TOWN OF RICHMOND
NEW HAMPSHIRE

ZONING ORDINANCE

March 2026 Ordinance

Web version in PDF Format by Lisa La Clair, Land Use Assistant

Added notes for revision dates and Document map with spelling and grammar corrections.

This Document to be used for information only.

Revised March 2026

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ARTICLE 1: PURPOSE AND TITLE

101 Purpose

The purpose of this ordinance, hereby adopted by the Town of Richmond, NH, is to promote the health, safety, and welfare of the inhabitants pursuant to the authority conferred by RSA 674:17. It is also designed to: [Rev- March 12, 1996]

A. Lessen congestion in the streets.
B. Secure safety from fires, panic and other dangers.
C. Promote health and general welfare.
D. Provide adequate light and air.
E. Prevent overcrowding of land.
F. Avoid undue concentration of population.
G. Facilitate the adequate provision of transportation, solid waste facilities, water, sewage, schools, parks, and child day care.
H. Assure proper use of natural resources and other public requirements [Rev. March 12, 1996]

101.1 This ordinance has been made with consideration of the character of the Town of Richmond and its suitability for particular uses as well as conserving the value of buildings and encouraging the most appropriate use of land throughout the town. [Adopted March 12, 1996]

102 Title

This ordinance shall be known and may be cited as the "Zoning Ordinance, Town of Richmond, New Hampshire."

ARTICLE 2: ESTABLISHMENT OF DISTRICTS

201 Zoning Map

The Zoning map officially entitled "Town of Richmond Zoning Map" is hereby adopted as part of this ordinance, is on file with the town clerk, and shall be the final authority as to the current zoning status of the land and water areas, building, and other structures in the Town of Richmond.

Districts

For the purpose of this ordinance, the "Town of Richmond Zoning Map" shows a division of the town into the following districts:

A. Residential District (Article 4).
B. Lakeside District (Article 5).
C. Wetland Conservation District (Article 6).
D. Aquifer Protection District (Article 7).
E. Middle Town District (Article 8)
Commercial District (Article 8)

F. Industrial District (Article 9).

202.1 Delineation of Districts

A **Residential Districts (Article 4):** All areas in the town of Richmond not otherwise defined.

B. **Lakeside District (Article 5):** All the area within five hundred twenty-five (525) feet, as measured by horizontal distance, from the high-water mark of Cass Pond and Sandy Pond or any other natural or artificially impounded water body that exceeds ten acres in area. [Rev.- March 12, 1996]

C. **Wetlands Conservation District (Article 6):** All land areas within seventy-five (75) feet, as measured by horizontal distance, of the high--water mark of any pond, stream, brook, or wetland and areas identified and delineated as poorly drained or very poorly drained soils by the Cheshire County Conservation Districts Soil Survey of Cheshire County, New Hampshire, completed in 1989. (See map.)

D. **Aquifer Protection District (Article 7)** is the outermost edge of the surficial extent of all aquifer deposits designated by the Aquifer Map of the Town of Richmond. The Aquifer Protection District is a zoning overlay district, which imposes additional requirements and restrictions to those of the underlying base district zoning. (Aquifer Map can be located at the Town Hall)

E. **The Middle Town District (Article 8):** is hereby determined to be all land areas within ¾ Mile radius, and measured by horizontal distance, from the four corners (intersection of Route 119 and Route 32) in the Town of Richmond, New Hampshire.

Commercial District (Article 8): Consisting solely of Map 201, Lot 56, a 86 acre lot known as the Four Corners Store property, for the purpose of developing this property for commercial use as a new general store and gas station.

F. **Industrial District (Article 9):** Location of provisions for, and the nature of industry shall be determined by vote of the town at a town meeting convened.

ARTICLE 3: GENERAL PROVISIONS

301 Ruins

No owner or occupant of any land in the Town of Richmond shall permit ruined buildings damaged by fire or other catastrophe to remain or to be occupied; but must remove, repair, or replace such building, bringing it into conformity with all applicable laws within one year of the damage or the time that the ruins have come to the attention of the Selectmen. [Rev- March 12, 2013] (Rev. March 2021)

302 Sand and Gravel

A certificate shall be obtained from the Planning Board for all earth excavations as defined by RSA 155-E in excess of 1000 cubic yards, except in the Lakeside District. No certificates will be issued for the Lakeside District. [Rev- March 12, 2013] [Rev. March 11, 2014] [Rev-March 17, 2026]

303 Junk

Junkyards or any place for the storage or keeping of junk, as defined in Article 17, are not permitted in the Town of Richmond. [Rev- March 12, 2013]

304 Sanitary Systems

All sewage disposal systems shall be constructed in accordance with the applicable rules of the NH Department of Environmental Services. Such approval shall be required where applicable as part of a subdivision or site plan approval, or prior to the issuance of a zoning compliance certificate. [Rev- March 14, 2006] [Rev- March 12, 2013] [Rev- March 17, 2026]

305 Recreational Vehicles

Recreational vehicles may be occupied on a temporary basis not to exceed three (3) consecutive months in a calendar year, unless it is located in a campground or recreational vehicle camping park, by certificate of the Selectmen, provided there is adequate provision for water and septic disposal. Upon written application, the Selectmen may grant an extension not to exceed three (3) consecutive months. [Rev- March 14, 2006] [Rev- March 12, 2013] [Rev- March 17, 2026]

306 Driveways

Driveways shall be a minimum of 25 ft. from the side and rear property lines and extend to the edge of the public road. A driveway certificate, issued by the Selectmen, is required before constructing a driveway on any Town or private roadway. When the driveway abuts a State-maintained Road, a certificate is required from the NH Department of Transportation. All driveways shall be defined in the applicable permit (state or town) and said driveway shall be inspected and approved by the Town Road Agent and/or the Selectmen prior to the issuance of a zoning compliance certificate, as may be applicable. [Rev. March 9, 2010] [Rev- March 12, 2013] [Rev-March 17, 2026]

307 Manufactured Housing Parks

Manufactured Housing Parks are not permitted in the Town of Richmond. Individual manufactured homes on single lots are permitted subject to all rules and regulations that apply to single family homes. [Rev- March 12, 2013]

308 Vehicle Conversions

No vehicle, except for Recreational Vehicles, may be used as a dwelling for any period of time. [Rev-March 12, 2013]

309 Building Height

309.1 No building or structure shall exceed 2 ½ stories or 35 feet in height. The height shall be measured from the highest point of the roof line to the average elevation of the finished grade of the ground halfway between the front and back of the building within 20 feet of the foundation. [Rev- March 12, 1996] [Rev- March 11, 1997] [Rev- March 12, 2013]

309.2 Exemptions: The height limitation shall not apply to chimneys, antennas, steeples; or cell towers and wind turbines, which are subject to other regulations. [Adopted March 12, 2002] [Rev- March 12, 2013]

310 Dwellings on Foundations

310.1 All dwelling units and additions shall be built on a permanent foundation; All Foundations must be constructed in accordance with the applicable NH State Building Codes. [Adopted March 11, 1997] [Rev- March 14, 2006] [Rev- March 12, 2013] [Rev - March 11, 2025]

310.2 Structures that are attached to a dwelling, such as decks, porches and barns, may be constructed on footings or piers provided they extend below the frost line. Any such structure that is converted to a dwelling unit must meet the foundation standards of 310.1. [Rev- March 14, 2006] [Rev. March 12, 2013]

311 Frontage and Yard Requirements

311.1 No land area within a public or private right-of-way may be used to satisfy the minimum front yard requirement. [Rev- March 12, 2013]

311.2 No lot may be developed or built upon unless it has the requisite frontage as defined in Article 4. [Rev- March 12, 2013]

