

Warrant Articles for Town Meeting 2024

Article 1-Page 10

Shall the Town vote to amend the Zoning Ordinance by deleting the definition “Change of Use from Article II General Provisions section 229-6 Definition and Word Usage.

Article 2-Page 29

Shall the Town vote to amend the Zoning Ordinance by amending section 229-23 in Article III Use Districts into a Change of Use Ordinance as posted on the Town website, printed in the Town Report and available at the Town Offices.

Article 3-Page 13

Shall the Town vote to amend the Zoning Ordinance by amending the definition of Frontage as shown in Article II General Provisions section 229-6 Definitions and Word Usage from:

FRONTAGE: That side of a lot abutting on a street and ordinarily regarded as the front of the lot. For a corner lot, half of the curve of the radius may be included in the frontage.

to:

FRONTAGE-That side of a lot abutting on a Class V Road, State maintained highway, or a private road ordinarily regarded as the front of the lot. In the event of a lot abutting more than one street, the longest side shall not be less than the minimum frontage requirements of the Zoning Ordinance. For a corner lot, half of the curve of the radius may be included in frontage.

Article 4-Page 15

Shall the Town vote to amend the Zoning Ordinance by amending the definition of Lot as shown in Article II General Provisions section 229-6 Definitions and Word Usage from:

LOT-An individually designed parcel of land

to

LOT- A parcel of land occupied or to be occupied by only the principal building and the accessory buildings or uses customarily incidental to the principal building. A lot shall meet the criteria of Section 229-21 Dimensional Standards as well as provide such yards and other open spaces as are herein required. A lot shall have boundaries identical to those recorded at the Registry of Deeds.

Article 5-Page 21-24

Shall the Town vote to amend the Zoning Ordinance by repealing Article II General Provisions section 229-14 Accessory Dwelling Unit Ordinance and replacing it with an updated Article II General Provisions section 229-14 Accessory Dwelling Unit Ordinance that includes allowing detached Accessory Dwelling Units as posted on the Town website, printed in the Town Report and available at the Town Offices.

Article 6- 145

Shall the Town vote to amend the Zoning Ordinance by amending the Table 4 Chart of Uses, Residential Uses Note number 2, to divide note number 2 under Residential Uses in the Central Business District into two separate notes. Note number 2 for the Central Business District will state that Dwellings at street level require a Special Exception. New note number 3 for the Central Business District will reduce the minimum floor area of any dwelling unit from 600

Warrant Articles for Town Meeting 2024

square feet to 450 square feet for a one-bedroom dwelling unit. Units with two bedrooms or more require an additional 120 sq. ft. per additional bedroom.

Article 7-Page 82-89

Shall the Town vote to amend the Zoning Ordinance by repealing Article XV Historic District Ordinance and replacing it with a new updated Article XV Historic District Ordinance as printed in the Town Report, on the Town website and available at the Town Offices.

Article 8-Page 41-50

Shall the Town vote to amend the Zoning Ordinance by amending Article VIA Floodplain Ordinance to include changes necessary to comply with the requirements of the National Flood Insurance Program as printed in the Town Report, on the Town website and available at the Town Offices.

CAMPGROUND-- A parcel of land with one or more specific sites, with or without water, electricity, and sewage hookups, that has provision for the pitching of a tent or the parking of any recreational vehicle or trailer for use as sleeping quarters on a temporary and transient basis.

CEMETERY--Property used for interring the dead.

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

~~**CHANGE OF USE**— [Amended 3-08-2016 ATM by Art 6] A change of use occurs when the use of any land, building or structure is changed or intensified from its current use. See Article II, Use Districts, section 229-23.~~

~~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.~~

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 HYDROPONICS FACILITY-A commercial facility that houses the cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil. This definition will not limit the use of hydroponics conducted on a farm or agricultural operation as defined in RSA 21:34-a II [ADDED ATM 3/28/23 Article 9]

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.

independent or in conjunction with any other use. Such entertainment includes but is not limited to vocal and instrumental music, dancing, karaoke, comedy, and acting. This does not include any of the uses defined in Article XI Sexually Oriented Businesses. [ADDED ATM 3/28/23 Article 4]

ENTERTAINMENT LIVE-A musical, theatrical, dance, cabaret, or comedy act performed by one or more persons. Live Entertainment does not include any of the uses defined in Article XI Sexually Oriented Businesses. [ADDED ATM 3/28/23 Article 5]

EVENT VENUE-A commercial site that accommodates the gathering of groups and/or individuals to host recurrent events such as wedding(s), business meeting(s), or any other commercial events. Such events are allowed to be conducted indoors or outdoors within or around the primary and/or accessory buildings or structures on a property. [ADDED ATM 3/28/23 Article 6]

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

FARMERS' MARKET --Shall have the same meaning as defined in RSA 21:34-aV The term "farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in paragraphs I-IV. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

FLEA MARKET-- An outdoor sale at which new or secondhand articles are sold.[Amended by the ATM 3-12-1991 by Art. 2]

FRONTAGE-That side of a lot abutting on a Class V Road, State maintained highway or a private road and ordinarily regarded as the front of the lot. In the event of a lot abutting more than one street, the longest side shall not be less than the minimum frontage requirements of the Zoning Ordinance. For a corner lot, half of the curve of the radius may be included in frontage.

