emergency safety lighting.
    g. Fixtures of 1650 lumens or less, which are equivalent to a 150-watt incandescent light bulb.
    h. Photographic light flashes.
    i. Driveways or other access ways to properties are allowed to have light trespass not to exceed 0.1 foot candles up to 20 feet into the public right-of-way.
    j. Properties that share a driveway or other access way or have adjoining parking areas may have lighting trespass over the shared property lines subject to agreement of all parties. Such agreement shall be in writing and filed with the application.
9. Owners or operators of non-conforming fixtures or installations are encouraged to bring their outdoor lighting into voluntary compliance with these requirements.

E. Air quality.
1. No non-agricultural use shall cause the recurrent emission of odors detectable more than two hundred (200) feet beyond the boundary of the premises for receptors within an Industrial district, or more than one hundred (100) feet beyond the boundary of the premises for receptors in any other district.
2. Off-site transmission of dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and driveways, shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.

F. Hazardous materials. If the products manufactured are toxic or hazardous as defined at §245-14B, manufacturing as the principal use of the premises may be allowed only if granted a special exception under §245-33H, upon determination by the Zoning Board of Adjustment that:
1. facility location, design, and contingency preparations adequately protect against risk to public health or environmental qualities; and
2. for development within an Groundwater Overlay Zone, the requirements of §245-14, Groundwater Overlay Zone, are fully met.

G. Vibration. No use shall be permitted which produces vibrations recurrently perceptible, without instruments, at any point beyond the boundaries of the premises.

H. Electrical disturbance. No electrical disturbance shall be permitted which adversely affects the operation of any equipment other than that of the creator of such disturbance.

I. Special exceptions.
1. Submittals. Applicants for special exceptions under this section shall submit such material, including technical analyses, as is reasonable necessary for the Zoning Board of Adjustment to make the determination under (2) below. That may include, as applicable, a lighting plan, documentation of air quality modeling, identification of any toxic or hazardous materials

involved and substances to be emitted, a description of precautions, handling practices, monitoring, and recovery systems proposed, and, if appropriate, a hazard prevention and contingency response plan.

2. Decision criteria. Special exceptions shall be granted if the Zoning Board of Adjustment finds that in light of peculiarities of location or circumstance:

   a. the proposed use will not cause unreasonable risk of harm or adverse disturbance to the environment or to other premises, and

   b. will not jeopardize health or safety either on or off the site, and

   c. that either any control or safety systems being relied upon are fail-safe or redundant, or it has been demonstrated that there would be no adverse health or safety consequences beyond the boundaries of the premises in the event of system failure, in light of on-site decay, dilution, or dispersion.

§ 245-34. Manufactured housing

A. In conformity with New Hampshire RSA 674:32, manufactured housing, if placed upon a permanent foundation, is allowed in the General Residence District and in the Rural District.

B. Manufactured housing not placed on a permanent foundation is allowed in the town under the following circumstances:

   1. Pursuant to the provisions of § 245-8B(3) of this chapter (must be located in a manufactured housing park).

   2. By special exception of the Zoning Board of Adjustment, manufactured homes not on permanent foundations are allowed in the rural district for a period not to exceed two (2) years while a permanent residence is being constructed on the property, provided the conditions listed in §245-17 are met.

C. Manufactured housing of less than three hundred twenty (320) square feet in area is not allowed* within the town.

§ 245-35. Farmland preservation

A. Purpose. The purpose of this section is to allow landowners a reasonable return on their holdings, in such a way that the majority of existing open fields and pasture may remain open for use by future generations. Towards this end, all residential subdivision development proposals encompassing five (5) or more acres of existing open fields, pastures, or orchards shall be laid out according to the open space residential development standards set forth in § 245-26 and in a manner consistent with the Peterborough Land Subdivision Regulations.[7] If the parcel which is proposed for development also contains land which is neither open field nor pasture nor orchard, new dwellings shall be clustered on such land to the most practical extent so that the fields, pastures, or orchards remain as undeveloped as possible.

B. Building density.

1. The building density in each zoning district shall be based upon the following table, which shows the percentage of land in various drainage categories which may be counted as suitable soil for development:

	Poorly Drained	Very Poorly Drained	Other
On Sewer	50%	10%	100%
Not On Sewer	25%	0%	100%

2. In order to determine the maximum number of dwelling units permitted on a tract of land, the total acreage allowed to be included (on the basis of the above table), less the land needed for roads, is divided by the maximum lot size required in the zoning district. A high-intensity soils survey by a soils scientist qualified by the New Hampshire State Conservation Committee shall be submitted to certify the extent and location of these soil types.

C. Preservation of agricultural soil. In reference to said open fields, pastures, and orchards, to the fullest extent practicable, all buildings and roads shall be located away from the soils which are rated as important farmlands under the prime and state-wide criteria as listed by the Hillsborough County Conservation District and said high-intensity soils survey. This provision does not apply to the location of on-site septic disposal facilities, which must be placed on soil meeting the standards of the New Hampshire Water Supply and Pollution Control Commission and the Town of Peterborough.

D. Open field preservation. Applicants for subdivision review under this section shall provide the Planning Board with copies of deed covenants (with prospective purchasers) or conservation easements (with the Town of Peterborough) describing land management practices (to be followed by the developer and/or a community association of condominium or land owners), which ensure that the existing fields, orchards, or pastures will be plowed or mowed at least once per year.

[7] Editor's Note: See Ch. 237, Subdivision Regulations.

ARTICLE VIII – Board of Adjustment

§ 245-36. Continuation

The present Board of Appeals shall be continued in existence and called a Board of Adjustment.

§ 245-37. Powers and duties

The Board of Adjustment is hereby authorized and empowered to adopt such rules of organization and procedure as are necessary for the efficient administration and enforcement of this chapter. In addition, the Board of Adjustment shall have the following powers:

A. To hear and decide appeals where it is alleged that there is error in any decision made by the Code Enforcement Officer in the enforcement of this chapter.

B. To hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass under this chapter.

C. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done.

D. To hear and decide applications for equitable waiver of dimensional requirements as provided for in RSA 674:33-a.

E. Any other power authorized to a Board of Adjustment by virtue of Chapter 31, § 60-89, New Hampshire Revised Statutes Annotated, 1955, as amended (now RSA 674:16I - 674:50).

§ 245-38. Appeals to Board

Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board, or bureau of the town affected by any decision of the Code Enforcement Officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Code Enforcement Officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Code Enforcement Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

§ 245-39. Notice of hearing

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

§ 245-40. Appeals to Superior Court

Within thirty (30) days after any decision of the Board of Adjustment, any party to the proceedings or any person directly affected thereby may apply for rehearing. The Board of Adjustment shall grant or deny the same within thirty (30) days. Within thirty (30) days after the final decision of the Board of Adjustment, an appeal may be taken to the Superior Court by any person aggrieved by the decision.

§ 245-41. C*riteria for* special exceptions [Amended 05/14/19]

A. In hearing special exceptions under this chapter, the Board of Adjustment shall take into consideration the following *criteria when no specific criteria are provided within the Ordinance:*

1. *The use is listed in the ordinance as permitted by Special Exception in the Zoning District in which it is proposed.*
2. *The character of the specific site proposed for the use or structure is appropriate because it provides adequate usable space to accommodate the use and avoids disturbance of environmental constraints such as but not limited to wetlands, steep slopes, and flood prone areas.*
3. *The proposed use and site design will not adversely affect abutting properties.*
4. *The proposed use and site design are not detrimental to the aesthetic or visual character of the surrounding neighborhood.*
5. *There will be no undue nuisances or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking.*
6. *Adequate and appropriate infrastructure, utilities and public services are available and/or will be provided to ensure the safe and proper operation of the proposed use or structure.*

B. In granting Special Exceptions under this section, the Board of Adjustment may impose such conditions as it deems necessary in furtherance of the intent and purpose of this chapter.

§ 245-42. Duration of approval [Amended 5/14/19]

A. *Special Exceptions and Variances authorized under this paragraph shall be valid if exercised within two (2) years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause, provided that no such Special Exception shall expire within six (6) months after the resolution of a planning application filed in reliance upon the Special Exception or Variance per RSA 674:33.*

B. Upon request, submitted prior to the date of the expiration, the ZBA may extend the period of validity for one (1) additional year, provided the applicant can demonstrate that good faith efforts have been made to commence the use, or that the delay was beyond the applicant's control, and that the circumstances relating to the property and the surrounding neighborhood have not changed substantially since the date of the original decision. If the use is not commenced within this extension period, the approval shall be considered null and void and the applicant must reapply to the Board.

§ 245-43. Special exception for elderly housing

A. Purpose. It is declared to be in the public interest and the general welfare of the Town of Peterborough to encourage the development of housing for the elderly/ handicapped, as defined by the regulations of the Department of Housing and Urban Development, pursuant to § 8 of the United States Housing Act of 1973, as amended, as they are now written or are later amended. The purpose of this section is to establish some of the special exception conditions which such a use must satisfy, and where these regulations differ from other sections of the Town Zoning Law, the provision of this section shall take precedence. However, any elderly housing must meet all other provisions of the Zoning Law, Building Code, and Subdivision Regulations.[8]

B. Special exception conditions shall be as follows:

1. Any site proposed for elderly housing under this section shall be allowed in all districts except Business/Industrial and Office, and used only in conformity with the regulations cited in Subsection A of this section, as those regulations are now written or later amended.

2. The review of any site proposed for elderly housing shall take into account its proximity to those support services (i.e., shopping, medical, public transportation, places of worship, etc.) necessary to meet the needs of the elderly.