312 Commercial Wireless Communication Facilities

Such facilities are permitted only in the Residential District, by Special Exception of the Zoning Board of Adjustment, and subject to Site Plan approval by the Planning Board. [Adopted March 11, 1997] [Rev- March 12, 2013]

313 Signs

313.1 No single or group of signs per property may exceed 25 square feet in area. signs include but are not limited to the following functions:

313.1.1 Town, State, or Federal regulatory or highway identification or direction. [Rev- March 12, 2013]

313.1.2 Designation of areas of historic interest. [Rev- March 12, 2013]

313.1.3 Relating to the sale or lease of premises. [Rev- March 12, 2013]

313.1.4 Relating to professions or home occupations, or the sale of goods or products sold on the premises. [Rev- March 12, 2013]

313.1.5 Property restriction signs.

313.1.6 Identification and directional signs for residences, businesses and public holdings.

313.1.7 Political signs, during campaigns, on private property with the permission of the property owner, to be removed no later than two (2) weeks after the pertinent voting day. [Rev- March 12, 2013]

313.1.8 Signs for Home Occupations are subject to the provisions of 1004.3.6. [Adopted March 12, 2012]

313.1.9 Temporary signs such as personal message or decorative signs. [Adopted-March 12, 2013]

314 Fences

Fences may be located no less than two (2) feet from the property line(s) so that they can be maintained by the owner without trespass onto the abutting property. All fences shall be constructed so that the finished side faces outward. Except livestock fencing. [Adopted March 12, 2013]

315 Disposal of Incinerator Material

Depositing, storing, or dumping of combustion products, ash, burned or unburned materials from any type of power plant or commercial incinerator is prohibited at any location in Richmond. [Rev-March 14, 2006]

316 Scenic Roads

All roads in Richmond, other than Routes 32 and 119, have been designated Scenic Roads, pursuant to RSA 231:157 & 158. [Adopted March 7, 1972] [Rev- March 12,2013]

317 Cluster Development

317.1 A cluster development shall consist of a minimum of six (6) or more dwelling units and be located in the residential district or lakeside district. [Adopted March 14, 2000] [Rev- March 14, 2006]

317.2 A minimum of three (3) acres, including wetlands, for each dwelling unit is required. [Adopted March 14, 2000] [Rev- March 14, 2006]

317.3 Each building lot within the cluster shall be a minimum of 1 1/2 acres excluding wetlands. The remaining land (Open Space) shall contain a minimum of 50%, including wetlands, of the total land of the cluster. This shall be owned in common by the lot

owners and maintained by them. The open space shall be contiguous, with no long narrow strips. With the exception of the case that a common septic system is to be constructed, the minimum lot frontage shall be 125 feet on the common driveway and contain a square of 125 feet per side. In the case of a common septic system, the building lot size may be reduced to ¾ acre and the frontage to 75 feet with the requirement that the lot contain a square of 75 feet per side. The additional land resulting from the reduction in lot size must be added to the total dedicated to open space. The land required for the construction of the common driveway shall be taken from building lots in the depth direction. The land required for the septic system may be taken from the open space land held in common by all. [Adopted March 14, 2000] [Rev-March 14, 2006]

317.4 The common driveway serving the building lots shall be constructed to a design approved by the Selectmen. [Adopted March 14, 2000] [Rev-March 14, 2006]

317.5 The minimum frontage for the cluster on a public road (Class I, II, IV or V) or an approved subdivision road shall be 125 feet per dwelling unit. The common driveway may enter the public road from this frontage. No building lots may front on the public road. [Adopted March 14, 2000] [Rev-March 14, 2006]

317.6 Single-family dwelling units, two-family dwelling units, and multiple-family dwelling units are permitted. The individual lot size shall be 1 1/2 acres per dwelling unit or a lesser size down to ¾ acre minimum if a common septic system is chosen. If a common septic system is chosen, a State approved design must be presented to and approved by the Planning Board. [Adopted March 14, 2000] [Rev-March 14, 2006]

317.7 The commonly owned open space shall not be used for any building with the exception of a common approved septic system. Recreational areas, trails or paths are permitted. A private non-profit organization consisting of all landowners shall be established by the developer to manage, maintain, support, and finance necessary actions to the common facilities and common area of the cluster and enforce any covenants. [Adopted March 14, 2000] [Rev-March 14, 2006] [Rev- March 12, 2024]

317.8 There shall be deed restrictions, conditions, covenants, or easements, which will protect and preserve the open space and provide a suitable enforcement mechanism to ensure that the open space will remain open and undeveloped except as permitted herein. [Adopted March 14, 2000] [Rev-March 14, 2006]

317.9 Recreational activities such as hiking, bicycling, cross country skiing, horseback riding and picnicking and including agriculture are encouraged in open spaces. [Adopted March 14, 2006]

317.10 All other provisions of Article 4 and Article 3 shall apply except that the setback from the front property line shall be a minimum of 40 feet. In the case of a cluster utilizing a common septic system, a minimum of 10-foot setback from the side and rear property lines and 40 feet from the front property line are required for any building. The common septic system must be a minimum of 75 feet from any dwelling unit. [Adopted March 14, 2006] [Rev- March 12, 2024]

ARTICLE 4: RESIDENTIAL DISTRICT

401 Purpose and Intent

The purpose of the Residential District is to ensure that there is reasonable opportunity in town for the adequate provision of housing to meet the current and anticipated population, consistent with the Town's Master Plan goals. The intent of this District is that this is primarily a place for residences, with some allowance for non-residential opportunities that do not harm the nature of the area or conflict with the scale of existing land uses. In this District, no building shall be erected, placed, altered or used, and no land shall be for any purpose except as stated herein. (Adopted-March 12, 2013)

402 Permitted Uses

402.1 Single-family and two-family residences. Dwelling Unit per lot. Only one dwelling is allowed per lot provided topographic and soil conditions allow this lot to meet sanitary requirements for a house. Two family residences (402.1) and multi-family (403.1) is allowed by Special Exception. [Rev- March 11, 1997] [Rev-March 9,2010] [Rev- March 12, 2013] [Rev. March 10.2015]

402.2 Agriculture, including roadside stands, as defined by RSA 21:34-a, and as allowed by RSA 674:32-c. [Rev- March 11, 1997] [Rev- March 12, 2013]

402.3 Public and semi-public uses. [Rev- March 12, 2013]

402.4 Home office [Rev- March 12, 2013]

402.5 Cottage industry [Rev- March 12, 2013]

403 Uses Permitted by Special Exception

403.1 Multi-family residences. [Adopted March 12, 1996] [Rev- March 12, 2002] [Rev- March 11, 2011]

403.2 Recreational uses. (Adopted-March 12, 2013)

403.3 Educational and cultural facilities. (Rev- March 12, 2013)

403.4 Home occupations. (Adopted-March 12, 2013)

403.5 Commercial or light industrial uses. [Adopted March 12, 1996] [Rev- March 11, 2011] [Rev-March 12, 2002] [Rev- March 12, 2013]

403.6 Earth excavations. (Adopted-March 12, 2013)

403.7 A second ADU per single family dwelling may be allowed by special exception subject to Zoning Board of Adjustment (ZBA) approval, provided that the second ADU meets all other current zoning and building regulations. [Adopted March 11, 2025]

404 Permitted Accessory Uses

The following uses are permitted as an accessory to a principal use allowed in this District. By definition, accessory uses are secondary and incidental to the principal use and may not expand beyond that limitation or change the character of the property. [Adopted March 12, 2013]

404.1 Uses that are customarily associated with a principal permitted use (for example, garages, barns, sheds, swimming pools, ADUs) or one that is permitted by Special Exception pursuant to Article 11. [Adopted March 12, 2013] [Rev - March 11, 2025]