FUNERAL HOME-- A building used for preparation of the deceased for burial, for display of the deceased and for ceremonies connected therewith before burial or cremation. A Funeral Home may contain a crematory as an accessory use only in a district in which a crematory is either a permitted use or a use permitted only by special exception.

GARDEN/FARM SUPPLY or NURSERY-- A retail business or commercial activity concerned with the sale of tools, small equipment, plants (grown either on or off site) and related goods used in gardening or farming.

GRADE-- For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street or, if no sidewalk, then the average level of the ground adjacent to that wall adjoining the street; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. All walls approximately parallel to and not more than 50 feet from a street line are to be considered as adjoining the street.

HEIGHT--The vertical distance from the grade elevation to the highest point of the roof.

SETBACK--The minimum required distance from a boundary line of the Lot to the nearest part of a building or structure.~~distance between a building or structure and the nearest street line or property line.~~

SHOPPING CENTER-- A unified grouping of businesses which are planned and developed as an operating unit with shared parking. All businesses within such facility shall be either permitted or permitted by special exception within the district in which the Shopping Center is located.

SIGN--See § 229-35B for definition of "sign" and other definitions related to sign regulations.

SITE PLAN REVIEW-- procedure as adopted by the Hillsborough Planning Board in its Site Plan Review Regulations. *Editor's Note: See Ch. 185, Site Plan Review.*

SOLAR COLLECTION SYSTEMS, RESIDENTIAL AND COMMERCIAL--See Article XIX Solar collection ordinance, [ADDED ATM 3/28/23 Article 11]

SPECIAL EXCEPTION--Shall have the same meaning as defined in RSA 674:33 IV

STEEP SLOPES-- Slopes in excess of 25%.

STORY--That part of a building between a floor and the floor or roof next above; a "half-story" is a partial story under a sloping roof, two opposing wall plates of which are not more than two feet above the floor.

STREET INCLUDES STREET, AVENUE, -- A highway, boulevard, road, avenue, lane, alley, viaduct, highway, freeway and/or any other ways.

STRUCTURE-- Anything constructed or erected which requires location on or in the ground, or attached to something having location on or in the ground, including signs, billboards, fences greater than 7 feet in height, towers and swimming pools.

SUBDIVISION-- Shall have the same meaning as specified in RSA 672:14. *Editor's note: see CH 201 for Subdivision Regulations*

THEATER-- A building or part of a building, or outdoor area, devoted to showing motion pictures or for dramatic dance, musical, or other live performances.

TOURIST HOME--A dwelling occupied by the owner or agent offering rooms without housekeeping facilities for rent by the day.

TRAILER-- The same as mobile home, with the exception of "trailers" designed exclusively for camping or recreational purposes.

USE-- Any purpose for which may be granted by the Board of Adjustment in accordance with standards set forth in Article VIII.

VARIANCE-- Shall have the same meaning as specified in RSA 674:33 I (b)

Pursuant to RSA 674:21, the Planning Board shall be authorized to issue Conditional Use Permits for certain uses specifically set forth in the Zoning Ordinance Table 4 Chart of Uses and identified as uses allowed as a Conditional Use (C). In reviewing such applications, the Planning Board shall ensure that the following criteria are met:

1. The purpose and intent of the Zoning Ordinance will be upheld.
2. The proposed development will be consistent with the goals, policies, and recommendations of the Hillsborough Master Plan.
3. The proposed development will not have an unreasonable adverse impact upon adjacent property, the character of the neighborhood, traffic conditions, or utility facilities.
4. The proposed development will not create public health or safety hazards.
5. The proposed development will not cause an unreasonable diminution in area property values.
6. The proposed development complies with all provisions of the Hillsborough Zoning Ordinance, Subdivision and Site Plan Regulations.

§ 229-13. Recreational Camping Permit: Property Owners [Added TM 2015]

A "Recreational Vehicle" may be stored unoccupied in the Rural and Residential districts on the property of the Recreation al Vehicle owner in the Town of Hillsborough for any period of time without a permit.

The Board of Selectmen, through the Building Inspector may issue a permit to any property owner to accommodate him/herself or nonpaying guests on their property to reside in a single "Recreational Vehicles" as defined in RSA 216-I:1 VIII for a period not exceeding 90 days in any one year.