3. Recognizing the desirability of locating elderly housing developments within the more intensively developed areas of the community where related support services are usually available, the problems of land assemblage within these developed areas and the potential social, cultural, and physical advantages to the elderly of group living, the Board shall permit a density level of not more than ten (10) units per acre for elderly housing projects.

4. Recognizing the limited active recreational demands of the elderly in relation to the more typical multifamily occupant, the Board shall permit a reduction in the required lot area to not less than four thousand (4,000) square feet per dwelling unit.

5. In determining the number of required on-site parking spaces, the Board shall permit a ratio of a minimum of one (1) parking space for every two (2) dwellings.

6. Recognizing the potential physical limitations of the elderly, the Board may permit a vehicular drop-off area to the building within the required front yard area within a district.

§ 245-44. Special exception for low- and moderate-income housing

A. Purpose. It is declared to be in the public interest and the general welfare of the Town of Peterborough to encourage the development of low- and moderate-income housing, as defined below. In order to accomplish this, those developments which qualify under the conditions listed below shall be granted a special exception and be exempted from the provisions of Article § 245-28, Phased development.

B. As used in this section, the following terms shall have the meanings indicated:

1. LOW AND MODERATE INCOME HOUSING - Housing which is specifically funded by local, state, or federal government agencies or by private individuals or organizations for the use of economically disadvantaged persons. Low Income shall mean those families earning less than fifty percent (50%) of the median family income for Hillsborough County, and Moderate Income shall mean those families earning between fifty percent (50%) and eighty percent (80%) of the median family income for Hillsborough County.

   a. The median family income for Hillsborough County is determined by the US Department of Housing and Urban Development, and can be obtained from the NH Office of Energy and Planning.

8 Editor's Note: See Ch. 207, Building Construction, and Ch. 237, Subdivision Regulations.

C. Conditions for granting a special exception.

1. Any housing development under this section shall be allowed only in the General Residence, Rural, or Commercial Districts.
2. There is a demonstrated need for the type of housing proposed.
3. The rent levels are subsidized or otherwise affordable by economically disadvantaged persons.
4. The applicant shall present necessary legal documents to assure that housing will be reserved for said persons.
5. The proposed project complies in all other respects with the provisions of the Town of Peterborough Zoning Ordinance and the Land Subdivision and Site Plan Review Regulations.[9]

[9] Editor's Note: See Ch. 237, Subdivision Regulations, and Ch. 233, Site Plan Review.

ARTICLE IX –Administration and Enforcement

§ 245-45. Amendments

This chapter may be amended by a vote of any legal Town Meeting or Special Town Meeting pursuant to the provisions of RSA 31 (now RSA 672 et seq.).

§ 245-46. Violations and penalties

Any person, firm, or corporation which violates any of the provisions of this chapter shall be guilty of a misdemeanor, and shall be punishable by a fine of not more than one hundred dollars ($100.) per day for each day that such violation is found to continue after the date on which the violator receives written notice from the town that he is in violation. The violator may be required to pay legal fees incurred by the town in dealing with the violation. This section shall in no way limit the fines, penalties, and remedies as set forth in RSA 676:15-17.

§ 245-47. Severability

If any section, clause, provision, portion, or phrase of this chapter shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion, or phrase of these regulations.

§ 245-48. When effective

This chapter shall become effective upon its passage.

ARTICLE X – Zoning District Boundary Descriptions

The following written descriptions are the official delineations of Zoning District boundaries of the Town of Peterborough.

FAMILY DISTRICT:

1. Mountain View Terrace parcels numbered U027-004-000 through U027-011-000 and U027-012-100 through U027-023-000.
2. The entire length of High Street, on both sides, to a depth of 200 feet or the property boundary line, whichever is less.
3. Both sides of MacDowell Road from High Street through parcel numbered U024-050-000 and parcel numbered U024-051-000 to a depth of 200 feet.
4. Pineridge development, North Peterborough, west to a line 200 feet west of the railroad bed.
5. Both sides of Hunt Road from Summer Street to but not including parcel numbered U009-026-000, 200 feet deep or to the river, whichever is less, except for a portion of parcel numbered U011-011-000, on the North side of Hunt Road, running from the South West corner of said lot, easterly, approximately three hundred thirty (330) feet along Hunt Road to a line that runs perpendicular with Hunt Road that is thirty (30) feet from the westerly side of the existing residence.
6. Both sides of Summer Street from High Street to Fly Fishing Pond (in parcel numbered U012-001-009), 200 feet deep.
7. Entire length of Old Street Road on the east side, 300 feet deep, from North Peterborough bridge to 300 feet south of intersection with Route 101, except the east side of Old Street Road located between Sand Hill Road and the northerly boundary of the property of Elizabeth Y. McGreal (U005-026-000), and that part of the Family District on the north side of Sand Hill Road located between Old Street Road and the easterly boundary of the property of Elizabeth Y. McGreal (U005-026-000), which is in the Rural District.
8. The west side of Old Street Road from the intersection with Route 202 to the intersection with Route 101, extending westerly to Route 202, excepting the General Residence, Office District, Commercial Districts, and Monadnock Community Health Care District within this area.
9. Both sides of Wilton Road (Route 101), 200 feet deep, from Lookout Hill Road east to Bass Road with the exception of parcel numbered U019-001-000, which is in the General Residence District.
10. Lobacki Drive: entire development, 200 feet deep.
11. On Powersbridge Road from 200 feet south of Wilton Road (Route 101), both sides, south to the brook.
12. Both sides of Pine Street, 200 feet deep, from General Residence District at Granite and Pine Streets south to 200 feet north of Wilton Road (Route 101).
13. Two hundred (200) feet deep on both sides of Noone Avenue, Goyette Drive, Webb Road, Maple Avenue, and a portion of Old Dublin Road extending easterly from Elm Street to Route 101 except for that portion of parcel U022-035-00 that is in the Village Commercial District.
14. Two hundred (200) feet deep on the west side of Mercer Avenue. On the east side of Mercer Avenue from Route 101 and heading south parcels identified as U0018-072-000, U0018-073-000, U0018-076-000, U0018-077-000, U0018-078-000, and a portion of parcel U022-001-000 extending from the southwest corner of parcel U018-068-000 in a southwesterly direction to the northeast corner of parcel U022-002-000.
15. Extending from the west side of General Residence District on Grove Street to the General Residence and Commercial Districts on Elm Street *except for U018-087-000 (rezoned to Gen Res 5/14/19)*, from the northeast side of Route 101 north to the Nubanusit River, including Laurel, Hatch, Oak, Central, Vale, Winter, Factory, Regan and Scott Streets and Nubanusit Lane.

16. Evans Road, both sides, from General Residence District on Elm Street, 200 feet deep.
17. Windy Row, both sides, 200 feet deep, from the northerly boundary of parcel numbered U031-002-001 on the west side of Windy Row and from the northerly boundary of parcel numbered U031-001-000 on the east side of Windy Row through parcel numbered U031-002-007.
18. Sand Hill Road from Old Street Road, both sides, 200 feet deep to General Miller Road except parcel number U005-036-000 where it shall be extended to the full depth of the lot and continuing on General Miller Road (both sides) to the end of pavement (northern boundary of R007-014-000), excepting that part on the north side of Sand Hill Road located between Old Street Road and the easterly boundary of parcel numbered U005-026-000, which is in the Rural District.
19. Blueberry Lane, parcel numbers U006-009-000 through U006-025-000.
20. Old Dublin Road, two hundred (200) feet deep, from the north side of Route 101 northwesterly on the south side of Old Dublin Road to Union Street, and two hundred (200) feet deep, from the north side of Route 101 northwesterly on the north side of Old Dublin Road to the west boundary of parcel R004-028-000.
21. The northwesterly side of Route 202 from the southeastern boundary of parcel numbered U021-019-000, two hundred (200) feet deep, southerly to the General Residence District opposite parcel numbered U020-024-000.

GENERAL RESIDENCE DISTRICT:

1. Union Street, from Steele Road on the southerly side of Union Street to Elm Street, two hundred (200) feet deep or to the river, and two hundred (200) feet deep on the northerly side of Union Street from the easterly boundary of parcel U029-027-001, including Prospect Street to the easterly boundary of parcel U017-087-000 excepting the Family District of High Street.
2. From parcel number U017-108-000 north to Vine Street, then behind the Family District on the east side of High Street through parcel numbered U024-060-000 extending easterly to Summer Street, then northerly on the west side of Summer Street 1,000 feet deep through the southern boundary of parcel numbered U012-001-009, then northerly on the west side of Summer Street 200 feet deep to the fly fishing pond (in parcel numbered U012-001-009). Also, the east side of Summer Street, 200 feet deep or to the river, whichever is greater, from behind the Commercial District on Main Street northerly to the stream from the fly fishing pond (in parcel numbered U011-006-000). Also, both sides of River Street, 200 feet deep, excepting the Commercial District on Main Street and the Family District on High Street.
3. Concord Street, both sides, 200 feet deep or to the river, whichever is closer, to Sand Hill Road.
4. Pine Street from the Main Street Bridge, 200 feet deep on the east side and 200 feet deep or to river on the west side, to Granite Street intersection.
5. Granite Street, both sides from Pine Street to Route 101.
6. Route 101, from the bridge over Contoocook River to Lookout Hill Road, both sides, 200 feet deep, excepting parcel numbered U019-024-000, which is in the Office District.
7. Grove Street, both sides, to river and Route 202 from parcel numbered U021-015-000 southwest to Iron Bridge and continuing along northwest side of river to parcel numbered U020-024-000. The easterly and westerly sides of Grove Street from Route 101 northerly on the east side to parcel numbered U017-023-100, and on the west side to parcel numbered U017-027-000, and also including parcel numbered *U018-087-000 (rezoned from Family District on 5/14/19)*
8. Northwest side of Route 202 from parcel numbered U020-018-000, 200 feet deep, southwest along Cabana Drive and Old Jaffrey Road, both sides, to parcels numbered U020-005-000 and U020-005-100 and east to Route 202, excepting U020-020-000 and U020-015-000, which are commercial.
9. Elm Street, both sides 200 feet deep, from Commercial District northeasterly to Union Street.
10. Parcels numbered U009-031-000 and U009-028-000 on the easterly side of Route 202.