404.2 Cottage industries. [Adopted March 12, 2013]

404.3 Accessory dwelling units (ADU)

404.3.1 There shall be one accessory dwelling unit permitted by right per single-family dwelling [Rev-March 14, 2006] [Rev- March 12, 2013] [Rev - March 11, 2025]

404.3.2 Any accessory dwelling unit may be no larger than the primary dwelling or 1000 square feet, whichever is less but in no case shall the ADU be required to be less than 750 square feet. [Rev-March 14, 2006] [Rev- March 11, 2011] [Rev- March 12, 2013] [Rev-March 7,2017] [Rev- March 11, 2025]

404.3.3 Either the primary dwelling unit or any accessory dwelling unit shall be occupied by the property owner. [Rev-March 14, 2006] [Rev- March 12, 2013] [Rev - March 11, 2025]

404.3.4 Any accessory dwelling unit may be located in the primary dwelling or in an addition to the primary dwelling or as a separate detached unit. [Rev-March 14, 2006] [Rev- March 12, 2013] [Rev March 12, 2024] [Rev - March 11, 2025]

404.3.5 Any accessory dwelling unit shall not necessitate the establishment of an additional access into the property. [Rev-March 14, 2006] [Rev- March 12, 2013] [Rev - March 11, 2025]

404.3.6 Documentation shall be provided that the sewage system to be used by any ADU is adequate for the new use, to accommodate the increased demands on the systems and will be and is approved for that use in accordance with all applicable standards and requirements of the NH Department of Environmental Services.[Rev-March 14, 2006] [Rev-March 12, 2013] [Rev-March 11, 2025]

404.4 Family and Group Family Child Care: All types of home-based care (family care and group family care) as long as all requirements for such programs adopted in rules of

the New Hampshire Department of Health and Human Services (He-C 4002) are met. [Rev-March 17, 2026]

405 Lot Frontage and Yard Requirements

The following are considered to be minimum requirements that may be expanded based on specific circumstances and conditions. [Adopted- March 12, 2013]

405.1 Frontage – Two hundred and fifty (250) feet on a road (class I, II, IV, or V) or approved subdivision road. [Rev- March 12, 1996] [Rev- March 14, 2000] [Rev- March 12, 2013]

405.2 Front setback – Fifty (50) feet from the edge of the public right-of-way. [Rev- March 12, 2002] [Rev- March 12, 2013]

405.3 Side and rear setbacks – Twenty-five (25) feet from the property line. [Rev- March 12, 2002] [Rev- March 12, 2013]

405.4 Lot size – Three (3) acres. [Rev- March 11, 1997] [Rev- March 12, 2013]

405.5 Each lot shall have an area within the lot capable of containing a square of at least 250 feet per side. [Rev- March 12, 1996] [Rev- March 14, 2000] [Rev- March 12, 2013]

405.6 Dimensional Requirements for Septic Systems and Wells

405.6.1 Septic systems may not be closer than 75 feet from a well or from the Wetlands, or 37.5 feet from an abutter's property line and 50 feet from the edge of the public right-of-way. [Rev- March 12, 2002] [Rev- March 12, 2013] [Rev-March 11, 2014]

405.6.2 Wells may not be closer than 37.5 feet from an abutter's property line and 50 feet from the edge of the public right-of-way, or 75 feet from any part of a septic system. The 75-foot radius around a well must be entirely located on its own lot, unless granted written permission by the abutting property owner. [Rev- March 12, 2002] [Rev- March 12, 2013]

406 Other Uses:

406.1 Houses of Worship. [Repealed March 2024]

407 Livestock Facilities:

Livestock/farming activities are permitted uses within all districts as long as all set back and Best Management practices as well as any other related zoning regulations can be satisfied. [Rev-March 9, 2010]

407.1 No barn shelter or buildings used for boarding/housing of said animals or the storage of feed and supplies shall be located closer than sixty (60) feet from any property line. Enclosed barn or open 3-sided roofed, shed or shelter preferably

facing south shall be required. Providing adequate space for each animal to lay down by November 1st of each year through April 15th of each year. [Rev-March 9, 2010]

407.2 Properties that board/house large animals shall have a properly sited manure storage area or structure. Avoiding areas where surface water streams, rivers, lakes, ponds or wetlands) are present or where runoff from land, building roofs or other surface would transport nutrients from animal waste to surface water. [Rev-March 9, 2010]

a. Field Stacking: No direct runoff to surface water. Must be outside of the protective radius around drinking water wells (74 feet for private wells: up to 400 feet for public water supply wells, and 60 feet from property lines). Site should be alternated periodically so as not to create Nutrient "hot spots". [Rev-March 9, 2010]

b. Manure Storage Structure: Where properly sited field stacking is not an option, adequately sized storage structure should be constructed. In most cases, three-sided storage structure on a concrete pad is preferred. Sides made of blocks or heavy planks. When challenging environmental conditions are present on a site, for example-steep slopes, a nearby well or compacted soils are present-a roof is also desirable. USDA NRCS, the County Conservations District or UNH cooperative Extension can be consulted for storage capacity calculations and construction methods for storage structures. [Rev-March 9, 2010]

c. Animal Carcasses: shall not be stored any closer than: At least 100 feet and up to:

300 feet from any property line or surface waters. [Rev-March 9, 2010]
At least 200 feet and up to 400 feet from wellhead.
At least 4 feet above seasonal high-water mark.
At least 150 feet from inhabited buildings and an abutting property.
At least 50 feet from public roads.

407.3 The area used for grazing, exercising, or training of said animals shall be securely fenced to prevent the animals from straying or suitable restraints shall be provided to prevent straying. When streams, ponds, springs, or wetlands exist on a site, access of large animals should be controlled by the use of fencing or other means to allow only drinking. [Rev-March 9, 2010]

407.4 Pet Waste: Commercial kennels, breeding facilities, and pet day care facilities must have a plan for short term storage and regular removal of pet wastes from the premises. [Rev-March 9, 2010]

407.5 Commercial pet facilities: that have outdoor runs or pens shall pick up droppings on a daily basis. Outdoor runs and pens will be sited on flat areas and avoid areas subject to surface runoff. [Rev-March 9, 2010]

407.6 Kennels/outdoor pets must be provided a cover/doghouse for protections from insects, wind, sun, rain, snow and cold temperatures following the Best Management Practices. [Rev-March 9, 2010]

ARTICLE 5: LAKESIDE DISTRICT

501 Uses Permitted

In the Lakeside District, no building shall be erected or altered, and no land shall be used for any purpose except:

501.1 This district shall consist of single-family residential dwellings (permanent, year-round or seasonal) and related accessory buildings.

501.2 Municipal buildings and facilities shall be permitted.

501.3 Youth camps, education & cultural facilities, by special exception of the Board of Adjustment, subject to the conditions set forth in Article 10. [Adopted March 10, 1998]

501.4 Accessory Dwelling Units: Reference Article 4: Residential District under 404 Permitted Uses. [Revised March 7. 2017]

502 Frontage and yard requirements:

502.1 Frontage Every dwelling shall have a minimum lot frontage of two hundred fifty (250) feet on a road (Class I, II, IV or V), or on an approved subdivision road. Lots having water frontage shall have a minimum of one hundred fifty (150) feet of shoreline. [Rev- March 14, 2000]

502.2 Yard Requirements- No building shall be located nearer than twenty-five (25) feet to an abutter's property line and fifty feet (50) from the edge of the public right-a-way and one hundred fifty (150) feet from the reference line, except septic systems and wells which must be thirty-seven and one half (37.5) feet from an abutter's property line and fifty feet (50) from the edge of the public right-a-way. [Rev- March 12, 1996] [Rev- March 10, 1998] [Rev- March 12, 2002] [Rev-March 11, 2014]

502.3 Minimum lot size of three acres is required for a single-family dwelling. (see Article 806 "Lots of Record"). [Rev- March 11, 1997]

503 Boathouses and Docks

No setback from the shore of a pond shall be required by this ordinance for the building of boathouses and docks.