Each Recreational Vehicle to be occupied shall demonstrate that proper sanitary facilities are available, as determined by the Building Inspector/Health Officer and all applicable health, life safety codes are met. No unit may be used for permanent dwelling at any time.

§ 229-14. - Accessory Dwelling Unit (In-Law Apartments)

[Added TM 2015] [Amended ATM 3-15-2017 ART.3]

~~A secondary dwelling unit which is accessory and subordinate to a permitted primary one-family dwelling unit and which consists of a kitchen/kitchenette area combined with no more than two bedroom(s), a bathroom and optional living room/dining area. The ADU is located in a shared area of the primary dwelling structure that is separate from the primary kitchen and bedroom areas of~~

~~the permitted one-family dwelling.~~

~~**Provisions: An ADU is allowed with the following provisions:**~~

- ~~1. An ADU is allowed only in one-family dwellings.~~
- ~~2. An ADU is not allowed in two- or multifamily dwellings or in any nonresidential uses.~~
- ~~3. An ADU is not allowed as a freestanding detached structure or as part of any structure which is detached from the principal dwelling.~~
- ~~4. The owner shall not separately lease both the primary dwelling unit and the "Accessory Dwelling Unit" at the same time.~~
- ~~5. The front face of the principal dwelling structure is to appear as a one-family dwelling after any alterations to the structure are made to accommodate an ADU. Any additional separate entrances must be located so as to preserve the appearance of a one-family dwelling.~~
- ~~6. At least one common interior access between the principal dwelling unit and an ADU must exist. A second means of egress from an ADU must exist and be located at the side or rear of the structure and must remain accessible.~~
- ~~7. Separate utility service connections and/or meters for the principal dwelling unit and an ADU shall not exist. (This does not preclude using a type of zoned heating/cooling system for an ADU different from the type for the primary dwelling unit.)~~
- ~~8. Off-street parking shall be provided to serve the combined needs of the principal dwelling unit and an ADU. There shall not be a separate driveway for the ADU.~~
- ~~9. The gross living area (GLA) of an ADU shall not be less than 350 square feet and shall not exceed 50% of the principal structure or 1,000 square feet, whichever is less. The above-grade GLA of the principal dwelling shall not be reduced to less than 850 square feet in order to accommodate the creation of an ADU.~~
- ~~10. A building permit for an ADU must be approved and issued prior to the construction of an ADU.~~
- ~~11. The house number for the ADU shall be the same as that of the primary dwelling, and there shall not be a separate mailbox for the ADU.~~
- ~~12. Multiple ADUs are not permitted on any property.~~
- ~~13. An ADU shall not be considered to be an additional dwelling unit for the purposes of determining minimum dimensional requirements of a principal dwelling lot. An ADU shall be allowed to exist in a principal dwelling on a legal nonconforming lot so long as all provisions of this article can be satisfied.~~

A. Accessory Dwelling Unit is a secondary dwelling unit which is accessory and subordinate to a permitted primary one-family dwelling unit and which consists of a kitchen/kitchenette area combined with no more than two bedroom(s)/sleeping spaces, a bathroom and optional living room/dining area.

1. Attached Accessory Dwelling Unit-is located in a area of the primary dwelling structure that is separate from the primary kitchen and bedroom areas of the permitted one-family dwelling.

2. A Detached Accessory Dwelling Unit is a cottage, or guesthouse which is built on the same property as the main house.

B. ADU's are allowed with the following provisions:

1. An ADU is allowed only on the property with any of a single-family dwelling unit.
2. An ADU is not allowed on a property with any two- or multifamily dwellings or with any nonresidential uses.
3. The property owner shall reside in either the primary dwelling unit and or the ADU at all times.
4. Off-street parking shall be provided to serve the combined needs of the principal dwelling unit and an ADU. A second driveway is allowed with a driveway permit issued by the Road Agent.
5. The living area of an ADU shall not be less than 350 square feet and shall not exceed 50% of the principal structure or 1,000 square feet, whichever is less.
6. A building permit for an ADU must be approved and issued prior to the construction of an ADU.
7. The house number for the ADU shall be the same as that of the primary dwelling and there shall not be a separate mailbox for the ADU.
8. Only one ADU shall be permitted on any property to protect against overcrowding, lot coverage and septic sizing issues and to promote privacy.
9. An ADU shall not be an additional dwelling unit for the purposes of determining minimum dimensional requirements of a principal dwelling lot. An ADU shall be allowed to exist with a principal dwelling on legal nonconforming lot if all provisions of this article can be satisfied.
10. The property must be serviced by a NH DES approved septic system sized to meet the needs of the principal dwelling and the ADU as certified by a NH Licensed Septic Designer.