11. That land on the easterly side of Route 202 north, located between the northerly boundary of parcel numbered U009-028-000 and the southerly border of parcel numbered R008-024-000 and the easterly boundary of Route 202 North, and the westerly boundary of parcel numbered R008-017-000, an area approximating 800 feet in width and 1,100 feet in depth and containing 18.4 acres, more or less, all of which is contained in parcel numbered R008-022-000.
12. Parcel numbered U019-001-000 on the southerly side of Wilton Road (Route 101), consisting of approximately 16 acres, provided that any buildings on said 16 acres are serviced by town water and town sewer.
13. All of the land lying northerly of the Contoocook Valley High School and part of the land lying northerly of the Pineridge development as shown on the Peterborough Tax Map R011-046-000, R011-047-000, R011-050-000, R011-050-100, R011-051-000 and U010-035-000 and U010-036-000, respectively, all of said land being northerly of a line running in a general westerly direction along approximately the same course as the boundary line between the Contoocook Valley High School and parcels numbered R011-050-000 and R011-050-100, said line continuing across R011-051-000 and across part of parcels numbered U010-035-000 and U010-036-000. This amendment shall only become effective if all development on said land is serviced by town water and town sewer and upon the owner of said land deeding approximately 120 acres of said land to the Town of Peterborough for protection of the town's Tarbell Road well.
14. North side of Main Street, parcels numbered U017-109-000 through U017-113-000.

COMMERCIAL DISTRICT:

1. Concord Street, east side from Sand Hill Road to and excluding the Pine Hill Cemetery (parcel numbered U015-024-000), 200 feet deep and parcel numbered U013-001-000 to its full depth, and on the west side of Concord Street (Route 202), all land between the street and river from parcel numbered U015-001-000 north to where the river joins the highway.
2. Summer Street, east side, parcel numbered U016-023-000, as shown on the May 21, 1998, Tax Map.
3. On the north side of Route 101 at the intersection with Elm Street, both sides of Elm Street from Route 101, 200 feet deep, through and including parcels numbered U023-019-000 and U023-019-100.
4. East side of Route 202 from and including parcel numbered U009-033-000, northerly through parcel numbered U009-032-000 and east to the river.
5. West side of Route 202, parcels numbered U009-025-000, U009-026-000, and U009-027-000. 6. Parcels in South Peterborough numbered R003-014-000, R003-015-000, U020-015-000, U020-020-000, and U020-024-000.
7. West side of Route 202 from the intersection of railroad tract and Route 202 near parcel numbered U020-002-000 southerly through parcel numbered R003-018-000, embracing the swamp land on east side of the railroad. This Commercial District shall extend westerly 800 feet or to the westerly boundaries of the various parcels of land in the district, whichever distance in the case of each parcel is less.
8. The north side of Route 101 from Elm Street through U023-023-100, with a depth extending to 200 feet south of Evans Street.
9. The east side of Route 202 South, parcels numbered R003-017-000, R003-019-000, R003-020-000, and R003-037-000 subject to the requirements of the Shoreland Conservation Zone as set forth in § 245-12 and the Flood Plain District as set forth in § 245-13, and further provided that all access to the land situated between Route 202 and Sharon Road be from Sharon Road.

BUSINESS/INDUSTRIAL DISTRICT:

1. The east side of Route 202 North, parcels numbered R008-017-000, R009-024-000, R008-024-100, R008-024-200, R008-024-300, R008-028-400, and R011-049-000, to the point where the Contoocook River meets Route 202 (in parcel numbered R011-045-000) and extending easterly to the river, subject to the requirements of the Shoreland Conservation Zone.
2. The west side of Route 202 South, from the Commercial District at the southern boundary of R003-018-000 to the southwestern boundary of R003-025-000, extending to a depth of 800 feet or the property boundary, whichever is less, and subject to the requirements of the Shoreland Conservation Zone and Wetlands District.
3. Parcels numbered R003-024-000, R003-042-000, and R003-045-000 on the east side of Route 202 South, subject to the requirements of the Shoreland Conservation Zone and Wetlands Protection District.
4. Parcels numbered R003-028-000, R003-029-000, R003-030-000, and R003-050-000, provided the 100 foot setback from Route 202 is planted with vegetation to supplement existing vegetation to serve as a screen, in order to maintain the greenbelt which serves as a visual separation between the towns of Jaffrey and Peterborough, and which enhances the rural character of the area and entrance to Peterborough. No development, including parking lots, shall be allowed within this 100 foot setback from Route 202, with the exception of the entrance driveway. This amendment shall become effective upon the date that town water and town sewer are extended to the property for the purpose of development.

OFFICE DISTRICT:

1. Parcel number U019-024-000 on Route 101.
2. Parcel numbered U008-025-000 on the east side of Route 202 North and west of the Contoocook River.

RETIREMENT COMMUNITY DISTRICT:

1. All of the land owned by Upland Farms, Inc., situated northerly of Powersbridge Road, easterly of Morison Road and southeasterly of Grove Street Extension (R004-003-000), containing 56.37 acres, more or less.
2. Parcel numbered R002-044-000.

DOWNTOWN COMMERCIAL DISTRICT:

The following parcels numbered U017-004-000 through U017-010-000, U017-012-000 through U017-023-000, U017-027-000, U017-045-000 through U017-055-000, U017-068-000 through U017-077-000, U017-114-000, U017-115-000, U017-121-000, U017-122-000, U017-138-000. [Amended 05/12/15]

COMMERCE PARK DISTRICT:

Parcels numbered R011-031-000, R011-032-000, R011-033-000, and R011-043-000.

MONADNOCK COMMUNITY HEALTH CARE DISTRICT:

1. Old Street Road, Parcel No. U007-001-000, U007-007-000.

VILLAGE COMMERCIAL DISTRICT:

The Village Commercial District is comprised of parcels numbered U018-062-000, U018-062-100, U018-063-000, U018-064-000, U018-065-000, U018-066-000, U018-067-000, U018-068-000, U018-069-100, U018-070-000, U018-071-000, U021-001-000, U021-002-000, U021-003-000, U021-004-000, U021-005-000, U021-006-000, U021-007-000, U021-008-000, U021-009-000, U021-010-000, U021-016-000, U021-018-000**,** U021-019-000**,** U021-020-000, U021-021-000, U021-022-000, U021-023-000, U021-034-000, U022-035-001; "and a portion of parcel U022-035-000 starting on the west side of Route 202 beginning at the southeast corner of parcel U021-019-000 running 700 +/- feet in a westerly direction along the southerly line of parcel U021-019-000 to a point then turning in a northerly direction parallel to Route 202 to a point on the northern boundary of U022-035-000 then turning easterly and following this boundary and the northern boundary of U022-035-001 to Route 202 then turning southerly and running along the frontage to the point of beginning, which combined with U021-019-000 and U022-035-001 comprises approximately twelve (12) acres."

WEST PETERBOROUGH DISTRICT:

Parcels numbered: R004-028-001, U026-008-000, U029-001-000, U029-001-100, U029-002-000, U029-003-000, U029-004-000, U029-005-000, U029-006-000, U029-007-000, U029-008-000, U029-015-000, U029-016-000, U029-017-000, U029-019-000, U029-020-000, U029-021-000, U029-022-000, U029-023-000, U029-024-000, U029-025-000, U029-026-000, U029-027-001, U030-001-000, U030-002-000, U030-003-000, U030-004-000, U030-005-000, U030-006-000, U030-007-000, U030-008-000, U030-009-000, U030-010-000, U030-011-000, U030-012-000, U030-013-000, U030-014-000, U030-016-000, U030-017-000, U030-018-000, U030-019-000, U030-020-000, U030-022-000, U030-023-000, U030-024-000, U030-025-000, U030-026-000, U030-027-000, U030-028-000, U030-029-000, U030-030-000, U030-031-000, U030-032-000, U030-033-000, U030-033-100, U030-034-000, U030-035-000, U030-036-000, U030-037-000, U030-038-000, U030-039-000, U030-040-000, U030-041-000, U030-042-000, U030-043-000, U030-043-100, U030-044-000, U030-045-000, U030-046-000, U030-047-000, U030-048-000, U030-049-050, U030-051-000, U030-052-000, U030-052-100, U030-053-000, U030-054-000, U030-055-000, U030-056-000, U030-057-000, U030-058-000, U031-001-000, U031-002-001, U032-001-000, U032-001-100, U032-002-000, U032-003-000, U032-005-000, U032-006-000, U032-007-000, U032-008-000, U032-009-000, U032-010-000, U032-011-000, U032-012-000, U032-013-000, U032-014-000, U032-014-100, U032-015-000, U032-016-000, U032-017-000, U032-018-000, U032-019-000, U032-020-000, U032-021-000, U032-022-000, U032-023-000, U032-023-100, U032-024-000, U033-004-000, U033-004-100, U033-005-000, U033-006-000, U033-007-000, U033-008-000, U033-009-000, U033-009-100, U033-010-000, U033-011-000, U033-012-000, U033-012-001, U033-012-002, U033-012-003, U033-012-004, U033-012-005, U033-012-006, U033-012-007, U033-012-008, U033-012-009, U033-012-010, U033-012-011, U033-012-012, U033-012-013, U033-012-014, U033-012-015, U033-012-016, U033-012-017, U033-012-018, U033-012-019, U033-012-020, U033-012-021, U033-012-022, U033-012-023, U033-012-024, U033-012-025, U033-012-026, U033-012-027, U033-012-028, U033-012-029, U033-012-030, U033-012-031, U033-012-032, U033-012-033, U033-012-034, U033-012-035, U033-012-036, U033-012-037, U033-012-038, and U033-012-039.