504 Conformance to State Law

All dwellings, accessory buildings and underground sewage disposal systems shall conform to RSA-483B. [Adopted March 12, 1996]

505 Woodlands Buffer

Where already existing, a natural woodlands buffer shall be maintained within one hundred and fifty (150) feet of the reference line subject to standards required to RSA-483B. [Adopted March 12, 1996] [Rev- March 11, 1997]

ARTICLE 6: WETLAND CONSERVATION DISTRICT

The Wetland Conservation District is hereby determined to be all land areas within seventy-five (75) feet, as measured by horizontal distance, of the high-water mark of any ponds, lakes, streams and brooks or wetlands as well as those areas identified and delineated as poorly drained or very poorly drained soils by the Soil survey of Cheshire County, New Hampshire, completed in 1989 and shown on its field mapping photographic sheets for the Town of Richmond, New Hampshire.

The Wetland Conservation District as herein defined is shown on a map or maps designated as the "Town of Richmond Wetland Conservation District Map" and is part of the "Zoning Map" of the Town of Richmond, New Hampshire. For a detailed explanation of soil types, see "Soil Survey of Cheshire County, New Hampshire" issued June 1989, on file with the Town Clerk and Planning Board.

In addition to areas shown in the Town of Richmond Conservation District Map any other wetlands identified and delineated by a State Board of Natural Science certified soil scientist or State Board of Natural Science certified wetland scientist are included in the Wetlands Conservation District. [Rev- March 12, 2002] [Rev- March 12, 2024]

602 Purpose

In the interest of public health, convenience, safety, and welfare, the regulations of this District are intended to guide the use of surface waters and areas of land with extended periods of high-water table:

602.1 To prevent the development of buildings and land uses on naturally occurring wetlands, which would contribute to pollution of surface and ground water by sewage or any other pollutants, or cause damage to abutter's property. [Rev. March 2021] [Rev. March 12, 2024]

602.2 To prevent the destruction of natural wetlands which provide flood protection, recharge of ground water supply, augmentation of stream flow during dry periods, and important wildlife areas.

602.3 To prevent unnecessary or excessive expenses to the Town, to provide and maintain essential services and utilities, which arise because of the inharmonious use of wetlands.

602.4 To encourage those uses that can be appropriately and safely located in wetland areas.

603 Uses Permitted

In the Wetland Conservation District, no use is permitted that would result in the erection of any building or alter the surface configuration through excavation of fill, except for normal landscaping or that is not otherwise permitted by the Zoning Ordinance except the following permitted uses: [Rev. March 12, 2024]

603.1 Forestry - tree farming.

603.2 Agriculture.

603.3 Water impoundments and well supplies.

603.4 Drainage ways, streams, creeks, or other paths of normal run-off water.

603.5 Wildlife refuge.

603.6 Parks and such recreation use as are consistent with the purpose and intentions of Section 602.

603.7 Conservation areas and nature trails.

603.8 Open space as permitted by subdivision regulations and other sections of this ordinance.

604 Special Exceptions

Special exceptions may be granted by the Board of Adjustment for the following uses within the Wetland Conservation District:

604.1 Streets, roads, and other access ways and utility rights-of-way easements, including power lines and pipelines if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands. Proper evidence of this effect shall be submitted to the Board of Adjustment and shall be accompanied by the findings of a review by the Richmond Conservation Commission of the environmental effects of such proposed use upon the wetlands in question.

604.2 The undertaking of a use not otherwise permitted in the Wetland Conservation District which may include the erection of a building, dredging, filling, draining, or otherwise altering the surface configuration of the land, if it can be shown that such proposed use will not conflict with the purpose and intention of Section 602, and if such proposed use is otherwise permitted by the Zoning Ordinance. Proper evidence to this effect shall be submitted in writing to the Board of Adjustment and shall be accompanied by the findings of a review by the Richmond Conservation Commission of the environmental effects of such proposed use upon the wetlands in question. [Rev- March 12, 1996] [Rev. March 12, 2024]

605 Special Provisions

Uplands must constitute at least 50 percent of the minimum lot requirements, and no septic tank or leach field may be located closer than seventy-five (75) feet to any wetlands. [Rev- March 14, 2006] [Rev. March 11, 2013] [Rev. March 11, 2014]

ARTICLE 7: AQUIFER PROTECTION DISTRICT

701 General.

The Aquifer Protection District shall be the outermost edge of the surficial extent of all aquifer deposits designated by the Aquifer Map of the Town of Richmond. The Aquifer Protection District is a zoning overlay district, which imposes additional requirements and restrictions to those of the underlying base district zoning. In all cases, the more restrictive requirements shall apply. (Aquifer Map can be located at the Town Hall).

702 Purpose

In the interest of public health, safety and public welfare, the regulations are meant to protect, preserve, and maintain existing and potential groundwater supply and groundwater recharge areas within the known aquifer from adverse development, land use practices, or depletion by implementing the Best Management Practices for Groundwater Protection.

703 Uses Permitted

Any that do not violate Best Management Practices and other related zoning regulations.

704 Special Exceptions

All uses permitted by right or allowed by Special Exception in the underlying district shall also be permitted by right or allowed by Special Exception in the Aquifer Protection District unless they are listed as prohibited uses.

705 Best Management Practices

The following are common sense regulations for protecting the Aquifer.

Residential: (see Article 4)

A. Store hazardous and toxic substances on surfaces that will not permit liquids to pass through such as a plastic or metal tub or drip pan and have appropriate container(s) properly labeled.

B. Storage of hazardous and toxic substances must be secured from children, animals, weather, and water sources.

C. When practical, refueling of lawn equipment, snow blowers, chainsaws, recreational vehicles and other equipment should be done on a surface that does not allow liquid to pass through.

D. New underground storage of hazardous materials must be done in accordance with NH Department of Environmental Services regulations. Existing underground storage may be repaired or replaced using the then current allowable technologies in accordance with NH Department of Environmental Services regulations.

Commercial

A. Store hazardous and toxic substances on an impervious surface.

B. Store hazardous and toxic substances in appropriate containers, with proper labels.

C. Storage of hazardous and toxic substances must be done in accordance with NH Department of Environmental Services regulations.

D. A drip pan must be placed under hazardous and toxic containers equipped with spigots, valves, or pumps.

E. Fueling, transferring fuel or hazardous substances shall be done on an impervious surface.

F. Work sinks must discharge in accordance with NH Department of Environmental Services regulations.

G. Spill control materials, such as absorbents as well as emergency response instructions, must be readily available at all storage areas.

H. All construction vehicles must be equipped with spill containment kits located in the vehicle.

ARTICLE 8: MIDDLE TOWN DISTRICT

801 Purpose:

In the interest of public health, convenience, safety, and welfare, the regulations of this District are intended to guide construction and promote land conservation to preserve the rural character of the center of town. [Rev-March 9, 2010]

802 Uses Permitted:

Are the same uses permitted in the Residential District unless otherwise, restricted or permitted in this district. [Rev-March 9, 2010]

COMMERCIAL DISTRICT

803 Purpose:

Consisting solely of Map 201, Lot 56, a .86-acre lot known as the Four Corners Store property, for the purpose of developing this property for commercial use as a new general store and gas station. [March 8, 2016]

804 Uses Permitted:

According to specific guidelines that retain and support the town's rural character, and which apply only to this property. [March 8, 2016]

ARTICLE 9: INDUSTRIAL DISTRICT

901 Purpose

For the introduction of major industry within the boundaries of the Town of Richmond, N.H.: Approval of location, provisions for, and the nature of the industry shall be determined by vote of the town at a town meeting convened, in accordance with RSA 675:3 to revise the Zoning Map and Ordinance by establishing an industrial district.