11. The ADU must meet all applicable setbacks of the Zoning Ordinance, and the principal dwelling and the ADU must meet all applicable lot coverage requirements of the Zoning Ordinance.

12. Th ADU may not be sold separately from the principal dwelling unit.

C. Attached ADU

1. The front face of the principal dwelling structure is to appear as a one-family dwelling after any alterations to the structure are made to accommodate an ADU. Any additional separate entrances must be located to the to the side or rear of the structure to preserve the appearance of a one-family dwelling.
2. At least one common interior access between the principal dwelling unit and ADU must exist. A second means of egress from the ADU must exist and be located at the side or rear of the structure.
3. Separate utility service connections and/or meters for the principal dwelling unit and an Attached ADU may exist.

D. Detached ADU

1. One detached accessory dwelling unit may be allowed by Conditional Use Permit from the Planning Bord if a property meets the following requirements:
 - a. There shall be no other attached accessory dwelling unit(s) on the property.
 - b. Shall be no further than 300 feet from the principal dwelling unit.
 - c. Shall conform with Table 3 “Setback, Coverage and Building Height Requirements.

§ 229-15. [Added 3-08-2016 ATM Art 2]

Technical Corrections: The Planning Board may, by majority vote, correct technical, typographical and non-substantive errors and may reorder, renumber and correct cross reference information, where needed throughout this Ordinance.

§ 229-20.1. Central Business District

- A. Permitted uses: In the Central Business District, permitted uses are indicated in Table 4 – Chart of Uses.
- B. Uses permitted only by special exception. In the Central Business District, uses permitted by special exception granted by the Board of Adjustment pursuant to § 229-51 are indicated in Table 4 – Chart of Uses.
- C. . Provisions: Refuse storage. Refuse must be stored in enclosed containers which shall be located to the rear of the building and shall be completely screened from public view in order to prevent blight and to protect against noxious odors.
- D. . Parking: All applications for a change of use must demonstrate to the Planning Board that there is adequate parking for the proposed use; this can be demonstrated with on-site or nearby off-site parking, through reasonable shared parking arrangements, through available on-street parking, or a combination thereof.

§229-21 Dimensional Standards [Amended 3-11-2003 ATM by Art 5;3-8-2005 ATM by Art 4; 3-14-2006] [Amended ATM 3-8-22 Art. 2]

Tables 1, 2 and 3 shall govern lot area, frontage, setbacks, coverage and building height in the Town of Hillsborough. Setbacks shall be measured from the edge of the public or private right of way. Lots in existence prior to March 8, 1977, and newer lots created by the voluntary merger (pursuant to RSA 674:39-a) of lots, all of which were in existence prior to March 8, 1977, shall be exempt from the provisions of Tables 1 and 2.

§229-22. Use Standards

- A. Table 4, titled “Chart of Uses”, shall govern whether uses are permitted, permitted by special exception, or permitted by conditional use. Any use not specifically enumerated herein, which is substantially similar to a described use, and which is not inconsistent with the purpose statement of the zoning district in which it is proposed to be located, may be approved for an existing classification by Planning.
- B. Any use that is not listed in Table 4 as either permitted, permitted by special exception, or permitted by conditional use, or that is not a lawful nonconforming use, is considered to be a prohibited use and may not be permitted to locate anywhere in Hillsborough unless specifically authorized under applicable State or Federal statutes.

§ 229-23 Reserved-Change of Use

- 1. A change of use occurs when the use of any land, building or structure is changed from one permitted land use classification to another, and/or when any of the following occurs:
 - a. Addition or expansion of outside storage;
 - b. Significant change in traffic volume or pattern;

- c. Change of permitted use category as illustrated in Table 4;
- d. Any significant Site Development activity; or
- e. A change in the intensity of use.

§229-23.1 Exempt Changes of Use

A. A change of use which does not expand the floor area of a building by more than 200 square feet or involve construction on the site of a building with a floor area greater than 200 square feet is exempt from Site Plan Review, provided that:

(1) No adverse impacts beyond site boundaries will occur due to:

- (a) Increased traffic;
- (b) Groundwater and drainage;
- (c) Sanitary and solid waste disposal;
- (d) Lighting/glare;
- (e) Noise; or
- (f) Fumes, odors, or air pollutants; and

(2) Municipal services, facilities, and utilities will not be overburdened or adversely impacted.

B. In order to achieve exempt status, the owner of a property (or his/her agent) must apply to the Planning Board for an exemption from Site Plan Review on forms to be provided by the Board. The application shall fully describe the proposed change of use and shall address the requirements set forth in Subsection A above.

C. No request for exempt status shall be approved or disapproved by the Planning Board without affording a Public Hearing with the Planning Board to review and determine whether to waive or require Site Plan Review. At this meeting, the Planning Board will decide whether to waive or require Site Plan Review. D. The Planning Board may exempt a change of use from Site Plan Review if it determines that the criteria of Subsection A above are met. If any of the criteria are not met or if the Board is unable to determine whether any of the criteria are met, a Site Plan Review application shall be required.