RURAL DISTRICT:

Any land in the Town of Peterborough not situated in any of the preceding Districts.

TRADITIONAL NEIGHBORHOOD DESIGN OVERLAY DISTRICT I

An overlay district within which the following parcels are located:

U014-001-000	U017-001-000	U017-062-000	U017-125-000	U018-004-000	U018-088-000	U023-002-000	U024-016-000
U014-002-000	U017-002-000	U017-063-000	U017-125-000	U018-006-000	U018-089-000	U023-003-000	U024-017-000
U014-003-000	U017-003-000	U017-064-000	U017-126-000	U018-007-000	U018-090-000	U023-004-000	U024-018-000
U014-004-000	U017-004-000	U017-065-000	U017-126-000	U018-008-000	U018-091-000	U023-005-000	U024-019-000
U014-005-000	U017-005-000	U017-066-000	U017-127-000	U018-009-000	U018-092-000	U023-006-000	U024-020-000
U014-012-000	U017-006-000	U017-067-000	U017-127-128	U018-010-000	U018-093-000	U023-007-000	U024-021-000
U014-013-000	U017-007-000	U017-067-100	U017-128-000	U018-011-000	U018-094-000	U023-008-000	U024-022-000
U014-013-001	U017-008-000	U017-068-000	U017-129-000	U018-012-000	U018-095-000	U023-009-000	U024-023-000
U014-014-000	U017-009-000	U017-069-000	U017-129-000	U018-013-000	U018-096-000	U023-010-000	U024-024-000
U014-015-000	U017-010-000	U017-070-000	U017-130-000	U018-014-000	U018-097-000	U023-011-000	U024-025-000
U014-016-000	U017-010-001	U017-071-000	U017-131-000	U018-015-200	U018-098-000	U023-012-000	U024-026-000
U014-017-000	U017-010-002	U017-072-000	U017-131-000	U018-022-000	U018-099-000	U023-013-000	U024-027-000
U014-018-000	U017-011-000	U017-073-000	U017-132-000	U018-023-000	U018-100-000	U023-014-000	U024-028-000
U016-000-000	U017-012-000	U017-074-000	U017-133-000	U018-024-000	U018-101-000	U023-015-000	U024-029-000
U016-002-000	U017-015-000	U017-075-000	U017-134-000	U018-025-000	U018-102-000	U023-016-000	U024-030-000
U016-002-100	U017-016-000	U017-076-000	U017-135-000	U018-026-000	U018-103-000	U023-017-000	U024-031-000
U016-004-000	U017-018-000	U017-077-000	U017-136-000	U018-027-000	U018-104-000	U023-018-000	U024-032-000
U016-005-000	U017-019-000	U017-078-000	U017-137-000	U018-028-000	U018-105-000	U023-019-000	U024-033-000
U016-006-000	U017-020-000	U017-079-000	U017-138-000	U018-029-000	U018-106-000	U023-020-000	U024-034-000
U016-007-000	U017-021-000	U017-080-000	U017-139-000	U018-030-000	U018-107-000	U023-026-000	U024-035-000
U016-007-100	U017-022-000	U017-081-000	U017-141-000	U018-031-000	U018-108-000	U023-027-000	U024-036-000
U016-008-000	U017-023-000	U017-082-000	U017-142-000	U018-032-000	U018-109-000	U023-028-000	U024-037-000
U016-009-000	U017-024-000	U017-083-000	U017-143-000	U018-033-000	U018-110-000	U023-029-000	U024-038-000
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U016-013-000	U017-030-000	U017-088-000	U017-148-000	U018-038-000	U018-115-000	U023-035-000	U024-042-000
U016-014-000	U017-031-000	U017-089-000	U017-149-000	U018-039-000	U018-116-000	U023-036-000	U024-043-000
U016-015-000	U017-032-000	U017-090-000	U017-150-000	U018-040-000	U018-117-000	U023-037-000	U024-044-000
U016-016-000	U017-033-000	U017-091-000	U017-151-000	U018-041-000	U018-118-000	U023-038-000	U024-045-000
U016-017-000	U017-034-000	U017-092-000	U017-152-000	U018-042-000	U018-119-000	U023-039-000	U024-046-000
U016-018-000	U017-035-000	U017-093-000	U017-153-000	U018-043-000	U018-120-000	U023-040-000	U024-047-000
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U016-020-000	U017-038-000	U017-096-000	U017-156-000	U018-047-000	U018-123-000	U023-042-000	U024-049-100
U016-023-000	U017-039-000	U017-097-000	U017-157-000	U018-048-000	U018-124-000	U023-043-000	U024-050-000
U016-024-000	U017-040-000	U017-098-000	U017-158-000	U018-049-000	U018-125-000	U023-044-000	U024-050-100
U016-026-000	U017-041-000	U017-099-000	U017-159-000	U018-050-000	U018-126-000	U023-045-000	U024-051-000
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U016-028-000	U017-043-000	U017-101-000	U017-161-000	U018-052-000	U018-127-000	U023-047-000	U024-053-000
U016-029-000	U017-044-000	U017-102-000	U017-162-000	U018-053-000	U018-127-000	U023-048-000	U024-055-000
U016-030-000	U017-045-000	U017-103-000	U017-163-000	U018-054-000	U018-128-000	U023-048-100	U024-056-000
U016-031-000	U017-046-000	U017-104-000	U017-164-000	U018-055-000	U018-128-000	U023-049-000	U024-057-000
U016-032-000	U017-047-000	U017-105-000	U017-165-000	U018-056-000	U018-129-000	U024-001-000	U024-058-000
U016-033-000	U017-048-000	U017-106-000	U017-166-000	U018-057-000	U018-130-000	U024-002-000	U024-059-000
U016-034-000	U017-049-000	U017-107-000	U017-167-000	U018-058-000	U018-131-000	U024-003-000	U024-060-000
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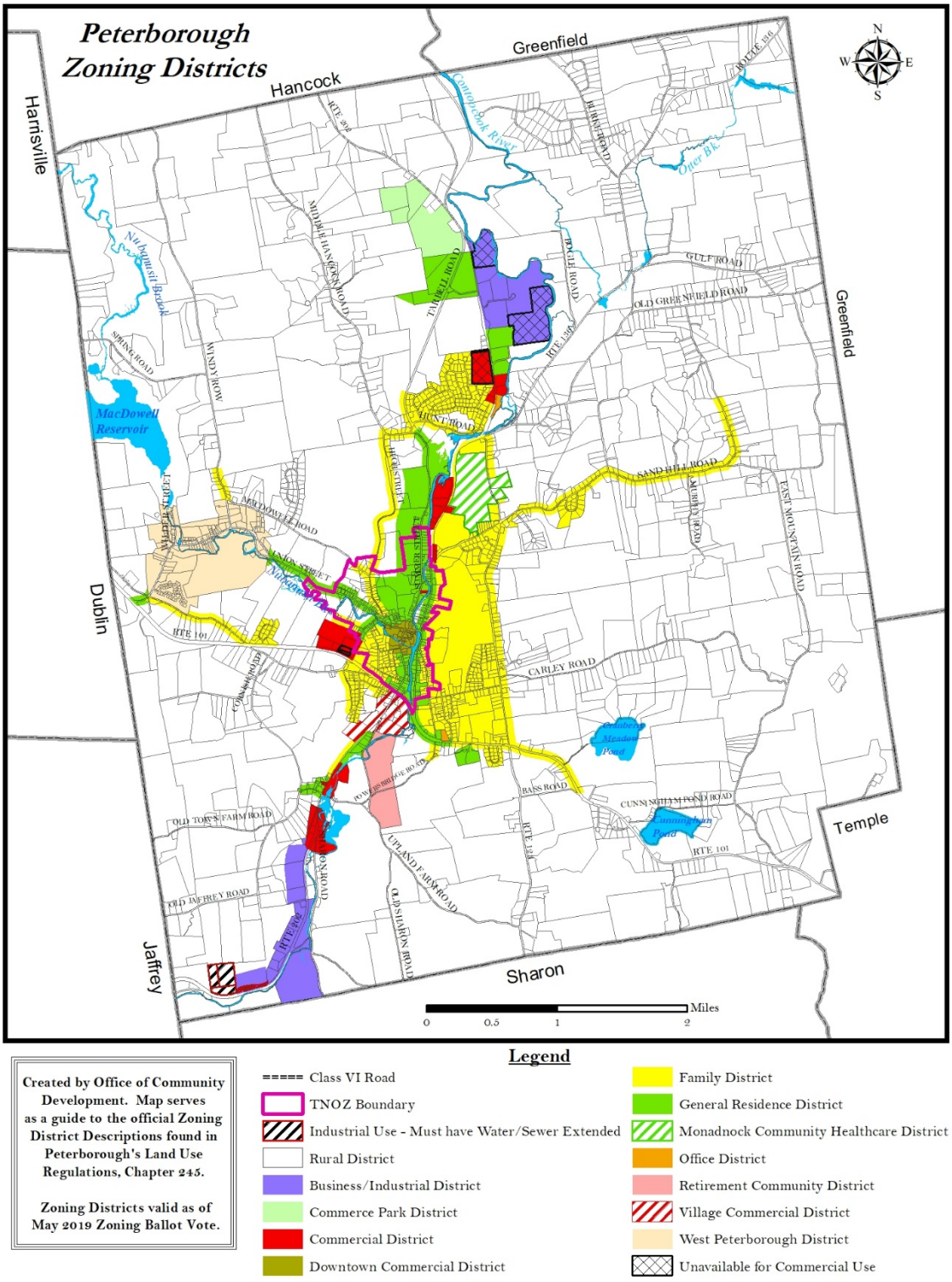
U016-036-000	U017-051-000	U017-109-000	U017-169-000	U018-060-000	U018-132-000	U024-005-000	U024-061-000
U016-037-000	U017-052-000	U017-110-000	U017-170-000	U018-061-000	U018-133-000	U024-006-000	U024-062-000
U016-038-000	U017-053-000	U017-111-000	U017-171-173	U018-079-000	U018-133-000	U024-007-000	U024-063-000
U016-039-000	U017-054-000	U017-113-000	U017-174-000	U018-080-000	U018-134-000	U024-008-000	U024-064-000
U016-041-000	U017-055-000	U017-114-000	U017-175-000	U018-081-000	U018-135-000	U024-009-000	U024-065-000
U016-042-000	U017-056-000	U017-115-000	U017-176-000	U018-082-000	U022-041-000	U024-009-100	U024-066-000
U016-043-000	U017-057-000	U017-121-001	U017-177-000	U018-083-000	U022-042-000	U024-011-000	U026-001-000
U016-044-000	U017-058-000	U017-121-002	U017-178-000	U018-084-000	U022-043-000	U024-012-000	U026-001-100
U016-045-000	U017-059-000	U017-122-000	U018-001-000	U018-085-000	U022-044-000	U024-013-000	U026-001-200
U016-046-000	U017-060-000	U017-123-000	U018-002-000	U018-086-000	U022-045-000	U024-014-000	
U016-047-000	U017-061-000	U017-124-000	U018-003-000	U018-087-000	U023-001-000	U024-015-000	