ARTICLE 10: NONCONFORMING USES

1001 Nonconforming Lots (Lots of Record)

Any vacant lot in existence before March 13, 1990, that is made nonconforming by the lot and yard standards of this Ordinance may be built upon provided the setbacks can be met, there is

adequate provision for water and sewer, and the lot has adequate frontage per RSA 674:41. [Rev-March 11, 1997] [Rev- March 12, 2013]

1002 Nonconforming Buildings

1002.1 Any building in existence before March 13, 1990, that is made nonconforming by the setback or height standards of this ordinance may continue to be used for all permitted uses in the district(s) in which it is located. [Adopted March 11,1997] [Rev- March 12, 2013]

1002.2 Nonconforming buildings may be changed or expanded, provided there is no increase in the nonconformity. [Rev-March 11, 1997] [Rev- March 12, 2013]

1002.3 Any nonconforming building damaged by fire or other means may be rebuilt and replaced on the same footprint as the existing building provided the rebuilding begins within one (1) year of the damage. An extension of this timeframe may be granted by the Select Board for good cause shown. [Rev- March 12, 2013]

1003 Nonconforming Uses

1003.1 Any use made nonconforming by the provisions of this Ordinance may continue in existence. Natural but limited expansions to the use are allowed. In judging whether the proposed change reflects a natural but limited expansion, the following shall be taken into consideration: [Rev- March 12, 2013]

1003.1.1 To what extent does the use reflect the nature and purpose of the existing use?

1003.1.2 Is the proposed use merely a different manner of utilizing the same use, or is it a use that is different in character, nature, and kind? Would this use have a substantially different impact on the neighborhood?

1003.2 No nonconforming use may be changed to another nonconforming use.

1003.3 If any nonconforming use ceases to operate or is abandoned by the -owner/operator for one (1) year, any subsequent use of the property shall be in conformance with this Ordinance.

1004 Illegal Nonconforming Uses

Any building or use that became established in violation of this Ordinance is not legalized by the adoption of this Ordinance. [Rev- March 12, 2013]

ARTICLE 11: BOARD OF ADJUSTMENT

1101 Creation

Within thirty (30) days after the adoption of this Ordinance and thereafter as terms expire or vacancies occur, the Board of Selectmen shall make appointments to a Zoning Board of Adjustment (ZBA) of five members that shall have all powers, authorities, and duties granted to it by current applicable New Hampshire statutes. The members shall serve without compensation. [Rev-March 12, 2013]

1102 Rules

The ZBA shall make its own reasonable rules and regulations in accordance with the provisions of this Ordinance and the provisions of Chapters 672 – 677, NH Revised Statutes Annotated. [Rev-March 12, 2013]

1103 Powers and Duties

The ZBA is hereby authorized and empowered to adopt such rules of organization and procedure as are necessary for the efficient administration and enforcement of this chapter. In addition, the Board of Adjustment shall have the following powers:

1103.1 To hear and decide appeals where it is alleged that there is error in any decision made by the Selectmen or their Agent in the enforcement of this Ordinance. [Adopted March 12, 1996] [Rev- March 11, 1997] [Rev- March 12, 2002] [Rev-March 12, 2013]

1103.2 To hear and decide special exceptions to the terms of this Ordinance in appropriate cases and subject to appropriate conditions and safeguards. [Rev- March 12, 2013]

1103.3 To authorize upon appeal in specific cases a variance from the terms of this Ordinance. [Rev-March 12, 2013]

1103.4 To hear and decide applications for equitable waivers of dimensional requirements. [Adopted March 12, 2013]

1104 Appeals from Administrative Decisions

In exercising its powers under 1002.1 above, the ZBA may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken. [Rev-March 12, 2013]

1105 Special Exceptions

Any special exception granted by the ZBA shall be made in harmony with the general purpose and intent of this Ordinance and shall be in accordance with the general or specific rules contained in this Ordinance. All uses listed in Paragraph 403 as Special Exception Uses also require Site Plan Approval by the Planning Board. The applicant may request, or the Boards may decide to hold a joint hearing on any such application, subject to the provisions of RSA 676:2 [Rev- March 12, 1996] [Rev-March 14, 2000] [Rev-March 12, 2002] [Rev- March 12, 2013]

1105.1 General Provisions that Apply to all Special Exception Uses.

1105.1.1 The proposed use is designated as a special exception use. [Adopted March 12, 2013]

1105.1.2 The proposed site is an appropriate location as determined, in part, by the surrounding land uses and the road network. [Rev- March 14, 2000] [Rev- March 12, 2013]

1105.1.3 The proposed use will not adversely affect the use, enjoyment, or value of adjacent property. In making this determination, the Board will consider such factors as excessive noise, traffic, dust, glare, odors, or other conditions that are associated with the proposed use but are not typical conditions for the area. [Rev- March 14, 2000] [Rev- March 12, 2013]

1105.1.4 The ZBA may request an opinion or recommendation from the Planning Board regarding any issues affecting a decision on 1105.1.2 and 1105.1.3. [Rev- March 14, 2000] [Rev- March 12, 2013] [Rev. March 11, 2014]

1105.2 Multi-Family Dwellings

1105.2.1 The minimum lot size for a multi-family dwelling shall be 10,000 square feet for each unit in addition to the required three (3) acres. [Rev- March 12, 1996] [Rev- March 14, 2000] [Rev- March 12, 2013]

1105.2.2 There shall be adequate on-site parking for each unit. [Adopted March 12, 2013]

1105.2.3 Water and sewage disposal shall be adequate for the number of units, and in accordance with all standards and requirements of the NH Department of Environmental Services. [Adopted March 12, 2013]

1105.3 Home Occupations

1105.3.1 The activity shall be conducted by the residents of the property and no more than two (2) employees in addition to the residents of the property. [Adopted March 12, 2013]

1105.3.2 The activity may be conducted in the primary dwelling unit, any other structure on the property, or in part outside, but in any case, all such activities, equipment, storage, or other components shall be screened from abutters and public rights-of-way. [Adopted March 12, 2013]

1105.3.3 The activity may not change the primarily residential character of the premises or the neighborhood. [Adopted March 12, 2013]

1105.3.4 There shall be parking adequate for all residents, employees, and any associated business traffic. [Adopted March 12, 2013]

1105.3.5 The activity shall not generate traffic that is significantly greater than what would be expected from the residential use, or what is consistent with the neighborhood. [Adopted March 12, 2013]

1105.3.6 The occupation may have one sign at the entrance to the property that may not exceed six (6) square feet in size. [Adopted March 12, 2013]

1105.3.7 In general, retail uses are not considered home occupations; however, subject to specific circumstances, the ZBA may approve the selling of certain goods or services from the property. [Adopted March 12, 2013]

1105.4 Commercial or Light Industrial Uses

1105.4.1 The total area of the lot that is associated with the use (e.g., structures, parking, or storage) may not exceed one third of the total acreage of the lot with a cap of 40,000 square feet. [Adopted- March 12, 2013] [Revised March 10, 2020]

1105.4.2 No noise, airborne particles, vibrations, lights, or other activities associated with the business shall pose a nuisance to abutting properties. [Rev March 14, 2000] [Rev- March 12, 2013]