1. After the review of the application, the Planning Board shall determine whether or not a Site Plan Review is required.

2. If the Planning Board decides that a Site Plan Review is required, the applicant shall submit a Site Plan Review application in accordance with § 185-5.

3. In appropriate circumstances, the Planning Board may require an abbreviated site plan submitted by requiring only some of the information required by § 185-5.

E. A property owner (or his/her agent) may bypass the review procedure outlined in Subsection B above and submit a Site Plan Review application to the Board for review and approval.

C. Setbacks from shoreline. As required by § 229-10, no building shall be located within 75 feet of the shoreline, i.e., average mean high water level.

D. Loon Pond. Development on Loon Pond shall comply with the special two-hundred-foot protective setback established by Chapter 160 of the Code of the Town of Hillsborough.

§ 229-37. Pits and loam removal areas

Sand- and gravel pits and loam removal areas shall be permitted, provided that they meet RSA 155:E and the additional provisions stated below:

A. The cleared and stripped area shall be limited to the working area, which in no case shall exceed four acres.

B. The owner shall agree to burn, bury or otherwise dispose of all stumps and brush and to grade the pit in such a manner as not only to eliminate vertical or overhanging banks but also to leave the banks in such shape that they will be kept to a minimum. Without special permission, slopes shall not be left steeper than 1 1/2 to one.

C. Pits shall not be left in such a condition that erosion of the pit after completion of the work may result in water pollution by silt or other deleterious substances. Pits shall be left in such shape and condition that material will not wash to block or obstruct drainage ways.

D. Unless the pit is intended to serve and is appropriate to serve as a pond for recreation or other purposes, the area shall be left as free draining as practicable. Within six months of the final operation, unless otherwise permitted:

(1) All disturbed area shall be spread; four inches compacted, with the original topsoil or strippings or with some other approved material capable of supporting vegetation. Generally, where the owner clears trees from pit areas, he may be expected to replant such areas with seedlings. Where seedlings are not required, the owner shall seed the entire area, except where ledge rock is exposed, with a grass mixture approved by the State Highway Department.

(2) Where trees and brush exist between a roadway and a pit, if the owner removes this screening vegetation, he shall replant or set out acceptable growth in a zone along the edge of the pit that will provide a screen.

(3) Unless permission is given by the Selectmen to preserve access roads to pits, such roads shall be obliterated.

ARTICLE VIA. Floodplain Development

[Added 3-9-1999 ATM by Art. 3; amended 3-13-2002 ATM by Art. 2, Question #2; 3-13-2007 ATM by Art. 5]

As Amended March 28, 2023

§ 229-38. Title; Purpose; Construal of Provisions

This article, adopted pursuant to the authority of RSA 674:16 shall be known as the "Hillsborough Floodplain Development Ordinance." The regulations in this article shall overlay and supplement the regulations in the Hillsborough Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this article 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.

§ 229-39. Applicability; Maps

[Amended 8-11-2009]

The following regulations in this article shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Hillsborough, N.H.," 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 article and are hereby incorporated by reference.

§ 229-40. Definitions

The following definitions shall apply only to this article, and shall not be affected by the provisions of any other ordinance of the Town of Hillsborough:

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within the Town of Hillsborough subject to a one-percent or greater chance of flooding in any given year The area is designated as Zone A or AE on the Flood Insurance Rate Map.

BASE FLOOD

The flood having a one-percent possibility of being equaled or exceeded in any given year

BASE FLOOD ELEVATION

The elevation of surface water resulting from the "base flood".

BASEMENT

Any area of a building having its floor sub grade on all sides

BUILDING

See "structure."

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.

FEMA The Federal Emergency Management Agency

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; and
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE ELEVATION STUDY

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

FLOOD INSURANCE RATE MAP (FIRM)

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

FLOOD INSURANCE STUDY

See "flood elevation study."

FLOOD OPENING

An opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA "Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures."

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source. (See definition of "flooding.")

FLOOD PROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

FLOODWAY

See "regulatory floodway."

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 ports a facility that is necessary for the loading/unloading of cargo or passengers, and shipbuilding/repair facilities but does not include long-term storage or related manufacturing facilities.~~

HIGHEST ADJACENT GRADE

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

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:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

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 article.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis

and is designed for use with or without a permanent foundation when connected to the required utilities For floodplain management purposes, the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision

MANUFACTURED HOME PARK OR SUBDIVISION

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

MEAN SEA LEVEL

The National Geodetic Vertical Datum (NGVD) of 1929, [North American Vertical Datum \(NAVD\) of 1988](#), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION

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

~~ONE-HUNDRED-YEAR FLOOD~~

~~See "base flood."~~

RECREATIONAL VEHICLE

- A. Built on a single chassis;
- B. Four hundred 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.

