



**Town of Hillsborough**  
Planning Board  
27 School Street  
P.O. Box 7  
Hillsborough, NH 03244  
(603) 464-7971

December 18, 2018

**PUBLIC NOTICE**

Notice is hereby given that a public hearing will be held by the Hillsborough Planning Board pursuant to RSA 675:3.II, on January 2, 2019 at 7:00 pm at the Hillsborough Town Office, 27 School Street to consider the following amendments to the Hillsborough Zoning Ordinance:

- Amend Article II General Provisions section 229-6 Definitions to amend the definition of Agritourism
- Article II General Provisions section 229-6 Definitions and Word Uses will remove “Laundromats” and “Dry Cleaners” from the definition of “Personal Services”, and define them separately.
- Amend ARTICLE XVI and adopt a new Groundwater Protection Ordinance and its associated map.
- Amend and correct Table 3 Setback, Coverage and Building Height Requirements to include Lake Lots in Residential Districts.
- Amend the following articles to include the Historic District Ordinance in the Zoning as follows:
  1. Amend Article II General Provisions section 229-6 Definitions and Word Uses
  2. Amend Article III section 229-19.4 Use Districts to add the Historic District
  3. Amend Article VI Special Regulations section 229-39, D. Specific Sign Regulations
  4. Amend Article X Administration and Enforcement, section 229-59 Building Permits t
  5. Amend Article XV 229-93-229-99 to add the Historic District Ordinance
  6. Amend Table 2 Lot, Area, and Frontage Requirements to include the “Historic District”
  7. Amend Table 3 Setback, Coverage and Building Height Requirements to include the “Historic District
  8. Amend Table 4 Chart of Uses by adding the Historic District and specific uses with their permissions

Bed and Breakfast, Home Occupation, Accessory Building, Home Business, Office, Retail Business, Day Care Facility-Child or Family, Municipal Facility, Museum, Religious Institutions for less than 250 People, Building and Service Trade, Agriculture, Artists Studio, Farm

9. Amend Chapter 147 of the Town Code to eliminate the verbiage and reserve the chapter.

Copies of the proposed ordinance changes are available for public inspection at the Town Office during regular business hours, and available on the Town web site – [www.town.hillsborough.nh.us](http://www.town.hillsborough.nh.us). . Questions related to the proposed amendments can be directed to Robyn Payson, Planning Director, at (603) 464-7971, or via email at [robbyn@hillsboroughnh.net](mailto:robbyn@hillsboroughnh.net).

Hillsborough Planning Board

## **Warrant Articles for Town Meeting 2019**

### **Article I-Agritourism**

**Page 3**

#### **Purpose:**

The purpose of this article is to amend the definition of “Agritourism” as shown in Article II General Provisions section 229-6 Definitions and Word Uses to replace the current definition with a reference to RSA 21:34-a per the 2018 adoption of Senate Bill SB 412 which states “No municipality shall adopt an ordinance, bylaw, definition, or policy regarding Agritourism activities that conflicts with the definition of Agritourism in RSA 21:34-a.”

#### **Article will read:**

To see if the town will vote to adopt the Zoning Amendment as proposed by the Planning Board to amend the definition of “Agritourism” as stated in Article II General Provisions section 229-6 Definitions and Word Uses and replace the current definition with a reference to RSA 21:34-a

### **Article II-Laundromats and Dry Cleaners**

**Pages 6, 9, 10**

#### **Purpose:**

The purpose of article is to amend Article II General Provisions section 229-6 Definitions and Word Uses will remove “Laundromats” and “Dry Cleaners” from the definition of “Personal Services”, and define them separately. This article will also amend the Table 4 Chart of Uses Commercial Uses to permit Laundromats and Dry Cleaners in the Commercial Zone.

#### **Article will read:**

To see if the town will vote to adopt the Zoning Amendment as proposed by the Planning Board to amend Article II General Provisions section 229-6 Definitions and Word Uses to remove “Laundromats” and “Dry Cleaners” from the definition of “Personal Services”, and define them separately. This article is also to amend the Table 4 Chart of Uses Commercial Uses to permit Laundromats and Dry Cleaners in the Commercial zone

### **Article III-Groundwater Protection Ordinance**

**Pages 82-92**

**Purpose:** The purpose of this article is to adopt amend ARTICLE XVI and adopt a new Groundwater Protection Ordinance and its associated map.

#### **Article will read:**

To see if the town will vote to amend Article XVI of the Zoning Ordinance to adopt the Groundwater Protection Ordinance with its associated map.

**Article IV Lake Lots-Residential Zone**

**Page102**

**Purpose:** This article is a housekeeping article to amend and correct Table 3 Setback, Coverage and Building Height Requirements to include Lake Lots in Residential Districts. Currently the table indicates only lake lots in the Rural Zone.

**Article will read:**

To see if the town will vote to correct and amend Table 3 Setback, Coverage and Building Height Requirements by including criteria for Lake Lots in the Residential zone.

**Article V-Historic District Ordinance**

The purpose of this article is to remove the Historic District Ordinance into the Zoning Ordinance as was approved by the voters at Town Meeting 1979.

**Article will read:**

To see if the town will vote to amend the following articles to include the Historic District Ordinance in the Zoning as follows.

1. Amend Article II General Provisions section 229-6 Definitions and Word Uses to include definition of Certificate of Approval-Historic District, **Page 5**
2. Amend Article III section 229-19.4 Use Districts to add the Historic District **Page 19**
3. Amend Article VI Special Regulations section 229-39, D. Specific Sign Regulations by District by adding number 4. Historic District -sign criteria **Page 30**
4. Amend Article X Administration and Enforcement, section 229-59 Building Permits to add letter J. Procedure for Approval of Building Permits in the Historic District **Page 50**
5. Amend Article XV 229-93-229-99 to add the Historic District Ordinance **Page 78-81**
6. Amend Table 2 Lot, Area, and Frontage Requirements to include the "Historic District" **Page 97**
7. Amend Table 3 Setback, Coverage and Building Height Requirements to include the "Historic District" **Page 102**
8. Amend Table 4 Chart of Uses by adding the Historic District and the following uses and their permissions: **Page 103-107**

Bed and Breakfast, Home Occupation, Accessory Building, Home Business, Office, Retail Business, Day Care Facility-Child or Family, Municipal Facility, Museum, Religious Institutions for less than 250 People, Building and Service Trade, Agriculture, Artists Studio, Farm

9. Amend Chapter 147 of the Town Code to eliminate the verbiage and reserve the chapter.

## ARTICLE II General Provisions

### § 229-6. Definitions and Word Usage

- A. For the purposes of this chapter, the word "shall" indicates a mandatory application, and the word "may" indicates a permissive application; the present tense includes the future; the singular includes the plural, and the plural includes the singular; the word "used" includes the words "designed," "arranged" or "intended to be used"; and the word "person" includes an individual, partnership, firm, association, corporation, proprietorship or organization.
- B. Subject to the foregoing rules of construction, the following definitions apply to this chapter:

**ABUTTER** -- Shall have the same meaning as defined in RSA 672:3.

**ACCESSORY BUILDINGS**--Additional buildings on a plot, apart from the primary dwelling or structure, for storing cars, boats, tools or other specialized purposes.