1105.4.3 Adequate parking shall be provided, based on the applicant's determined need and as agreed to by the ZBA. [Rev- March 12, 2013]

1105.4.4 The use may have one advertising sign at the entrance to the property and one sign either on the building or freestanding, in accordance with Section 313. [Adopted March 12, 2013]

1105.4.5 The road providing access to the property must be paved and deemed by the ZBA, in consultation with the Selectmen and the Road Agent, to be capable of accommodating the traffic anticipated from the proposed use. [Adopted March 12, 2013]

1105.4.6 If the proposed use is located adjacent to a residential use, there will be buffering or screening as determined appropriate by the Planning Board during Site Plan Review. [Adopted March 12, 2013]

1105.4.7 Front, side, and rear setbacks may be required to exceed the minimum standards for the district, dependent on the use and location, as determined by the Planning Board during Site Plan Review. [Adopted March 12, 2013]

1105.5 Recreational uses

1105.1.1 Recreational uses, as defined in Article 17, shall not generate any noise or lights that pose a nuisance to abutting properties. All other issues shall be dealt with by the Planning Board during Site Plan Review. Adopted March 12, 2013]

1106 Variances.

The ZBA may authorize a variance from the terms of this Ordinance only if all of the following are met: [Adopted March 12, 2013]

1106.1 The variance will not be contrary to the public interest. [Rev-March 12.2002] [Rev-March 12, 2013]

1106.2 The spirit of the Ordinance is observed; [Rev-March 12, 2013]

1106.3 Substantial justice is done; [Rev-March 12, 2013]

1106.4 The values of surrounding properties are not diminished; and [Rev-March 12, 2013]

1106.5 Literal enforcement of the provisions of this Ordinance would result in an unnecessary hardship. [Rev-March 12, 2013]

1106.5.1 For the purposes of this section, "unnecessary hardship means that owing to the special conditions of the property that distinguish it from other properties in the area: [Adopted March 12, 2013]

1106.5.1.1 No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and [Adopted March 12, 2013]

1106.5.1.2 The proposed use is a reasonable one. [Adopted March 12, 2013]

1106.5.1.3 If the criteria in the above two subsections are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable reasonable use of it. [Adopted March 12, 2013]

1107 Equitable Waiver of Dimensional Requirements.

When a lot, division of land, or structure is found to be in violation of a physical layout or dimensional requirement imposed by this Ordinance, the ZBA shall grant an equitable waiver from the requirement, and only if the Board makes all of the following findings, pursuant to RSA 674:33-a. [Adopted March 12, 1996] [Rev- March 11, 1997] [Rev- March 12, 2002] [Rev- March 12, 2013]

1107.1 That the violation was not noticed or discovered until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided; [Adopted March 12, 2013]

1107.2 That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith, but was instead caused by either a good faith error in measurement or calculation, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a certificate. [Adopted March 12, 2013] [Rev- March 17, 2026]

1107.3 That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or

adversely affect any present or permissible future uses of any such property; and [Adopted March 12, 2013]

1107.4 That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected. [Adopted March 12, 2013]

1107.5 In lieu of the findings under the four subparagraphs above, the owner may demonstrate to the satisfaction of the ZBA that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time. [Adopted March 12, 2013]

1107.6 Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. [Adopted March 12, 2013]

1108 Fees.

The ZBA may impose reasonable fees upon an applicant for the expense of consultant services or investigative studies, review of documents, or other such matters that may be required by an application, subject to the provisions of RSA 673:16. [Rev- March 12, 2002] [Rev- March 12, 2013]

1109 Appeals to the Board

Appeals to the ZBA may be taken in accordance with RSA 677:1 [Adopted March 12, 2013]

ARTICLE 12: ENFORCEMENT & ADMINISTRATION

1201 Authority

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

1202 Zoning Compliance Certificates

The Board of Selectmen shall issue all zoning compliance certificates requested when such are in accordance with the provisions of this ordinance. The Board of Selectmen may make a reasonable charge for such certificates. All such certificates shall be valid for a period not exceeding one (1) year from the date of issuance. If the applicant has not completed the proposed construction or received an approved certificate of occupancy within the one (1) year time limit, the applicant must renew his zoning compliance certificate by applying for a renewed zoning compliance certificate. If the applicant has not started construction within the prescribed time period, the zoning compliance certificate shall expire and shall not be renewed. If a zoning compliance certificate expires, the applicant must submit a complete new application, including the payment

of all applicable fees. If the Selectmen fail to renew a zoning compliance certificate for any reason, they shall notify the applicant of their decision and the reasons related thereto within ten (10) days of the expiration of the original certificate or the date the application for renewal is received, whichever is later. Notice of refusal to renew a zoning compliance certificate shall be mailed to the applicant by certified mail. Depending upon the nature and conditions for not renewing a zoning compliance certificate, the Selectmen reserve the option to resolve the matter by:

1. Renewing the zoning compliance certificate after the applicant has satisfactorily agreed to resolve and/or correct the conditions, which led to the certificate not being renewed or

2. Requiring the applicant to apply for a new certificate subject to all applicable application procedures and fees. [Rev-March 17, 2026]

1203 Zoning Compliance Certificates Required

A zoning compliance certificate shall be required prior to the erection, addition, alteration, relocation or conversion to apartments of any building or portion thereof. Zoning compliance certificates are not required for detached building with a floor area equal or less than one hundred (100) square feet. It shall be unlawful for any person to commence work for the erection, addition, alteration or relocation of any building until a certificate has been approved and issued by the Selectmen. No zoning compliance certificate shall be required for normal maintenance activities, minor repairs and minor alterations that do not structurally alter or change a building. No zoning compliance certificate shall be issued for a lot with a private septic system until an approved septic system permit has been obtained from the NH Water Supply and Pollution Control division. [Rev-March 12, 1996] [Rev- March 12, 2024] [Rev-March 17, 2026]

1203.1 Application for a zoning compliance certificate: All applications for zoning compliance certificates shall be accompanied by plans and submitted by the owner or his agent, and shall show: [Rev- March 14, 2000] [Rev-March 17, 2026]

A. The actual shape and dimensions of the lot to be built on.

B. The size and location on the lot of the building(s) to be erected or altered. [Rev March 12, 2024]

C. The location of all setback lines- front, side and rear.

D. The location of all septic system facilities and well(s) dimensions to setbacks; [Rev-March 14, 2000]

E. The location of wetlands and surface water; and [Adopted March 11, 1997]

F. Multi-family dwellings, conversion to multi-family dwellings, cluster developments of more than two dwelling units and structures associated with special exceptions require site plan review and approval by the Richmond Planning Board before issue of a zoning compliance certificate. [Adopted March 11, 1997] [Rev- March 17, 2026]

G. Dimensional floor plan. [Adopted March 14, 2000]

1203.2 All buildings and building components shall comply with the State Building Code, and the State Fire Code. The construction design, structure maintenance and use of all buildings to be erected and the alteration, renovation, rehabilitation, repair, maintenance, removal or demolition of all buildings previously erected shall be governed by the provision of the State Building Code according to State Law RSA 155-A: 2. The standards including definitions established by the most recent entity the Life Cycle Code, NFPA Doc. shall take precedence over all standards in the State Building Code relative to means of egress. All new buildings shall conform to the requirements of the State Fire Code. [Rev- March 14, 2006] [Rev- March 12, 2024]

1204 Occupancy Permit

An approved occupancy permit shall be required before any new dwelling or building or existing dwelling or building that has been structurally altered can be occupied. The occupancy permit shall be applied for, by the owner or his agent when the construction for which a zoning compliance certificate was issued has been completed. The occupancy permit shall be issued within ten (10) days after the erection or alteration of the dwelling or building, or portion thereof, has been completed and after an inspection by a member of the Richmond Fire Department designated by the Board of Selectmen] showing that it is in conformance with accepted fire safety standards. [Rev- March 12, 1996] [Rev- March 12, 2024] [Rev-March 17, 2026]

1204.1 Occupancy permits are required for the following:

A The occupancy of a new building. [Rev- March 12, 2024]
B. The occupancy of any existing building that has been structurally altered or relocated.
C The change in the use of an existing building. [Rev- March 12, 2024]
D. Any change in the use of a nonconforming use or building. [Rev- March 12, 2024]

1205 Enforcement

Upon any well-founded information that this ordinance is being violated, the Board of Selectmen shall take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the superior court or by any legal action.