ZONING MAPS

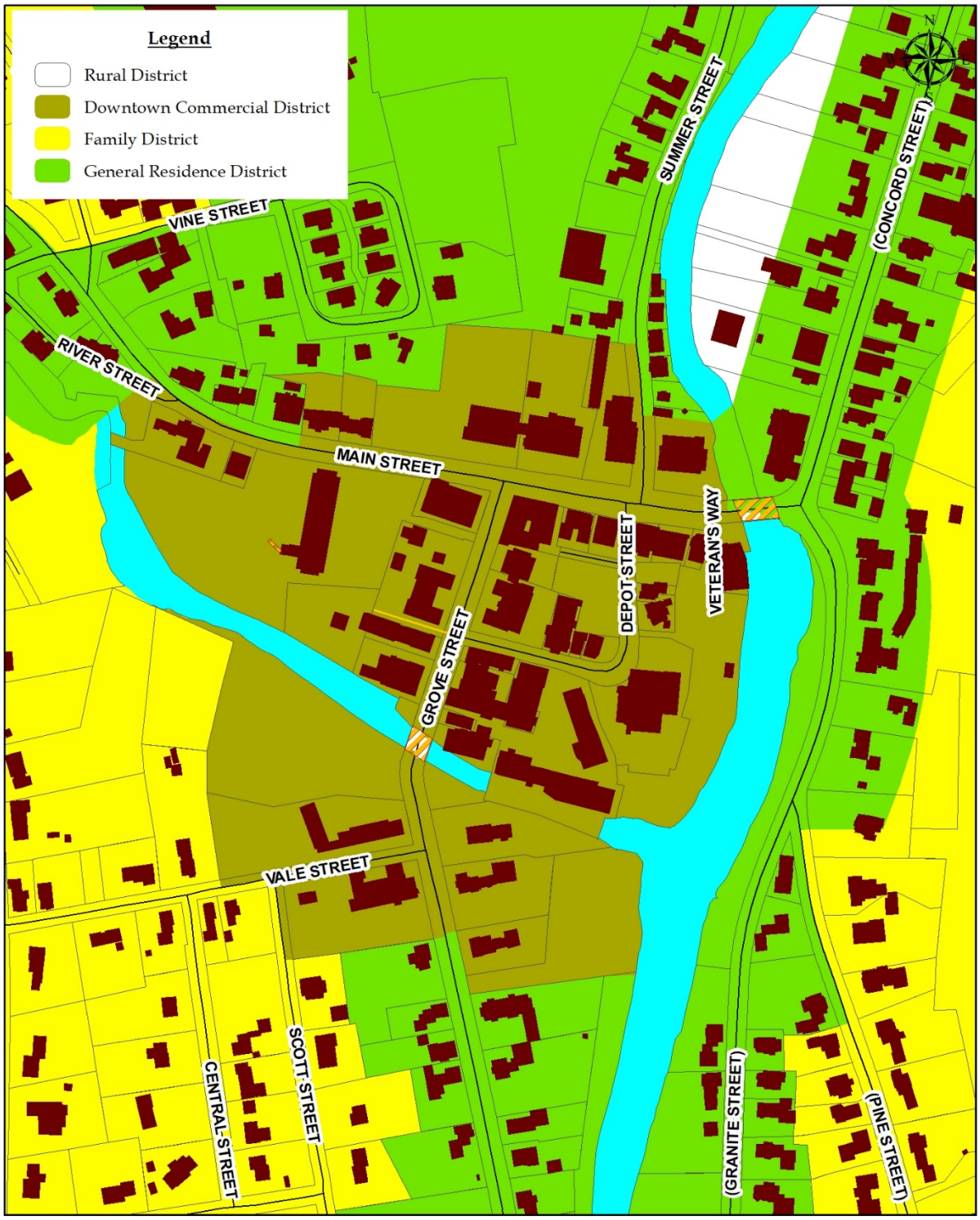
Note: The following maps provide guidance to Peterborough's Land Use Regulation Chapter 245. Written descriptions provided in Article X are the official Zoning District Boundary delineations.

Zoning Districts



Downtown Commercial District

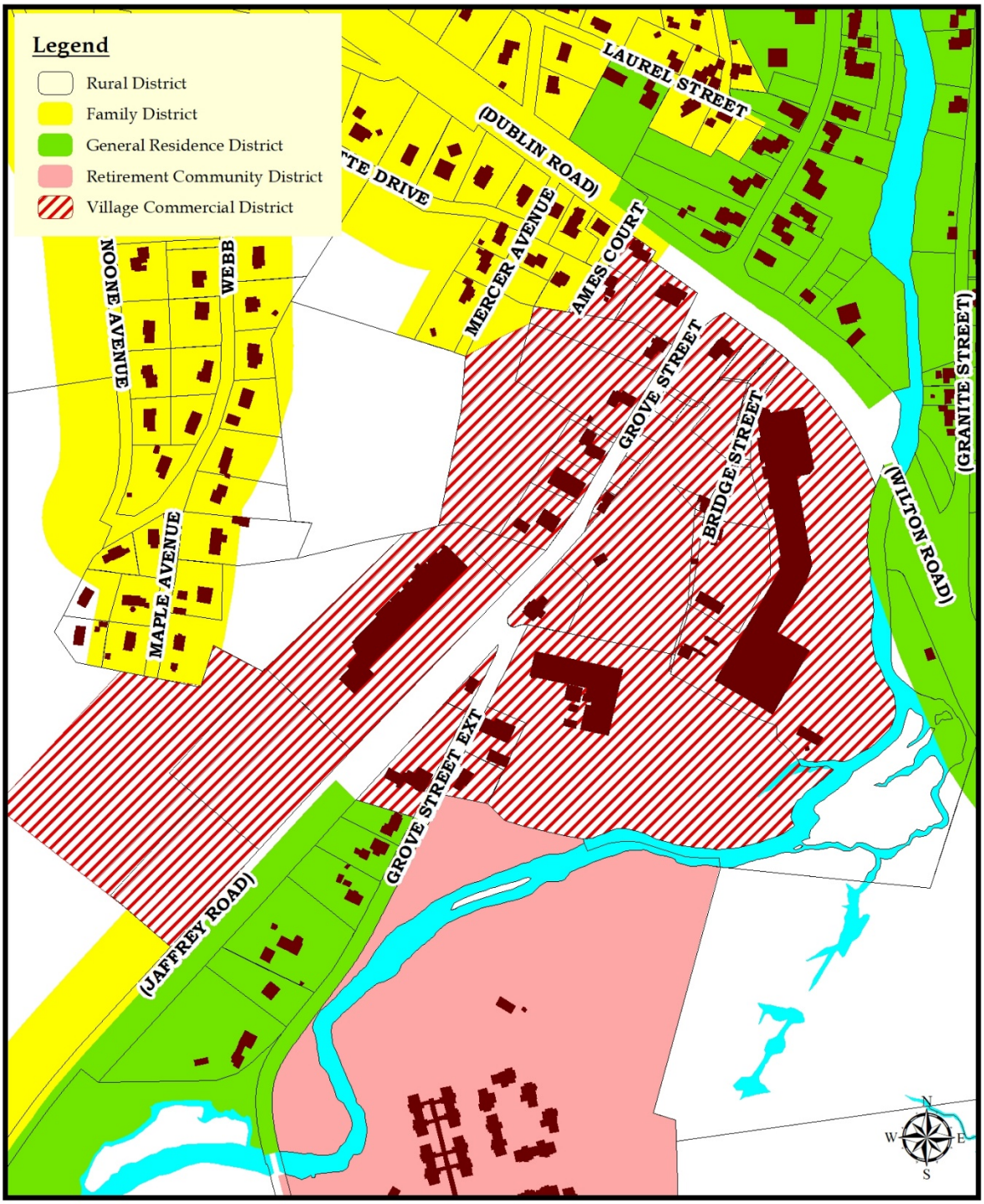
Downtown Commercial District



NOTE: This map only serves as a guide to Peterborough's Land Use Regulation Chapter 245. Written descriptions are the official Zoning Delineations.