**ACCESSORY USE**--A subordinate use of a premises which customarily is accepted as a reasonable corollary to the principal use thereof.

**AGRICULTURE**--Shall be defined as in RSA 21:34-a II [Added ATM 3-15-2017 ART.1]

**AGRITOURISM**--~~Shall be defined as stated in RSA 21:34 Attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm, including, but not limited to weddings and similar social events [Added ATM 3-15-2017 ART.1]~~

**ANIMAL SHELTER** -- Any premises used as a refuge established for the temporary care and holding of animals.

**APARTMENT**--A single structure incorporating more than two dwelling units. This shall be interpreted to include condominiums, townhouses, garden apartments and the like.

**ARTISTS' STUDIOS**--Spaces used by artists and artisans such as photographers, painters, sculptors, woodworkers, potters, weavers, or jewelers, for the creation of their products or the teaching of their skills. Artists' studios may also contain a small area devoted to the display and sale of the products produced.

**CEMETERY**--Property used for interring the dead.

**CERTIFICATE OF APPROVAL-HISTORIC DISTRICT—Issuing approval for Building Permits shall be in accordance with in RSA 676:8-676:9.**

**CHANGE OF USE**-- A change of use occurs when the use of any land, building or structure is changed from one permitted land use classification to another, or when any of the following occurs:

- Addition or expansion of outside storage;
- Significant change in traffic volume or pattern;
- Change of permitted use category as illustrated in Table 4, or;
- Any significant Site Development activity.

**[Amended 3-08-2016 ATM by Art 6]**

**CHAPEL**--A chapel is a house of worship smaller than and subordinate to a church. **[Added 3-14-2006 ATM by Art. 5]**

**CLINIC**-- A building or portion thereof used by members of the medical profession for the diagnosis and outpatient treatment of human ailments. This definition includes freestanding birthing centers.

**CLUBS/LODGES**-- A building or use catering exclusively to club members and their guests for recreational and/or social purposes and not operated primarily for profit.

**CLUSTER DEVELOPMENT**-- A form of residential development that permits housing units to be grouped on sites or lots with dimensions, frontages and setbacks less than the minimum requirements, with the goal being an increased dwelling density on some portions of the parcel and other portions being preserved as open space.

**COMMERCIAL STORAGE FACILITY**-- A fully-enclosed commercial structure within which personal property, materials and equipment of a generally non-hazardous nature are sheltered for payment. Such a structure may include separate leased storage spaces. Retail or wholesale sales are prohibited from such a structure.

**COMMERCIAL USE**-- A commercial use is one which is undertaken for a business purpose, rather than hobby, recreational, educational, or other purposes. Such uses are usually attributed to a for-profit entity, rather than an individual, university or other educational institutions, or non-profit organizations (such as public libraries, charities, and other organizations created for the promotion of social welfare).

**COMMON OPEN SPACE**-- Undeveloped land within or adjacent to a cluster 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.

**COMMUNITY CENTER**-- A building used by nonprofit and public agencies for community-wide programs for which no charge or a very small charge is required. These programs are open to all members of the community.

**CONVENIENCE STORE** -- A small-scale retail establishment that primarily sells food, beverages, fuel, newspapers and magazines in a limited supply to customers. Convenience stores are characterized by high individual use, small number of items purchased and very short shopping time per customer. Examples: 7-Eleven, Cumberland Farms.

**COVERAGE**--The aggregate cross-sectional area of all buildings on the lot, including accessory buildings.

**CREMATORY**-- A facility containing furnaces for the reduction of dead bodies, either animal or human, to ashes by fire.

**DAY CARE FACILITY, ADULT**-- A structure or portion of a structure (residential home or Commercial building) used for less than 24 hours per day on a regular or continuous basis to care for elderly and/or functionally impaired adults requiring care, maintenance, and supervision by someone other than a relative or legal guardian, which has been licensed or registered by a state licensing agency. Clients shall be ambulatory or semi-ambulatory and shall not be bedridden."

**DAY CARE FACILITY, CHILD OR FAMILY**-- A structure or portion of a structure used for less than 24 hours per day on a regular or continuous basis, used for the protection, care and supervision of children under sixteen (16) years of age by someone other than a relative or legal guardian, which has been licensed or registered by a state licensing agency."

**DAY CARE FACILITY, DOG**--A controlled and monitored environment in a structure or portion of a structure used for less than 24 hours per day on a regular or continuous basis for a group of 5-10 dogs to interact and play in an enclosed building or yard.

**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 in which the parcel is located, as well as the physical characteristics of the land which would preclude in total or in part the development of the parcel.

**DRIVE-THROUGH FACILITY**-- a structure or portion of a structure, which is designed to permit customers to receive products or services directly from a motor vehicle.

**DRIVEWAY**-- An area located on a lot, tract or parcel of land and built for direct access to a garage or off-street parking space, serving not more than two lots.

**DRY CLEANER**--A business operation that engages in the cleaning of clothing or fabrics or other such material that may be cleaned with chemical solvents using little or no water.

LAUNDROMAT-A facility where patrons wash, dry, or clean clothing or other fabrics in machines owned by the facility and operated by the patron and or facility personnel.

**LIGHT INDUSTRY**-- An activity primarily concerned with the enclosed manufacturing, processing or warehousing of goods that employs no more than 30 persons, and that causes no traffic congestion, undue noise, vibration, odor or other nuisance and poses no hazard to public health or safety.

**LIVESTOCK AUCTION**- The use of buildings and/or land for the selling of livestock by means of a request or invitation for bids by a licensed Livestock Dealer

**LOT, CORNER**--A lot situated at the intersection of two streets.

**LOT**--An individually designated parcel of land

**MANUFACTURED HOME SALES**-- The use of any building, land area or other premises for the display and sale of manufactured or mobile homes.

**MOBILE HOME or MANUFACTURED HOUSING** shall have the same meaning as defined in RSA 674:31

**MOBILE HOME PARK OR MANUFACTURED HOUSING PARK**-- A parcel of land upon which mobile homes may be placed upon rented spaces.