REGULATORY FLOODWAY

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

SPECIAL FLOOD HAZARD AREA

As Amended March 28, 2023

~~An area having flood, mudslide and/or flood-related erosion hazards, and shown on the FIRM as Zones A or A1-30. (See "area of special flood hazard.")~~

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 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of 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.

STRUCTURE

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

~~Any combination of repairs, reconstruction, alteration or improvements to a structure in-~~

~~which the cumulative cost equals or exceeds 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.~~

VIOLATION

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

WATER SURFACE ELEVATION

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, [North American Vertical Datum \(NAD\) of 1988](#), (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains.

§ 229-41. Building permit required.

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

§ 229-42. Review of building permit applications; construction requirements

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

- A. Be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

As Amended March 28, 2023

- B. Be constructed with materials resistant to flood damage;
- C. Be constructed by methods and practices that minimize flood damages; and
- D. Be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

§ 229-42.1. Water, sewer and on-site waste disposal systems

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.

§ 229-42.2. As-Built Elevation Information; Certification of Flood Proofing

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

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

B. the Code Enforcement Officer shall maintain for public inspection and shall furnish such information upon request.

§ 229-42.3. Approval by other Governmental Agencies

The Code Enforcement Officer shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.

§ 229-42.4. Alteration or relocation of watercourses

A. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Code Enforcement Officer, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be

required to submit copies of said notification to those adjacent communities as determined by the Code Enforcement Officer, including notice of all scheduled hearings before the [Wetlands Bureau Board](#).

B. 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.

C. 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 or hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.

D. Until a regulatory floodway is designated along watercourses, no new construction, substantial improvements or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from federal, state, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement: "No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

§ 229-42.5. Determination of and Development in Special Flood Hazard Areas

A. In special flood hazard areas, the Code Enforcement Officer shall determine the [base flood elevation](#) ~~one hundred year flood elevation~~ in the following order of precedence according to the data available:

(1) In Zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.

(2) In ~~Zone A~~ ~~unnumbered A Zones~~, the Code Enforcement Officer shall obtain, review and reasonably utilize any [base flood elevation](#), ~~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, site approvals). [Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.](#)

B. The Code Enforcement Officer's [base flood elevation](#) ~~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 improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation~~one-hundred-year flood elevation~~.
- (2) All new construction or substantial improvements of nonresidential structures have the lowest floor (including basement) elevated to or above the base flood elevation~~one-hundred-year flood level~~; or, together with attendant utility and sanitary facilities, shall:
 - (a) Be flood proofed so that, below the base flood elevation~~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 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) All recreational vehicles placed on sites within Zones AE and A shall either:
 - (a) Be on the site for fewer than 180 consecutive days.
 - (b) Be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilizes and security devices, and have no permanently attached additions, and ready for highway use; or
 - (c) Meet all standards of this ordinance Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for manufactured homes in this ordinance Paragraph (c) (6) of Section 60.3.
- (5) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted, provided that 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; the area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must

As Amended March 28, 2023

either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (a) A minimum of two **flood** openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwater.

§ 229-42.6. Appeals; Variances; Notification of Applicant

A. Any order, requirement, decision or determination of the Code Enforcement Officer made under this article may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

B. 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:

- (1) That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
- (2) That, if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
- (3) That the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. 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 \$25 for \$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.

D. The community shall maintain a record of all variance actions, including the justification for their issuance, and shall report such variances issued in its annual or biennial report to FEMA's Federal Insurance Administrator.

ARTICLE VII Nonconforming Uses

§ 229-43. Continuation

A legal use, existing at the time of the adoption of this chapter, may continue as a nonconforming use, provided that:

As Amended March 28, 2023

Point Total	Maximum Density Bonus
0 (meets eligibility requirements)	5%
5 to 10	10%
15 to 20	15%
20 or more	20%

D. Requirements. Each request for a density bonus must meet the following requirements:

- (1) The granting of the density bonus shall be in the best interest of the Town in keeping with the intent of this section.
- (2) The density of the proposed development shall not exceed by 20% the net residential density for the applicable zoning district.
- (3) The location and layout of the open space shall take into account, preserve and, where appropriate, promote such features of the tract as rivers, streams, ponds, marshes, wetlands, unique geological or botanical areas or features and existing or potential trails, paths and open space links.
- (4) The project shall not, during preconstruction, construction or thereafter, have any adverse environmental impact on the neighborhood or on any river, stream, lake, pond, marsh, or wetland.
- (5) The size, shape, and location of any buildings to be constructed shall not be detrimental to the neighborhood, shall be in harmony with the natural features of the site and shall not adversely affect the visual character of the neighborhood or of the Town.
- (6) The plan shall provide for safe and efficient vehicular and pedestrian movement on the site and for the adequate location of driveways and entrances in relation to the public roads.
- (7) The Planning Board may impose other restrictions upon the development as a condition to granting the density bonus as the Board shall deem appropriate to accomplish the purpose of this section.