Village Commercial District

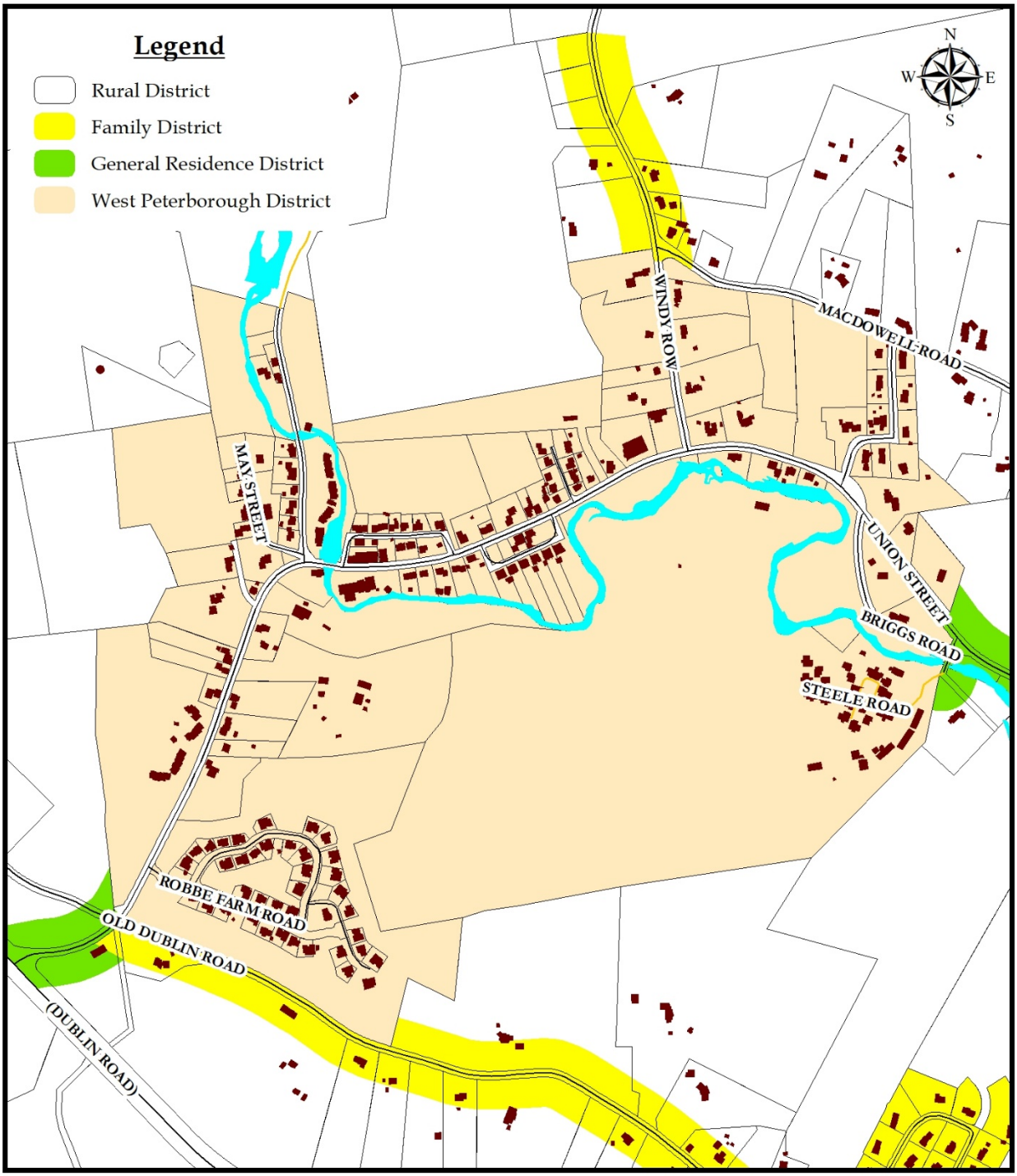
Village Commercial District



NOTE: This map only serves as a guide to Peterborough's Land Use Regulation Chapter 245. Written descriptions are the official Zoning Delineations.

West Peterborough District

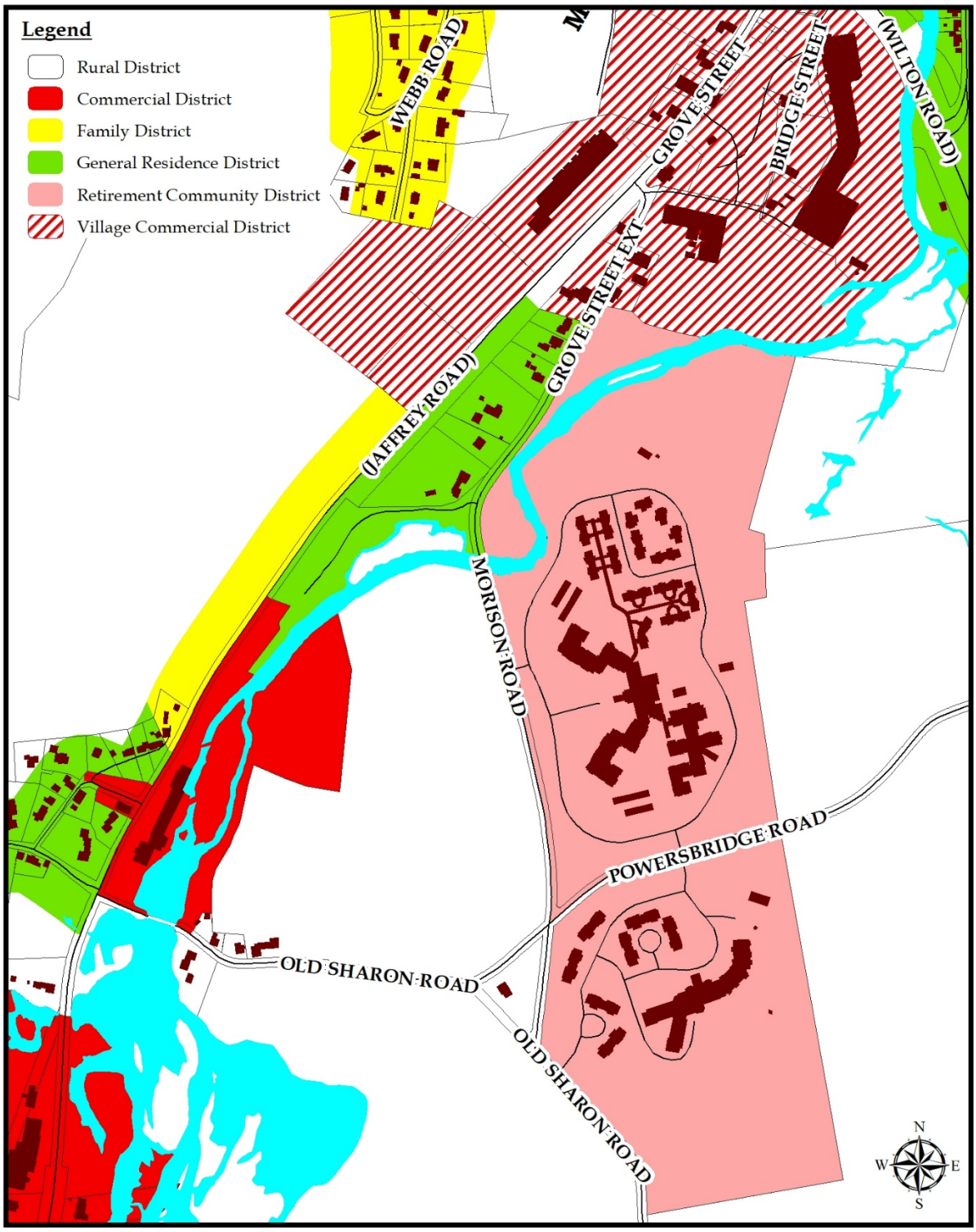
West Peterborough District



NOTE: This map only serves as a guide to Peterborough's Land Use Regulation Chapter 245. Written descriptions are the official Zoning Delineations.