**MOBILE HOME SUBDIVISION OR MANUFACTURED HOUSING SUBDIVISION**-- A subdivision occupied exclusively by mobile homes sited on individually owned lots, each of which complies with the minimum lot area and frontage requirement of this chapter.

**MODULAR BUILDING** --Shall be as described in RSA 205:-C XI[Added ATM 3-15-2017 ART.2]

**MOTOR VEHICLE SALES**-- The use of any building, land area or other premises for the display and sale of new or used automobiles, motorcycles, trucks, vans, trailers, farm machinery or recreational vehicles, and including any warranty repair work and other repair service conducted as an accessory use.

**MOTOR VEHICLE SERVICE STATION AND REPAIR GARAGE**-- Land or structures used for either or both the sale of petroleum products, motor fuel, oil or other fuel for the propulsion of motor vehicles; the maintenance, servicing, repairing or painting of vehicles.

**MULTIFAMILY DWELLING**--Any building incorporating more than two dwelling units

**MUNICIPAL FACILITY**-- Any utility, street, sidewalk structure, building or other facility owned and maintained by the Town of Hillsborough.

**MUSEUM**-- An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value, which may include the sale of museum pieces, replicas and display-related articles, and food service for visitors, as accessory uses.

**NET RESIDENTIAL DENSITY**-- The maximum density allowed in a residential subdivision determined from the net area of the parcel that is available for residential development after deduction of vehicular rights-of-way and land not useable because of drainage, subsurface conditions, or other impediment, including, but not limited to, wetlands, floodplains, steep slopes, or ledges.

**NIGHT CLUB**-- An entertainment facility for dancing, concerts or other live performances, usually consisting of a bar or lounge and perhaps a restaurant.

**NURSERY SCHOOL/PRE-SCHOOL**-- Early childhood (ages 6 and under) educational institution, including accessory uses, operated by a parochial or private institution.

**NURSING HOME, RETIREMENT HOME or SUPERVISED GROUP HOME**-- A place, other than a hospital, which maintains and operates group living facilities and may provide nursing care.

**OFFICE**-- A building or portion of building wherein services are performed involving predominantly administrative, professional, or clerical operations. Does not include a Home Business or a Home Occupation.

**PARKING FACILITY**--An off-street area either inside or outside a building, designed for the temporary storage of motor vehicles.

**PARKING SPACE**-- A portion of a lot for the temporary location of a licensed motor vehicle, the dimensions of which are at least 10 feet wide by 18 feet long (not including access driveway areas). A parking space must have direct access to a street, alley or approved right-of-way. *Parking spaces dedicated specifically to residents or employees, or for compact vehicles, and measuring less than the standard parking space size may be permitted as part of the Site Plan Review process.*

**PERSONAL SERVICES** -- Establishments engaged to providing products or services to the general public. Examples of such uses include but are not limited to: Fitness Centers and Gyms, Barber Shops, Hairdressers, **Laundromats, Drycleaners**, Travel Agencies, Caterers, and Shoe Repair.

**PLANNED UNIT DEVELOPMENT**--Cluster development involving other than single-family dwelling units.

**PLANNING BOARD or BOARD**-- The Town of Hillsborough Planning Board

**PRIVATE ROAD**-- A road which is not serviced by the Town of Hillsborough or the State of NH and which serves more than two lots, sites, or dwelling units.



**§229-19.3. Emerald Lake Village Residential District  
[Added TM 2015]**

- A. Permitted uses: In the Emerald Lake Village Residential District, permitted uses are indicated in Table 4-Chart of Uses.
- B. Uses permitted only by special exception. In the Emerald Lake Residential District, uses, permitted by special exception granted by the Board of Adjustment pursuant to § 229-51 are indicated in Table 4-Chart of Uses.

**229-19.4 Historic District -**

The Historic District was adopted by Annual Town Meeting of the Town of Hillsborough 3/4/75 as Article 31 and amended ATM 03-13-1979

**District established.**

[Amended by the ATM 3-13-1979 by Art 5]

The town voted to establish an Historic District pursuant to the authority of RSA 674:43 and 674:44, said district to be described as follows: Beginning at a point of the East Washington Road, said point being approximately 1,050 feet, more or less, northerly from the intersection of the northwest point of the Hillsborough Centre triangle; thence running easterly in a line 1,000 feet northerly from the road constituting the north leg of the Hillsborough Centre triangle approximately 2,500 feet to a point on the North Road; thence crossing the North Road and running in a general southerly direction in a line which is 1,000 feet easterly from the road constituting the east leg of the Hillsborough Centre triangle approximately 3,150 feet to a point on the Centre Road; thence crossing the Centre Road and running in a southwesterly direction 1,000 feet to a point, thence turning and running northwesterly in a line which is 1,000 feet from the East Washington Road 4,100 feet, more or less, to a point which is 1,000 feet southwesterly of the place of beginning, thence running northeasterly crossing the East Washington Road 1,000 feet to the place of beginning.

**Historic District Commission.**

- A. In order to carry out the purpose of this District, an Historic District Commission is appointed to consist of five members, one of whom shall be a representative of the Board of Selectmen, one of whom shall be a representative of the Planning Board, and three members shall be appointed by the Selectmen. At least two of the three members at large shall be residents of the District, and the three members at large shall serve for three-year terms on a staggered basis.
- B. The Commission shall function in accordance with the provisions of New Hampshire RSA'S 674:46-674:50.

2. Ground Signs: One ground sign is allowed per property. A property on a corner facing two or more streets may have two ground signs. The maximum height for a ground sign is 18 feet and the maximum area is 50 square feet **[Amended 3-12-2013 ATM by Art. 2]**
3. Wall Signs: Wall signs are permitted. The maximum size for a wall sign is 40% of the width of the wall on which it is placed. A wall sign shall not protrude above the wall on which it is located.
4. Projecting Signs: Projecting Signs are permitted. This type of sign shall not project more than five feet from the supporting building façade. A minimum clearance of eight feet must be maintained between the sign and the finished grade. The maximum height for a projecting sign shall not exceed the height of the wall on which it is located.

### 3) Residential Districts

- a) Home Businesses: Persons conducting an approved Home Business may further erect a single permanent sign not exceeding six (6) square feet in area.
- b) Non-commercial temporary signs are permitted in residential districts per C(2)(e) of this Article.