1206 Agents

Board of Selectmen may appoint agents to assist them in administering this ordinance.

1207 Application for special exception or variance

Application for a special exception or variance to the terms of this ordinance, or for any use requiring a permit, shall be made by the owner of the property to be considered.

ARTICLE 13: AMENDMENTS

1308 This ordinance may be amended in conformity with the Statutes of the State of New Hampshire.

ARTICLE 14: PENALTY

1401 The penalties for violating any section of this ordinance shall be the maximum civil and criminal penalties allowable by statutes. Refer to RSA 676.17, as the same may be amended.

ARTICLE 15: SAVING CLAUSE

1501 The invalidity of any provision of this ordinance shall not affect the validity of any other provision

ARTICLE 16: WHEN EFFECTIVE

1601 This ordinance shall take effect upon its passage.
1602 Amendments shall take effect upon their passage.

ARTICLE 17: DEFINITIONS

Abutter – An abutter, for the purposes of notification, is as defined in RSA 672:3.

Accessory Building - A building subordinate to the main building on the lot and useds for purposes customarily incidental to those of the main building.

Accessory Dwelling Unit – A dwelling unit associated with a single-family dwelling that is secondary and incidental to the principal residential use. [Adopted March 12, 2013]

Agriculture – All operations involved with the growing of crops, the raising of animals, and any activities associated with marketing the products. For a complete definition, see RSA 21:34-a. [Adopted March 12, 2013]

Alteration to a Building – Change to an existing building where structural elements are altered in design or function. Such elements to include foundation, load-bearing walls and partitions, beams, joists, posts, rafters, and sills. [Adopted March 12, 1996]

Apartment – One or more rooms with private bath and kitchen facilities comprising an independent dwelling unit. [Adopted March 12, 1996]

Aquifer – A geologic formation(s) of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells. [Rev- March 12, 2013]

Boat House – A structure designed for the storage of boats only, containing no plumbing, sanitary facilities or provision for human habitation. [Adopted March 12, 1996]

Building – Any structure having a roof supported by columns or walls and intended or used for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature, including containers greater than 100 square feet used for storage, and in-ground swimming pools. [Rev- March 12, 2024]

Cluster Development – A type of residential development that grants the Planning Board flexibility in determining lot sizes, frontages and setbacks in exchange for a site design that conserves open space and protects other natural or cultural features of the site. [Rev- March 12, 2013]

Commercial Kennel - means any person, business, corporation, or other entity that sells or transfers 10 or more litters or 50 or more puppies in any 12-month period. [Rev-March 9, 2010]

Commercial Uses – Uses that offer goods or services to the general public or to specific clients. Examples include but are not limited to retail sales and personal and professional services. [Adopted March 12, 2013]

Common Space – In a Cluster Development, land that is set aside as open, undeveloped space. [Rev- March 12, 2013]

Common Wall – Wall that is common to an Accessory Dwelling Unit and the living space of a principal Dwelling Unit

Controlled Access - means that the ability of animals to cross or enter wet areas should be limited to allowing them access for drinking, or for crossing at a particular point. [Rev-March 9, 2010]

Cottage Industry – A small-scale industry or the production of goods carried out at home by the residents of the property. [Rev- March 12, 2013]

Dock – A structure extending into the water for the purpose of docking a boat or swimming, constructed pursuant to RSA 483-B:9 (II) (c) and RSA 482-A. [Rev- March 12, 2013]

Dwelling/Dwelling Unit – A building or portion thereof that is used exclusively for human habitation that includes living, sleeping and complete kitchen and sanitary facilities.

Earth Excavation – The use of land for the taking of sand, gravel, rock, soil, or construction aggregate produced by quarrying, crushing or any other mining activity, but not including dimension stone. [Adopted March 12, 2013]

E**ducational and Cultural Facilities** – Buildings and/or land used for instructional use or the appreciation of literature, music, or the arts.

Foundations – Foundations for buildings must be built in conformity with all current NH State Building Codes. [Rev- March 12, 2013] [Rev - March 11, 2025]

Frontage – The length of a lot fronting on the right-of-way of a public road (Class I – V) or an approved subdivision road.

Farm Buildings - Farmhouse, barn shelter, building or group of farm buildings. [Rev-March 9, 2010]

Farming Activities - May involve full-time or part-time farmers. [Rev-March 9, 2010]

Field Stacking - Concentrated area where manure is stored. [Rev-March 9, 2010]

Groundwater – Subsurface water that occurs beneath the water table in soils and geologic formations. [Rev- March 12, 2013]

Groundwater Recharge – The infiltration of precipitation through surface soil materials into the groundwater. Recharge may also occur from surface waters, including lakes, streams, or wetlands.

Groundwater Recharge Area – The land or water surface(s) from which groundwater recharge occurs.

Hazardous or Toxic Material – Material that may pose a present or potential hazard to human health or the environment, as identified and listed in accordance with the Resource Conservation and Recovery Act of 1976. Examples include toxic (poisonous), flammable (paint, varnish remove, solvents, and oils), reactive, or corrosive (acids and bases) materials.

Home Office – Work performed for an outside source in the home of a bona fide resident of that home.

Home Occupation – A use that can be carried out on a residential property without detriment to the residential nature of the property and that is, by definition, secondary and incidental to the primary residential use. [Rev- March 12, 2013]

Home Produce – Means any produce of an agricultural, horticultural, or silvicultural nature, which is grown by a bona fide resident of the Town or a property owner or a member of their family. Such produce may include forest products, firewood, Christmas trees, etc.

Houses of Worship - Repealed, March 2024

Impervious Surface – A surface that does not allow the passage or percolation of water or other liquids through. [Rev- March 12, 2013]

Junk – As defined by RSA 236:112, junk includes old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material. [Rev-March 12, 2013]

Kennel - Dog boarding or breeding place facility, a place where dogs are bred and trained and where people can leave their dogs while they are away. [Rev-March 9, 2010]

Large Animals/Livestock - Including but not limited to: horse, beef cow, dairy cow, goat, pig, sheep, llama, or alpaca. [Rev-March 9, 2010]

Livestock/Farming Activities - an area of land where animals are reared/housed for private/commercial purposes, together with appropriate buildings. [Rev-March 9, 2010]

Leachable Wastes – Materials such as solid wastes, sludge, or agricultural wastes capable of releasing contaminants into the environment.

Light Industrial Uses – Activities that use moderate amounts of partially processed materials to produce items and do not involve the extraction or processing of raw materials. Examples include but are not limited to the manufacture of clothing, shoes, furniture, consumer electronics, home appliances, etc. [Adopted March 12, 2013]

Lot – A tract or parcel of land designated for conveyance, or transfer of ownership, development, or sale and/or lease whether immediate or future.

Lot of Record – Land designated as a separate and distinct tract or parcel in a legally recorded and/or subdivision plan filed in the Cheshire Country Register of Deeds prior to March 13, 1990, and such lots that are shown on a subdivision map accepted by the Planning Board for review prior to January 6, 1990, and subsequently approved and recorded after March 13, 1990.