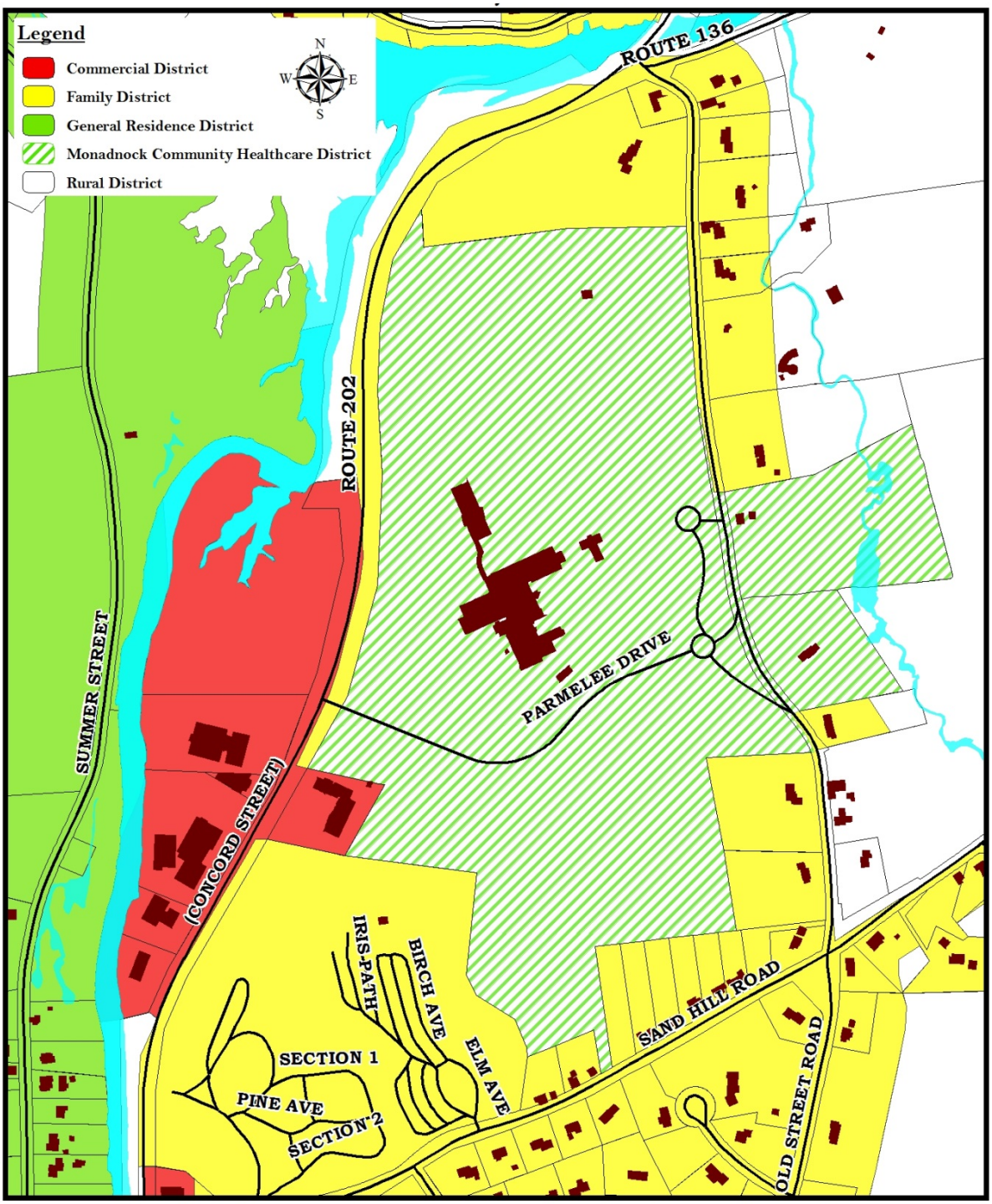
Retirement Community District

Retirement Community District



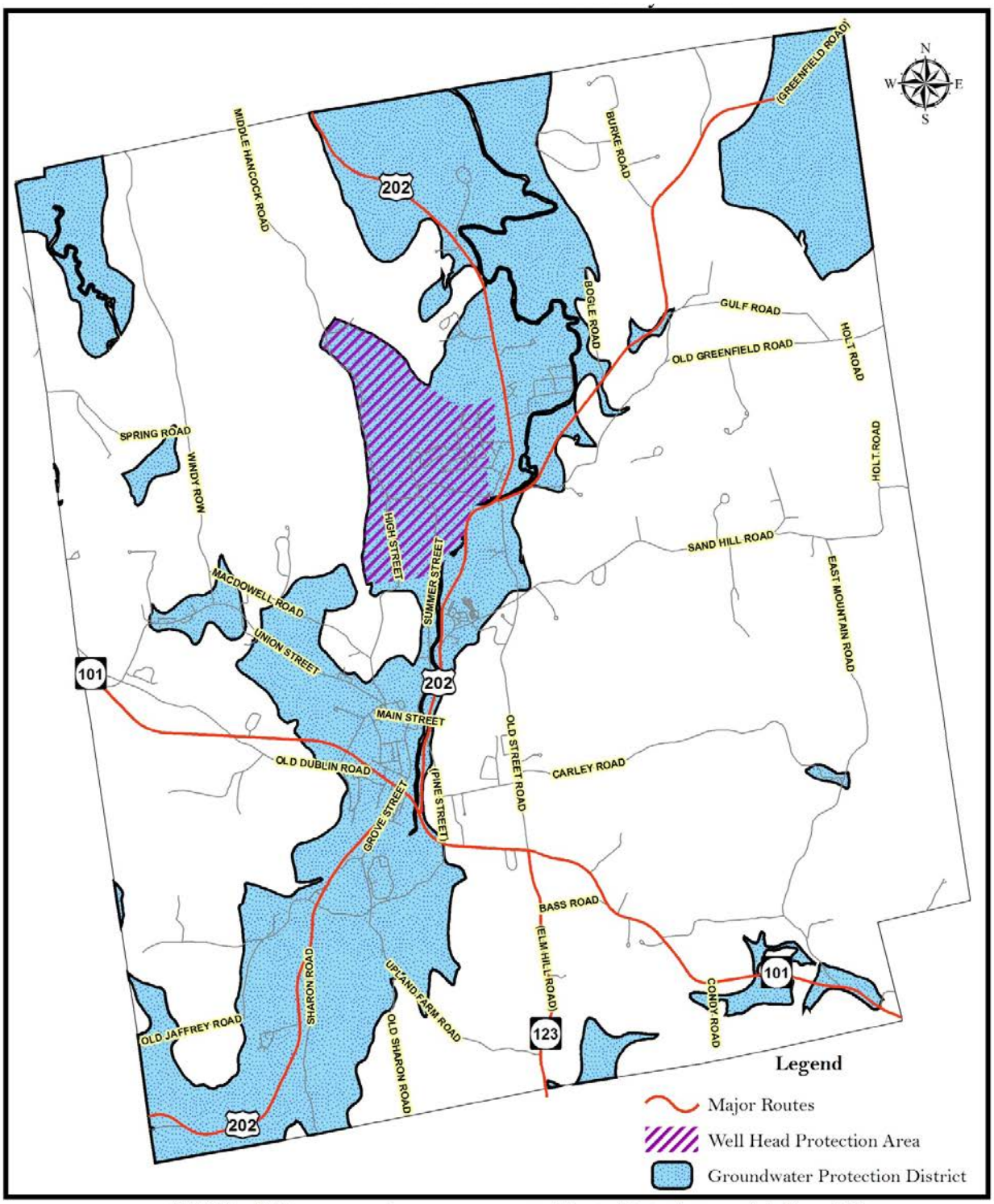
NOTE: This map only serves as a guide to Peterborough's Land Use Regulation Chapter 245. Written descriptions are the official Zoning Delineations.

Monadnock Community Healthcare District



NOTE: This map only serves as a guide to Peterborough's Land Use Regulation Chapter 245. Written descriptions are the official Zoning Delineations.