### 4) Historic District

4)5) \_\_\_\_\_

- A. Signs in the Historic District are not to exceed four (4) square feet.
- B. All signs located in the Historic District require a Certificate of Approval from the HDC in addition to a Sign Permit from the Building Department.
- C. Temporary signs are prohibited in the Historic District.

### E. SEVERABILITY

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

### F. ENFORCEMENT

The enforcement of this Sign Ordinance shall be the duty of the Selectmen or its duly authorized agent.

F. Revocation of building permit. The Selectmen or duly authorized Building Inspector may suspend or revoke any building permit upon determining that the work or project in process is not in conformity with the permit as granted or is otherwise in violation of the terms of this chapter. In event of such suspension or revocation of a building permit, the work or project concerned shall immediately cease or legal action to enforce such cessation shall forthwith be taken by the Selectmen or duly authorized Building Inspector.

G. The Zoning Board of Adjustment shall serve as the Building Code Board of Appeals

H. A building permit for a building, structure, alteration or proposed land use or otherwise shall become void if the work is not substantially started and completed with all reasonable due diligence within 2 years. For new buildings, the commencement of work shall be considered to be the completion of the foundation.

I. Renewal of building permit. A building permit under which work has commenced may be renewed for an additional year for a renewal fee to be established by the Selectmen as per Subsection **B** above.

I.J. Procedure for Approval of Building Permits in the Historic District shall be per the requirements in RSA 676:8-9 See also Article XV of the town of Hillsborough Zoning Ordinance.

## § 229-60. Enforcement

A. Enforcing authorities. It shall be the duty of the Selectmen of the Town of Hillsborough to enforce this chapter. The Selectmen may delegate enforcement authority to the Building Inspector. Where necessary, the Selectmen or the Building Inspector may retain legal counsel to assist with enforcement proceedings.

B. Cease and desist orders. The Selectmen or the duly authorized Building Inspector may issue violation and cease and desist orders personally. The Selectmen may take all actions deemed necessary by them to enforce this chapter or to prevent violations thereof.

C. Penalties. Penalties for violation of these regulations shall be as provided by New Hampshire RSA 676:17, as amended. Any person who violates any of these regulations:

(1) Shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

## **ARTICLE XV Historic District Ordinance(Reserved)**

*Editor's Note: Former Article XV, Growth Management, added 3-8-2005 ATM by Art. 3, expired at the Annual Town Meeting in 2009.*

### LEGISLATIVE HISTORY

. The Center Historic District Ordinance Article I was adopted by the Annual Town Meeting of the Town of Hillsborough 03-13-1979 as Art 3.

§ 229-93. Authority.

This article has been adopted by the Town of Hillsborough in accordance with the authority granted in the New Hampshire Revised Statutes New Hampshire Revised Statutes Annotated 673:1, 673:4, 674:44-674:50 procedurally under the guidance of RSA 675:1, II.

Powers and duties if the Historic District Commission shall be as prescribed in RSA 674:46-a

### ARTICLE I

#### General Regulations

[Adopted by the ATM 3-13-1979 as Art  
3]

#### 229-94 Permitted Uses:

Permitted uses in the Historic District are located in Table 4 Chart of Uses

#### Historic District Commission Powers and Duties

Powers and Duties of the Historic District Commission shall be as prescribed in RSA 674:46-a, as amended.

§ 229-95 Zoning Board of Adjustment:

- A. The powers of the Zoning Board of Adjustment shall be implemented as prescribed by New Hampshire RSA 674:33 as amended, and as innumerate in Chapter VIII of the Town of Hillsborough Zoning Ordinance.

B. The Historic District Commissioners shall receive notice of any and all land use hearings involving properties within the Historic District.

### § 224-96 Certificates of approval.

A. Certificate required- In the Historic District, no building permit shall be issued for any purpose or for any alteration, construction, demolition or use of land or of building(s) until a Certificate of Approval has been issued by the Historic District Commission as specified in RSA 676:8-9.

B. Certificates of approval shall not be required for normal repairs, maintenance and preservation of the exteriors and roofing of existing structures and outbuildings when such repairs, maintenance and preservation shall duplicate the existing exterior texture and color of the structure or that of a majority of the buildings in the Historic District.

C. Certificates of approval shall not be required for normal repairs and preservation of stone walls, fencing, signs and landscaping.

D. -Applications for Certificate of Approval shall be submitted in writing on the form provided to the Hillsborough Center Historic District Commission, stating the location, use, nature and, where pertinent, the materials, color and texture of the matter or item for which such certificate is sought. Any site plans, building plans, elevations, samples, photographs, sketches or other information reasonably required by the Commission to determine the appropriateness in question shall be made available by the applicant.

E. Issuing Certificates of Approval for Building Permits shall be as prescribed in RSA 676:8-9.

F. The Historic District Commission shall file a Certificate of Approval or a Notice of Disapproval within 45 days from receipt of the application pursuant to RSA 676:8-9

G. -The Historic District Commission may hold a public hearing on a Certificate of Approval application and shall hold a public hearing if one is requested by the applicant in the following manner: Ten days after the filing of an application for a certificate of approval or application for demolition, the abutters shall be notified.. no less than 10 days before the public hearing.

## H. Considerations.

The Historic District Commission shall review applications for building permits within the Historic district for their impact on the district and its objectives as prescribed in RSA 676:8.

The acceptability of any features, fixtures and uses in any such application, shall reflect the objectives of RSA 674:45.

The Historic District Commission shall review:

- a. Architectural style.
- b. General design and arrangement.
- c. Textures.
- d. Materials and color of the building or structure or appurtenant fixtures in question
- e. The relation of such features to similar features of buildings in the immediate surroundings
- f. The appropriateness of proposed features, buildings, structures and appurtenant fixtures
- g. The location on the lot and the removal or demolition of any building or structure or appurtenant fixture in the district wherever such features, buildings, structures and appurtenant fixtures are subject to public view.

The Commission shall not make any recommendations or requirements except for purposes of historic preservation and of preventing developments, construction or changes incongruous with the historic districts, its buildings, sites and surroundings.

Within a period of 45 consecutive calendar days after the filing of such application or within such further time as the applicant may in writing allow, the Commission shall determine whether the action or usage proposed will be appropriate in its opinion in the Historic District in accordance with the purposes of this section and shall file a certificate of approval or notice of disapproval with the Board of Selectmen, Building Inspector or other duly delegated authority. No building permit shall be issued without a certificate of approval. Failure to file said certificate or notice by the Commission within the specified period of time shall be deemed to constitute approval.