ARTICLE XV Historic District Ordinance [[Originally Adopted ATM 3-10-20](#)]

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,

As Amended March 28, 2023

This article has been adopted by the Town of Hillsborough ("the Town") 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~~of the Historic District Commission ("the Commission") shall be as prescribed in RSA 674:46-a.

§ 229-94. Purposes

RSA 674:45-The preservation of cultural resources, and particularly of Structures and places of historic, architectural and community value is hereby declared to be a public purpose. The heritage of the municipality will be safeguarded by:

1. Preserving in the Hillsborough Historic District ("the District") elements which reflect elements of its cultural, social, community and architectural history.
2. Conserving property values within the District,
3. Fostering civic beauty.
4. Strengthening the local economy; and
- 4.5. Promoting the use of the historic district for education, pleasure, and welfare for the citizens of the Town.

ARTICLE I

[Adopted ATM 3-13-1979 Article 31]

§ 229-95 Definitions

ABUTTER- See RSA 672:3.

ACCESSORY BUILDING -See Zoning Ordinance Article II General Provisions Definitions and Word Usage

ACCESSORY USE -See Zoning Ordinance Article II General Provisions Definitions and Word Usage

ALTERATION-Any repair, reconstruction, restoration, replacement, rehabilitation, demolition, addition, or new construction proposed for the exterior of a building or its site. The work may involve changes in materials, dimensions, design, configuration, texture, or visual appearance.

ARCHITECTURAL FEATURE-The architectural style, design, detail, or general arrangement of outer surfaces of a Structure that, if altered or removed, would affect its appearance and character. Examples of architectural features include, but are not limited to, building materials, windows, doors, cornices, roofs porticos, storefronts, and signs.

CERTIFICATE OF APPROVAL (COA)-Written authorization from the Commission to the building owner or project applicant that

As Amended March 28, 2023

allows the owner/applicant to conduct any of the regulated activities specified in this ordinance.

COMMERCIAL USE-See Zoning Ordinance Article II General Provisions Definitions and Word Usage

DEMOLITION- The razing destruction, removal, or relocation, entirely or in significant part of a Structure within the District.

GREEN HOUSE-A building or structure constructed chiefly of glass, glasslike, or translucent material, which is devoted to the protection or cultivation of flowers, vegetables, or other tender plants.

LANDSCAPING- See Zoning Ordinance Article II General Provisions Definitions and Word Usage

MAINTENANCE- Any work which will involve no change in materials, dimensions, or design of a Structure within the District.

RECONSTRUCTION-The act of recreating a Structure or part thereof within the District that has been destroyed or has decayed, through documentary research and the use of new materials.

REHABILITATION-The process of returning a Structure within the District to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving the character-defining features that are significant to its architectural, historical and cultural values.

RELOCATION-The act of removing a Structure or other feature within the District from its existing foundation or location to another foundation or location, including on the same subject property.

REPAIR-Any work which will involve no change in materials, dimensions, or design.

SCENIC ROAD-See RSA 231:157 and RSA 231:158

SIGNIFICANT TREE- Any tree that contributes to the character of the district and that exceeds 15” in diameter at a height of 4’ above grade and is located forward of the main Structure on the subject property and /or provides a canopy to the street.

STREET INCLUDES STREET, AVENUE -- See the Zoning Ordinance, Article II =General Provision section 229-6 Definitions and Word usage.

STRUCTURE- See Zoning Ordinance Article II General Provisions Definitions and Word Usage

§229-96 **Permitted Uses: Historic District Commission Powers and Duties**

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 land use hearings involving properties within the Historic District. —~~

§ 224-96-97 Certificates of Approval.

Uses in the District shall be those permitted in the Table 4 Chart of Uses. Notwithstanding any inconsistent ordinance, local law, code, rule, or regulation concerning the issuing of building permits, no change to any Architectural Feature or any other activities as defined below that is visible from a Street shall be commenced without a Certificate of Approval from the Commission, nor shall any building permit for such change be granted without such a Certificate of Approval having first been issued by the Commission. The Certificate of Approval required by this section shall be in addition to and not in lieu of any building permit that may be required by any ordinance, local law, code, rule or regulation of the Town.

A. **Activities Requiring Review**-The following activities, if visible from a Street, shall require a Certificate of Approval from the Commission whether or not such activity requires the issuance of a building permit.