Groundwater Protection District



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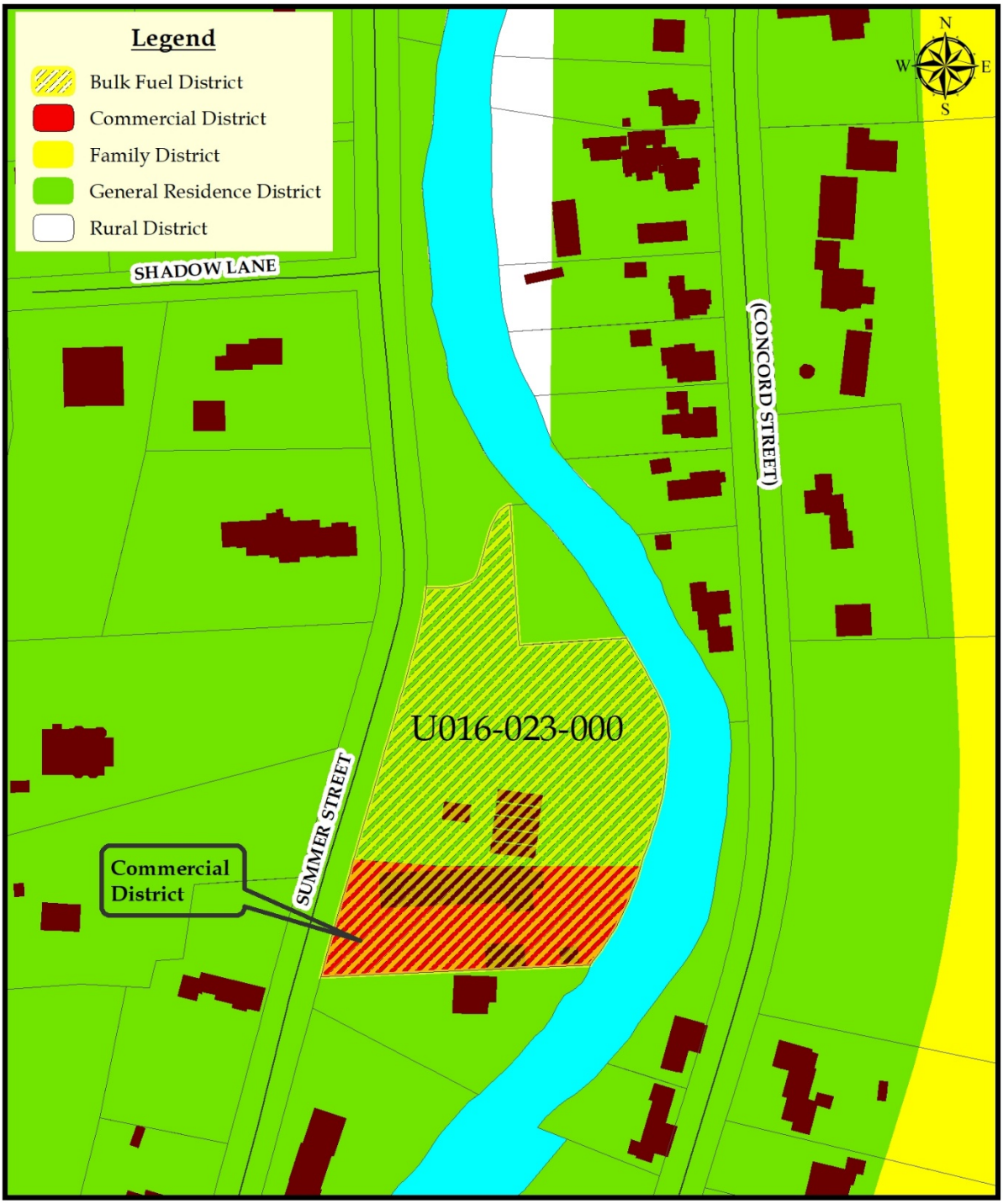
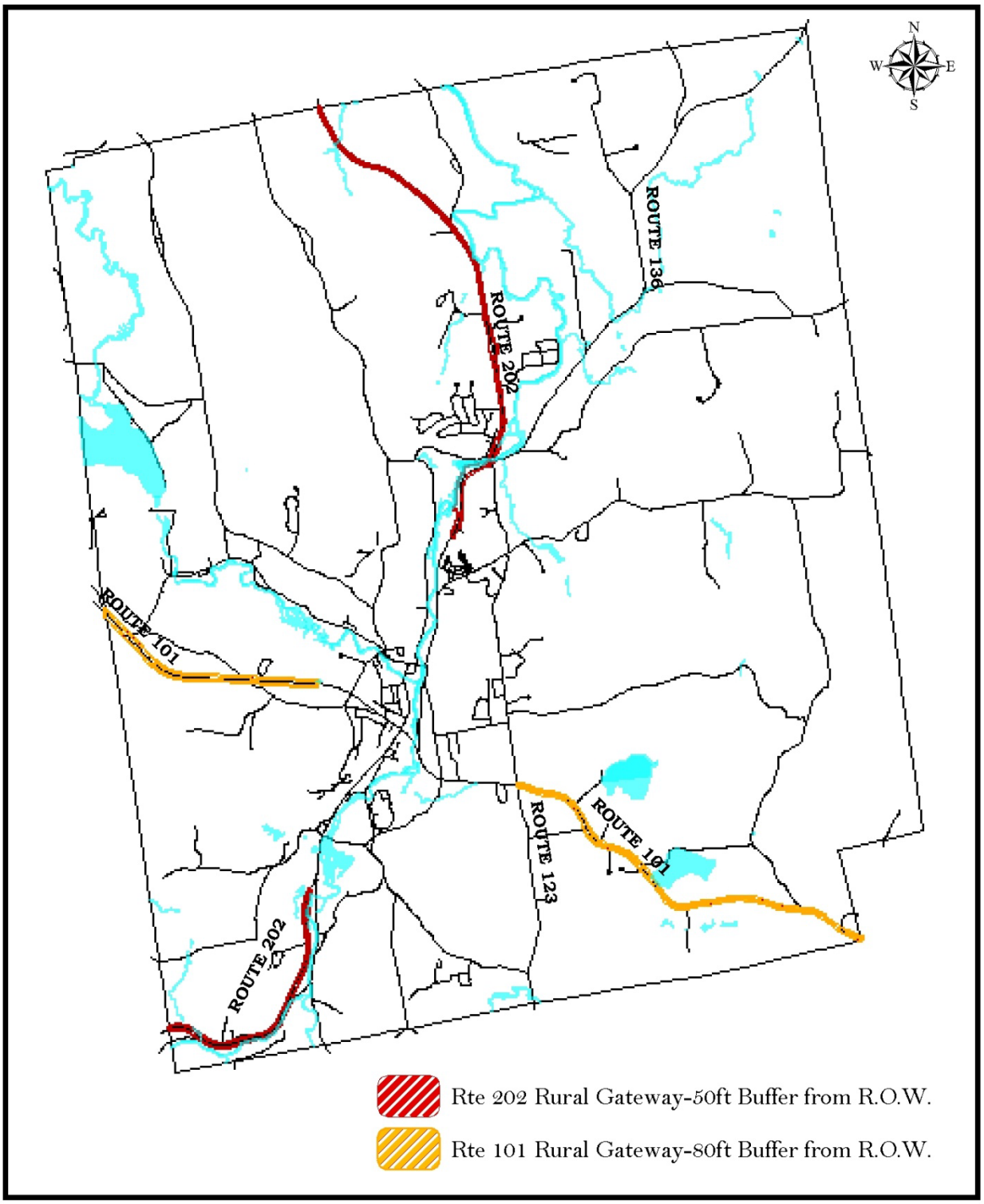
Bulk Fuel Overlay District

Bulk Fuel Overlay District



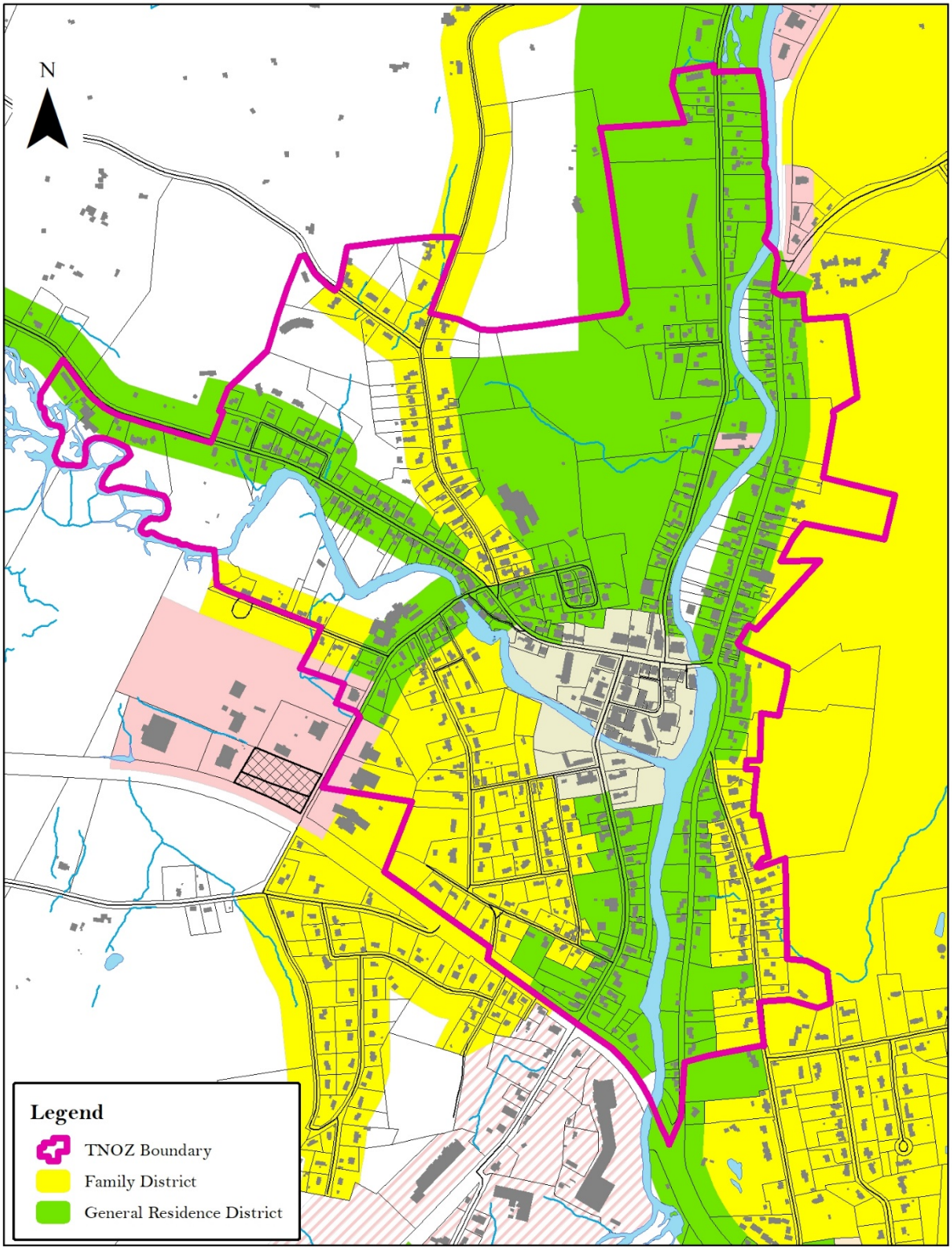
NOTE: This map only serves as a guide to Peterborough's Land Use Regulation Chapter 245. Written descriptions are the official Zoning Delineations.

Rural Gateway Overlay District



NOTE: This map only serves as a guide to Peterborough's Land Use Regulation Chapter 245. Written descriptions are the official Zoning Delineations.

Traditional Neighborhood Overlay District I



Note: This Map only serves as a guide to Peterborough's Land Use Regulation Chapter 245. Written descriptions are the official Zoning Delineations.