Notwithstanding that the action or usage proposed may be deemed inappropriate, owing to conditions especially affecting the lot, building or structure involved but not affecting the Historic District generally, the Commission may find that failure to issue a certificate of approval will involve a hardship (physical, financial or otherwise) to the applicant. Such certificates may be issued without substantial derogation from the intent and purposes of historic preservation in the Town of Hillsborough as stated above. If the Commission determines that a proposed activity is not appropriate, owing to aforesaid conditions, but that failure to issue a certificate will cause substantial hardship, the Commission shall forthwith approve such application and shall issue to the applicant a certificate of appropriateness in which the Commission may impose conditions.

Record of reasons for non-issuance-If the Commission determines that a certificate of approval should not be issued; the reasons for such determination shall be entered in its records and may include recommendations respecting the proposed construction, reconstruction, alteration, moving or demolition.

#### **§-229-97 Appeals.**

Appeals shall be taken to the Hillsborough Zoning Board of Adjustment by any owner of property wholly or partly within the Historic District and by any other person, agency or group if aggrieved by a ruling of the Historic District Commission. The Board of Adjustment shall hear and act upon such appeals within the periods of time prescribed by New Hampshire statute.

**§-229-98 Enforcement. See section 249-42**

#### **§ 229-99 Compatibility-**

Per RSA 674-46 a, IV:All districts and regulations shall be compatible with the Master Plan and zoning ordinance of the town of Hillsborough.

**Through § 229-100-103 (Reserved)**

**ARTICLE XVI (Reserved)**

## ARTICLE XVI Groundwater Protection Ordinance

### 229-100 DEFINITIONS:

- Aquifer – See “Stratified-Drift Aquifer” in this Ordinance.
- Bog: A wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soil or water conditions.
- Buffer, Wetland: The protected upland areas adjacent to wetlands and surface waters.
- Drainage Area – Means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.
- Erosion – The detachment and movement of soil, rock, or rock fragments by water, wind, ice or gravity.
- Motor Vehicle Service Station and Repair Garage as defined under Article II General Provision’s chapter 229-6 Definitions and Word Usage
- Groundwater – As defined in RSA 485-C.2.VIII, as amended and means subsurface water that occurs beneath the water table in soils and geologic formations.
- Hydric Soils: Soils that are saturated or flooded during a sufficient portion of the growing season to develop anaerobic conditions in the upper soil layers.
- Infiltration – The process by which water enters the soil profile (seeps into the soil).
- Land Disturbance or Land Disturbing Activity – For the purposes of this Article, refers to any exposed soil resulting from activities such as clearing of trees or vegetation, grading, blasting, and excavation.
- Prime Wetlands: Those areas designated Prime Wetlands in accordance with RSA482-A:15 and the NH Code of Administrative Rules Env-Wt 700.



- **Impervious Surface** – For the purposes of this Ordinance, an impervious surface is a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen, wooden, or gravel surfaces, or other surfaces which could react with or dissolve when in contact with the substances stored on them, are not considered impervious surfaces for the purposes of this ordinance
- **Recharge** – The amount of water from precipitation that infiltrates into the ground and is not evaporated or transpired.
- **Regulated Substance** –petroleum, petroleum products, regulated contaminants for which an ambient groundwater quality standard has been established under RSA 485-C:6, and substances listed under 40 CFR 302, 7-1-05 edition, 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 gasses at normal atmospheric temperature and pressure.
- **Season High Water Table** – The depth from substances used in the mineral soil surface to the upper most soil horizon that contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed Hydro geologist, Soils Scientist, Wetlands Scientist, Engineer or other professional qualified in the treatment of drinking water or waste water at facilities approved by the Department of Environmental Services.
- **Sensitive Area** – Include lakes, ponds, perennial and intermittent streams, vernal pools, wetlands, and highly erodible soils.
- **Secondary containment** – a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated-substances container that will be stored there.
- **Stratified-Drift Aquifer** – A geological formation of predominantly well-sorted sediment deposited by or in bodies of glacial melt water, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.
- **Wellhead Protection Area/Sanitary Protective Radius** – As defined in RSA 485C:2, XVIII or the area around a public water supply well that must be maintained in its natural state as required by Env-Dw 301 or 302 (for community water systems)

- Wetland: Pursuant to RSA 482-A:2.X, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

## 229-101 Ordinance:

### A. Authority

The Town of Hillsborough hereby adopts this ordinance pursuant to the authority granted under RSA 674:21 relative to innovative land use controls.

### B. Purpose

- (a) The Purpose of this ordinance is, in the interest of the public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater.
- (b) The Purpose is to be accomplished by regulating land uses which could contribute pollutants to the designated wells and/or aquifers identified as being needed for present and/or future public water supply.

### C. Groundwater Protection District

- (a) The Groundwater Protection District shall be an overlay district as depicted on a map entitled "Hillsborough Groundwater Protection District" and as prepared by Central New Hampshire Regional Planning Commission (CNHRPC) and dated March 12, 2019, dated [date adopted], and filed at the Hillsborough Town Clerk's Office.
- (b) Disputed Boundary Zones. When the actual boundary of the Groundwater Protection District is in dispute by any landowner or abutter affected by said boundary, the Planning Board, at the landowner/abutter's expense and request, may engage the services of a professional geologist, hydrologist or hydro geologist to prepare a report addressing the location and extent of the aquifer and recharge area relative to the property in question. Geology testing required by the Planning Board for review of boundary disputes shall be conducted at the owner/abutter's expense in accordance with a scope of work determined by a consultant hired by the Town, but paid for by the owner/abutter. This report shall include but not be limited to the following:
  - 1) A two-foot interval topographic layout prepared by a registered land surveyor of the subdivision and/or area to be developed
  - 2) A site specific soils map of the subdivision and/or area to be developed prepared by a soils scientist qualified in hydrologic studies including a written report of his/her on-site field inspections and test boring data

- 3) The Groundwater Protection District boundary shall be overlaid on the plan and the newly proposed boundary location shall be indicated on the same plan by a broken line
- 4) Evidence derived from a pumping test(s) or a sufficient number of test borings, test pits, observation wells and groundwater elevations to clearly demonstrate that the area in question does not meet the definition of aquifer or recharge area
- 5) Where the area in question is in a wellhead protection area for a public water system, evidence shall also comply with guidelines published by NHDES for Phase II Delineations of public water systems in order to determine the contribution zone of any portion of a municipal water system that lies beneath the subject parcel.

### 229-102 Applicability

This Ordinance applies to all uses in the Groundwater Protection District, except for those uses exempt under the Section K, Exemptions discussed below.