1. Erection, construction, alteration, relocation, or demolition of a Structure, including but not limited to an accessory structure.
2. Erection, construction, or alteration of any permanent sign.
3. Erection, construction, alteration, relocation, or demolition of any architectural feature of a Structure.
4. Construction, erection, reconstruction, or removal of any stonewall, fence, granite work, walkway, sidewalk, paving (new or expansion of existing), exterior lighting, or permanent sign.
5. Any change or expansion in use will be reviewed for visual appropriateness. The Planning Board may consider, but not necessarily be bound by, recommendations of the Commission for any such changes.
6. Addition or alteration of existing exterior nature of the Structure, including but not limited to the siding, windows or doors of the Structure.

7. Solar Energy Systems are governed by Article XIX Solar Collection Ordinance, section 229-137.

B. Activities Exempt from Review-The following activities shall not require a Certificate of Approval from the Commission

1. Ordinary Maintenance and repair of any architectural feature which does not involve a change in the design, dimensions, materials, or appearance of the feature or involve removal thereof.
2. Ordinary repairs and preservation of stone walls, fencing, signs.
3. Painting or re-painting of a structure, building, fence, or appurtenance.
4. Alteration or replacement of any existing roof covering or surface provided that said alteration or replacement is with the same material, patterns and colors of the existing roof covering or surface and provided the roof plane remains the same.
5. Installation or replacement of storm doors and storm windows provided that the historic Architectural Features are not altered, obscured, removed or demolished.
6. Landscaping on properties in residential use, with the exception of the removal of a Significant Tree except as provided for in RSA 231:158 - Effect of Designation as Scenic Roads
7. Interior alternations.
8. Activity that is not visible from a Street.

~~A.C. Certificate required—In the Historic District, no building permit shall be issued for 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 and preservation of stone walls, fencing, signs and landscaping.~~

Applications for Certificate of Approval shall be submitted in writing on the form provided to the Commission Hillsborough Center Historic District Commission, stating the location, use, nature and where pertinent, the materials, 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 with the Application.

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

D. The Historic District Commission shall file-issue a Certificate of Approval or a Notice

of Disapproval ~~within 45 days from receipt of the application~~ pursuant to RSA 676:8 - 9. 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.

~~D.~~

E. The ~~Historic District~~ Commission ~~may~~ shall hold a public hearing on a Certificate of Approval application ~~and shall hold a public hearing if one is requested by the applicant, with notice provided in accordance with RSA 675:7, in the following manner: Ten days after the filing of an application for a Certificate of Approval or application for demolition, the applicant and abutters shall be notified no less than 10 days before the public hearing.~~

~~F. 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.~~

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

~~H. The Historic District Commission shall review:~~

- ~~a. Architectural style,~~
- ~~b. General design and arrangement,~~
- ~~c. Textures,~~
- ~~d. Materials 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.~~

~~I.F.~~ 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, and the immediately surrounding buildings, Structures and properties. sites and surroundings.

~~J.~~ 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.

G. Notwithstanding that the action or usage proposed may be deemed inappropriate, owing to conditions especially affecting the subject 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 approval in which the Commission may impose conditions.

H. Decisions shall be in conformance with RSA 676:3 as amended. The Notice of Decision shall include specific written findings of fact that support that decision.

~~A.~~ 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.

§229-97-98 Appeals.

Appeals from any decision of the Commission shall be taken to the Hillsborough Zoning Board of Adjustment by the Applicant or any owner of property wholly or partly within the Historic District and by any other person, agency or group if party aggrieved by a ruling of the Historic District Commission the decision within 30 days of the Commission's vote on such ruling-decision pursuant to RSA 676:5. The Board of Adjustment shall hear and act upon such appeals within the time periods of time prescribed by New Hampshire statute.

§229-98-99 Enforcement. - See Zoning Ordinance section 229-60

§229-989 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.~~

ARTICLE XVI Groundwater Protection Ordinance [Adopted ATM 3/12/2019]

§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.

As Amended March 28, 2023

Zoning
Table 4 Chart of Uses
P=Permitted, S=Special Exception, C=Conditional Use Permit
#All Changes of Use may be subject to Site Plan Review
Attachment 4:1

Zoning District- 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 Housing	P	P						
Mobile Home Park	S	S						
Mobile Home Subdivision	P	P						
Modular Building	P	P	P	P	P	P	P	P
Presite Built Housing	P	P	P	P		P		

Residential Use Notes

(1) Uses permitted by Special Exception only when such is a secondary use in conjunction with a commercial use and when such use comprises less than 50% of the square footage of the structure.

(2) Dwellings at street level require a Special Exception.

(3) Minimum Floor area for any dwelling unit shall be ~~600square~~ 450 square feet for a one bedroom dwelling unit. Units with two bedrooms or more require an additional 120 sq ft per additional bedroom