### 229-103 Performance Standards

The following Performance Standards apply to all uses in the Groundwater Protection District, unless specifically exempt under the Section K, Exemptions

- a. Proper use, in accordance with the Town of Hillsborough Site Plan and Subdivision Regulations (as applicable) of erosion and sediment control measures shall be employed during construction.
- b. 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, (June 2011) and any subsequent revisions;
- c. Outdoor storage areas for regulated substances, associated material or waste 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;
- d. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);
- e. Fuel transfer shall be over impervious surfaces (except for heating fuel to residential structures).
- f. Salt piles, if present, must be covered.

- g. No sanitary sewers shall be connected to stormwater, sewers or any stormwater control measures.
- h. Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as required by NHDES
- i. No discharge of stormwater to surface waters within the district is permitted without New Hampshire Department of Environmental Services water treatment measures being put in place (including but not limited to retention basins, treatment swales, etc.).

**D. Requirements for regulated substances (less than 100 gallons wet or 800 pounds dry)**

- 1) Stored at all times (unless while being used) in sealed containers over impervious surfaces and under lock and key.
- 2) If stored outdoors, shall be at least 50 feet from storm drains; 75 feet from private wells.
- 3) Shall be stored in a container that has secondary containment.
- 4) Shall be clearly marked.

**229-104 Performance Standards for Conditional Uses**

The following Performance Standards apply to all Conditional Uses in the Groundwater Protection District:

- (a) The applicant shall demonstrate adequate stormwater management provisions have been made to protect stormwater quality and to facilitate recharge of the aquifer.

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Compliance with all of the standards listed in Section E, Performance Standards, listed above. This shall be met by all Conditional Uses.

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- (b) Development of a Spill Prevention, Control and Countermeasure Plan (SPCC) approved by the Fire Chief if regulated substances will be present in 100 or more gallons liquid, 800 pounds or more of dry material. A SPCC will not be required if such quantities are not present, though the other requirements of this Section must be complied with. SPCC shall include, at a minimum, all of the following:

- 1) Identification of regulated substances in use with Safety
- 2) Data Sheets for each regulated substance from manufacturer(s).

- 3) A list of regulated substances exceeding 100 or more gallons liquid or 800 pounds dry
- 4) (with Safety Data Sheets, per substances, from manufacturer(s)).
- 5) Location(s) and containment method(s) to be employed for storage of regulated substances.
- 6) Description of where regulated substances will be handled, including storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.
- 7) Depiction of snow storage areas.
- 8) Description of methods to minimize release of regulated substances to the environment.
- 9) Schedule for the inspection of regulated substances once a quarter. Inspections shall be self-inspections with documentation signed by the property owner and/or facility operator and submitted to the Building Inspector and Town Planner within thirty (30) days of completion.
- 10) List of the owner of the facility.
- 11) Employee training schedule.  
Spill response provisions, including who will be called in the event of a spill (in addition to the Fire Department), how response will be managed, and what equipment will be used.
- 12) Location of the described spill response equipment shall be indicated.
- 13) Establish that floor drains and sinks shall not discharge onto or into the ground, surface water or aquifer.
- 14) Industry-specific requirements listed, as applicable.

- (c) A Stormwater Pollution Prevention Plan (SWPPP), in accordance with the most recent United States Environmental Protection Agency standards shall be developed for all Conditional Uses. Minimal components in the SWPPP shall include, at a minimum, all of the following:
- (d) Description of the facility.
- (e) Identification of stormwater controls.
- (f) Description of methods to minimize exposure of pollutants.
- (g) Preventative maintenance provisions.
- (h) Methods for erosion and sediment control.
- (i) Stormwater management runoff management methods (description of the stormwater management/drainage structures, etc.)
- (j) Employee training schedule and topics pertaining to stormwater management and pollution prevention.
- (k) Schedule for the maintenance of stormwater control measures.
- (l) Schedule for the inspection of pollutant sources and stormwater controls once a quarter. Inspections shall be self-inspections with documentation signed by the property owner and/or facility operator and submitted to the Building Inspector/Code Enforcement Officer and Town Planner within thirty (30) days of completion.
- (m) SPCCs and SWPPPs shall be filed at the Hillsborough County Registry of Deeds as a condition of approval for all Conditional Uses.

### 229-105 Permitted Uses

- A. All uses permitted by right or by Special Exception in the underlying zoning district(s) are permitted in the Groundwater Protection District unless they are Prohibited Uses or Conditional Uses described in Section I below.
- B. Uses that are permitted in the underlying zoning district(s) are permitted only if they comply with all applicable provisions of this Ordinance with regard to the Section F, Performance Standards for Conditional Uses.
- C. Uses permitted by right or by Special Exception in the underlying zoning district(s) must comply with all of the provisions of Section E, Performance Standards.

### E. 229-106 Prohibited Uses

The following uses are prohibited in the Groundwater Protection District:

- (a) Landfill
- (b) Hazardous material/water disposal facility
- (c) Uncovered storage of road salt and other deicing chemicals
- (d) Junkyards
- (e) Snow dumps
- (f) Bio-solid processing/disposal/mixing
- (g) Petroleum bulk plant/terminal
- (h) Dry cleaners
- (i) Floor drains sinks on without oil and water separators
- (j) Cemeteries

### 229-107 Conditional Uses

The Planning Board is authorized to grant a conditional use permit for a use which is otherwise permitted in the underlying district, provided that it meets all applicable standards described in the Section F, "Performance Standards for Conditional Uses". The conditional uses for which these standards apply include:

- (a) Excavation activities
- (b) Manufacturing, Processing and warehousing that do not result in discharges to the ground or groundwater.
- (c) Crematories
- (d) Livestock auction
- (e) Motor vehicle service station and repair garage
- (f) Campgrounds
- (g) Garden supply/garden nursery

#### **F. Existing Non-Conforming Uses**

Existing non-conforming uses may continue without expanding or changing to another non-conforming use.

#### **G. Exemptions**

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

- (a) Private residences
- (b) Any business or facility where regulated substances are stored in containers holding five liquid gallons or less; or containers holding 40 pounds or less of dry solid material
- (c) Storage of heating fuels for on-site use or fuels for emergency electricity generation
- (d) Storage of fuel attached to vehicle tanks
- (e) Temporary storage of construction materials
- (f) Sale, transportation and use of pesticides as defined in RSA 430:29

#### **H. Relationship Between State and Local Requirements**

Where both the State and the Town of Hillsborough have existing requirements the more stringent shall govern.

#### **I. Enforcement Procedures and Penalties**

Any violation of the requirements of this ordinance shall be subject to enforcement penalties detailed in RSA 485-C:16 and RSA 676:17-a, as may be amended from time to time.

#### **J. Saving Clause**

If any of the provisions of this ordinance are found to be unenforceable, such provisions shall be considered separable and should not be construed to invalidate the remainder of the ordinance.

#### **K. Effective Date**

This ordinance shall be effective upon adoption by the legislative body.



## 229-108 Resources Related to the Stratified Drift Aquifer Maps

These resources and discussions are provided to further describe and support the Stratified Drift Aquifer Map Geographic Information System (GIS) layer(s) for the draft Hillsborough Groundwater Protection District (GPD) Ordinance. Please contact CNHRPC at 226-6020 explanations if COMMENTS are unclear.

### 1. GRANIT Data and Information

The GIS data used for the Stratified Drift Aquifer Map that populated the Groundwater Protection District areas originated from the NH GRANIT website that hosts NH data and quality controls the GIS layers.

The highest levels of Aquifer Transmissivity >4,000 sf/day were used for the Zoning Map. The basic Aquifer: Transmissivity metadata is available for download, generally describing the data for the entire State:

<http://www.granit.unh.edu/data/datacat/pages/tra.pdf>

Review of this Transmissivity metadata indicates Hillsborough is situated within the Middle Merrimack River (mm) data study area. Last revision of data for anywhere in NH is February 2002; the Hillsborough area data revision date is not indicated.

### 2. NHDES' 2000 NH Geological Survey NH Aquifer Mapping Fact Sheet

NH Department of Environmental Services last posted a fact sheet about the status of NH Aquifer Mapping project in 2000 describing the update of the 1995 USGS work that was not yet in a digital GIS format in 1995.

As a result, the new 2000 work was developed into interpretive map sets and the GIS layer which is available on GRANIT became available for use in Hillsborough's GPD Maps. Note that study areas boundaries were changed from 1995 but this does not impact Hillsborough's GPD.

<https://www.des.nh.gov/organization/commissioner/pip/factsheets/geo/documents/geo-5.pdf>

### 3. USGS 1995 Groundwater Resources in New Hampshire: Stratified Drift Aquifers (Public Summary)

For the State, the USGS (in Bow NH) produced the Groundwater Resources in New Hampshire: Stratified Drift Aquifers 1995 (Report 95-4100) which included the Contoocook River section (Hillsborough). This summary is appropriate for the public.

The publication summarizes the methods for evaluating Stratified Drift Aquifers and how Stratified Drift Aquifer data is used. [https://pubs.usgs.gov/wri/wrir\\_91-4025/pdf/wrir\\_91-4025.pdf](https://pubs.usgs.gov/wri/wrir_91-4025/pdf/wrir_91-4025.pdf)

#### 4. USGS 1995 Geohydrology and Water Quality of Stratified-Drift Aquifers in the Contoocook River basin, South-Central New Hampshire (Data and Maps)

This is the 1995 scientific report, maps and data that enables the later 2000 generation of the GIS

mapping layers used for Hillsborough's GPD.

The original, scientific USGS 1995 Geohydrology and Water Quality of Stratified-Drift Aquifers in the Contoocook River basin, South-Central New Hampshire source report describes data collection and analysis. Products include topographic mapping plates (Plates 2 & 4 are Hillsborough) using USGS Quadrangles as the base.

<https://pubs.er.usgs.gov/publication/wri924154>

#### 5. NHDES 2008 New Hampshire Water Resources Primer: Groundwater Chapter4

The NH Water Resources Primer describes the general state of NH water resources for municipal staff & volunteers, planners, and/or laypeople to actively work to protect our water.

While the entire Primer is worth a read for those interested in the State's water resources, focus on Chapter 4 to read about groundwater.

<https://www.des.nh.gov/organization/divisions/water/dwgb/wrpp/primer.htm>

#### 6. Website of US Geological Survey

For further information, contact the USGS for NH and Vermont (located in Pembroke NH), the agency responsible for Stratified Drift Aquifer and Transmissivity mapping.

This is a powerhouse publication archive website. <https://vt.water.usgs.gov/index.html>

View local contact information:

<https://newengland.water.usgs.gov/about/employeeedirectory.html#NHVT>

#### 7. Website for NHDES Drinking Water Source Protection Program

For further information about protection of groundwater and drinking water, check out the NHDES website and the Drinking Water Source Protection Program specifically.

Visit the NHDES Drinking Water Source Protection website and contact noted staff.

<https://www.des.nh.gov/organization/divisions/water/dwgb/dwspp/index.htm>

***Editor's Note: Former Article XVI Interim Growth Management for Emerald Lake Village District added 3-11-2008 ATM by Art. 2 expired at 12:00 midnight on March 12, 2012 and was Reserved ATM 03-08-2016 by Art 4***

ZONING

229 Attachment 2

Table 2

Lot Area and Frontage Requirements

Residential, Village Residential, Lower Village Residential, Emerald Lake Village Residential  
Commercial and Central Business Historic Districts

Town of Hillsborough

	With Municipal Water <u>and</u> Sewer		With Municipal Water <u>or</u> Sewer		With <u>no</u> Municipal Water or Sewer		
	Minimum Frontage (feet)	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Lot Size (square feet)	
Residential, Village Residential, Emerald Lake Village Residential, Lower Village Residential and Commercial Districts							
Single-dwelling units	100	10,000	100	20,000	125	40,000	
Two-dwelling units	100	20,000	100	40,000	125	80,000	
Three-dwelling units	125	28,500	150	52,000	150	120,000	
Four-dwelling units	150	37,500	150	64,000	150	160,000	
Commercial uses (each building)	200	40,000	200	40,000	200	40,000	
All other uses	200	40,000	200	60,000	200	80,000	
<u>Central Business District</u>							
All Uses	50	5,000	50	5,000	50	5,000	
<u>Historic District</u>							
All Uses	N/A	N/A	N/A	N/A	200	87120	

NOTES:

ZONING

229 Attachment 3

Table 3  
Setback, Coverage and Building Height Requirements  
Town of Hillsborough

District and Type of Use	Minimum Setbacks			Maximum Front Setback (feet)	Maximum Coverage (percent)		Maximum Building Height (feet)
	Front (feet)	Side (feet)	Rear (feet)				
<b>Residential, , Emerald Lake Village Residential, Village Residential, Lower Village Residential and Commercial, <u>Historic</u> Districts</b>							
Dwellings	30	15	20	<u>N/A</u>	25		50
Commercial Uses	50	20	25	<u>N/A</u>	30		50
Other Uses <sup>1</sup>	50	20	25	<u>N/A</u>	30		50
<u>Lake Lots<sup>2</sup></u>	<u>75</u>	<u>25</u>	<u>25</u>	<u>N/A</u>	<u>20</u>		<u>50</u>
<b>Rural District</b>							
Dwellings	30	25	50	<u>N/A</u>	25		50
Commercial Uses	50	25	50	<u>N/A</u>	30		50
Other Uses <sup>1</sup>	50	25	50	<u>N/A</u>	30		50
Lake <u>Lots<sup>2</sup></u>	75	25	25	<u>N/A</u>	20		50
<b>Central Business District</b>							
<u>All Uses</u>	<u>0</u>	<u>0<sup>3</sup></u>	<u>10</u>	<u>25<sup>4</sup></u>	<u>75</u>		50
<b>Historic District</b>							
<u>All Uses</u>	<u>50</u>	<u>25</u>	<u>50</u>	<u>N/A</u>	<u>25</u>		<u>50</u>

NOTES:

- 1 Other uses include rooming house with owner or agent in residence, residential use with house sales or professional office, church, school, etc.
- 2 For lake lots, the front of the lot is toward the lake and the front setback is measured from the average mean high water level.
- 3 If adequate fire protection can be provided.
- 4 For primary building.

Zoning  
Table 4  
Chart of Uses  
P=Permitted Use S= Permitted by Special Exception  
C= Permitted as a Conditional Use (#) See Notes

Attachment 4:1

**Zoning Districts-Residential Uses**

Uses	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Bed and Breakfast	P	P	P	P	S			P
Cluster Development	C	C	C	C		C		
Dwelling-Single Family	P	P	P	P	P	P	S(1)	S(2)
Dwelling-2 Family	P	P	P	P	P	P	S(1)	S(2)
Dwelling, 3 and 4 Family	S	S	S			S	S(1)	S(2)
Dwelling More than 4 Family	S	S	S				S(1)	S(2)
Home Occupation	P	P	P	P	P	P	P	P
Mobile Home/Manufactured	P	P						
Mobile Home Park	S	S						
Mobile Home Subdivision	P	P						
Accessory Buildings					P			

**RESIDENTIAL USES NOTES**

- (1) Uses permitted by Special Exception only when such is a secondary use in conjunction with a commercial use and when such a use comprises less than 50% of the square footage of the structure
- (2) Dwellings at street level require a Special Exception. Minimum floor area for any dwelling unit shall be 600 square feet

**#All Changes of Use may be subject to Site Plan Review**

Zoning  
Table 4  
Chart of Uses  
**P**=Permitted Use **S**= Permitted by Special Exception  
**C**= Permitted as a Conditional Use (#) See Notes

Attachment 4:2

Zoning Districts-Commercial Uses								
Use	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Auction House	S						P	S
Bar							P	P
Camp, Recreational	S							
Campground	S	S						
Commercial Storage Facility							P	S
Convenience Store							P	S
Crematory	S						S	
Drive Through Facility							P	S
<u>Dry Cleaner</u>							<u>P</u>	<u>S</u>
Farmer's Market	S						P	P
Funeral Home							P	P
Garden/Farm Supply or Nursery	S						P	
Home Business	P	P	P	P	<u>P</u>	P	(1)	(1)
Hotel/Motel							P	P
Inn	S						P	P
<u>Laundromat</u>							<u>P</u>	<u>S</u>
Livestock Auction	S						S	
Manufactured Home Sales							P	

Zoning  
Table 4

Chart of Uses

**P**=Permitted Use **S**= Permitted by Special Exception  
**C**= Permitted as a Conditional Use (#) See Notes

Attachment 4:3

**Zoning Districts-Commercial Uses (CONT)**

Use	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Motor Vehicle Sales							P	
Motor Vehicle Service Station and Garage							P	
Night Club							P	P
Office	S	S	S		<u>S</u>		P	P
Personal Services			S				P	P
Recreation, Indoor							P	P
Recreation, Outdoor	S						S	
Repair Business			S				P	P
Restaurant	S	S	S				P	P
Retail Business			S		<u>S</u>		P	P
School, Commercial or Trade							P	P
Shopping Center							P	P
Theater	S						P	P
Vehicle and Machinery Auction							S	

**COMMERCIAL USES**

(1) Home Businesses are not regulated in the Commercial and Central Business Districts but change of use may be subject to Site Plan Review

**#All Changes of Use may be subject to Site Plan Review**

Zoning  
Table 4  
Chart of Uses  
**P**=Permitted Use **S**= Permitted by Special Exception  
**C**= Permitted as a Conditional Use (#) See Notes

Attachment 4:4

<b>Zoning Districts-Institutional Uses</b>								
Use	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Clinic	S		S				P	P
Clubs/Lodges for less than 250 people	S	S	S				P	P
Clubs/Lodges with seating 250 or more people	S						P	S
Community Center	S		S				P	P
Day Care Facility Adult	S	S	S				P	P
Day Care Facility Child or Family	S	S	S		<u>S</u>		P	P
Hospital	S						P	P
Municipal Facility	P	P	P	P	<u>P</u>	P	P	P
Museum	S	S	P	S	<u>S</u>	S	P	P
Nursing Home, Retirement Home, Supervised Group Home	P	P	P	P		P	P	P
Nursery School/Preschool	S	S	S				P	P
Religious Institutions for less than 250 people	P	P	P	S	<u>S</u>	S	P	P
Religious Institutions for more than 250 people	S						P	S
School	S	S	S	S		S	S	P
<b>INSTITUTIONAL USES</b>								
<b>#All Changes of Use may be subject to Site Plan Review</b>								



Zoning  
Table 4  
Chart of Uses  
**P**=Permitted Use **S**= Permitted by Special Exception  
**C**= Permitted as a Conditional Use (#) See Notes

Attachment 4:5

**Zoning Districts-Industrial Uses**

Use	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Building and Service Trade	P	P	P	P	S	P	P	P
Industry				S		S	P	
Junk Yard								
Light Industry	S						P	S
Sawmill								

**INDUSTRIAL USES NOTES: #All Changes of Use may be subject to Site Plan Review**

**Zoning Districts-Miscellaneous Uses**

Use	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Agriculture	P				P			
Agritourism	P(#)						S	
Animal Shelter	S						P	P
Artist's Studio	P	S	S	S	P	S	P	P
Cemetery	P	P	P	P		P		
Daycare Facility-Dog	S	S	S	S		S	P	P
Boarding Kennel	S						S	
Farm	P				S		S	
Veterinary Clinic Animal Rehabilitation	P						P	P

**MISCELLANEOUS NOTES: #All Changes of Use may be subject to Site Plan Review**