Manufactured Housing – Any structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width and 40 body feet or more in length, or when erected on site is 320 square feet or more, and which is built to be used as a dwelling when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein. Manufactured housing shall not include pre-site-built housing as defined in RSA 674:31-a. [Rev – March 11, 1997]

Manufactured Housing Park – A parcel of land under single ownership which has been planned and improved for the placement of manufactured housing units for non-transient use.

Manure - Means the excreta of animals including poultry that are kept or harbored as domesticated animals together with bedding material used in housing such animals. [Adopted-March 9, 2010]

Multi-Family Dwelling – A building containing three (3) or more dwelling units and designed so that each unit is independent of the others with its own exterior entrance or an entrance from an interior hall.

Nonconforming Building or Structure – A building or structure that in whole or in part does not conform to the provisions of this ordinance and that lawfully existed prior to the adoption of this ordinance or any amendment thereto.

Nonconforming Use – A use of any building, structure, or land that in whole or in part does not conform to the provisions of this ordinance and that lawfully existed prior to the adoption of this ordinance or any amendment thereto.

Normal Landscaping - Means the on-site alteration and contouring of the land exclusively devoted to improving the functional utility and planting of the grounds. [Rev- March 17, 2026]

Nutrient "hot spots"- Places where nitrogen and phosphate build-up to excessive levels. [Adopted-March 9, 2010]

Personal and Professional Services – Establishments engaged in providing goods or services to the general public or specific clients. Examples include but are not limited to; financial and insurance services; barbershops or hairdressers; or day care facilities. [Adopted March 12, 2013]

Property – Piece of land or real estate.

Public Right-of-Way – The entire width between the boundary lines of any public highway, street, avenue, road, alley, parkway or any such way that has been dedicated for use by RSA 229:1.

Public or Semi-Public Uses – Uses operated by a unit of government or a private entity to serve public needs. Examples include but are not limited to: police, fire, public works, library, post office, schools, cemeteries, etc. [Adopted March 12, 2013]

Recreational Uses – Public or commercial activities that are offered to the general public and may involve either indoor or outdoor facilities. Examples include but are not limited to: campgrounds, parks, athletic fields, swimming pools, beaches, tennis facilities, skating rinks, etc. [Adopted March 12, 2013]

Recreational Camping Park or Campground – A plot or parcel of land containing two (2) or more campsites for tents, travel trailers, tent campers, pickup campers, or motor homes that are intended for temporary recreational uses, either seasonally or year-round. [Rev-March 12, 2013]

Recreational Vehicles – Vehicles designed for travel, recreation, and vacation uses, such as: motorhome or van (a portable, temporary dwelling constructed as an integral part of a self-propelled vehicle); pickup camper (a structure designed to be mounted on a truck chassis); recreational trailer (a portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections); or tent trailer (a canvas or synthetic fiber folding structure mounted on wheels) [Rev- March 12, 2013]

Reference Line – For natural water bodies, as defined by RSA 483-B. For artificially impounded water, the waterline at full pond as determined by the elevation of the top of the impound structure. [Adopted March 12, 1996]

Ruins – Any building that has collapsed for any reason, has burned, or is damaged beyond repair and is uninhabitable. [Rev- March 12, 2024]

Saturated Zone – The zone beneath the land surface in which all open spaces are filled with water.

Setback – The distance from a property line to a building, structure, or other feature. [Adopted March 12, 2013]

Sign – Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. [Adopted March 12, 2013]

S**ign, Temporary** – A sign intended for a limited period of display, for example yard sale, personal messages, public information, or special commercial promotions. [Adopted March 12, 2013]

Site Coverage – The portion of the entire parcel or site, which through the development of the parcel is -rendered impervious to groundwater infiltration.

Site Plan Review – Review for approval by the Richmond Planning Board plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family (more than two) dwelling units. [Rev- March 12, 2013]

Sludge – Residual materials produced by water and sewage treatment processes and domestic septic tanks.

Solid Waste – Any discarded or abandoned material including refuse, putrefactive material, seepage or sludge as defined by NH DES rules. Solid wastes may also include solid, liquid, semi-solid, or gaseous waste material.

Structure – Any man-made object or construction having an ascertainable stationary location on, above, or below the surface of the land or water.

Surficial – Relating to the surface; relating to or occurring on a surface, especially the surface of the Earth.

Vehicle – Any device on wheels, runners, or capable of air or water floatation, and capable of conveying persons or objects.

Wetlands – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Rev. March 2021)

Youth Camps – Any establishment used for the recreational and/or educational purposes of children under the age of 18, including accessory uses related to such camp, such as dining and sleeping facilities, function rooms, etc.

HISTORY OF DELETED ORDINANCES

401.2 Permitted Uses [Deleted 3-12-85] 4

403 Minimum Acreage [Deleted March 13, 2013]

404.3.7 [Deleted March 141, 2025]

404.1 [Deleted March 13, 2013]

404.2 Permitted Uses [Deleted]- moved to article 903. 1f. [Rev.-March 12, 1996] [Rev. March 14, 2000]

Road Frontage [Deleted] [Rev.- March 14, 2000] [Rev.- March 12, 2013]

405.5 Move to Article 903.1f. [Deleted] [Rev.-March 14, 2006]

406.2 [Deleted March 13, 2013]

497.2 [Deleted March 13, 2013] a. b. [Deleted March 13, 2013]

407.3 [Deleted March 13, 2013]

407.4 [Deleted March 13, 2013]

407.8 [Deleted March 13, 2013]

407.9 [Deleted March 13, 2013]

407.10 [Deleted March 13, 2013]

406.1 House of Worship: [Repealed, March 12, 2024]

1101.1 Special Exceptions: number 3. & 4. [Deleted March 14, 2000]

1101.1 Special Exceptions: letter g and numbers 1– 6. [Deleted March 13, 2013]

1101.2 Special Exceptions: [Deleted March 14, 2000]

1733 House of Worship [Repealed, March 12, 2024]

Notes:

Town of Richmond NH

FLOODPLAIN MANAGEMENT ORDINANCE

March 2015 Ordinance

Web version in PDF Format by Lisa La Clair, Land Use Assistant

Added notes for revision dates and Document map with spelling and grammar corrections

This Document to be used for information only

Adopted March 2015

Revised March 2020

New Hampshire Model Floodplain Management Ordinance

For Communities with Special Flood Hazard Areas

Meets the Minimum Requirements of Section 60.3(b)

of the National Flood Insurance Program Regulations

Floodplain Management Ordinance

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SECTION I - PURPOSE

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

This Ordinance establishes a permit system and review procedure for development activities in the designated flood hazard areas of the Town of Richmond, New Hampshire.

SECTION II - ESTABLISHMENT

This ordinance adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Richmond Floodplain Management Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Richmond Zoning Ordinance and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

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

SECTION III - CERTIFICATE

All proposed development in any special flood hazard area shall require a certificate.

SECTION IV - CONSTRUCTION REQUIREMENTS

The Board of Selectmen shall review all zoning compliance certificate 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: [Rev-March 17, 2026]

a. be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
b. be constructed with materials resistant to flood damage,
c. be constructed by methods and practices that minimize flood damages,
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

SECTION V - WATER AND SEWER 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 Board of Selectmen, with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

SECTION VI - CERTIFICATION

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the Board of Selectmen,:

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

The Board of Selectman, shall maintain the aforementioned information for public inspection, and shall furnish such information upon request.

SECTION VII - OTHER CERTIFICATES

The Board of Selectmen, shall not grant a zoning compliance certificate 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. [Rev-March 17, 2026]

SECTION VIII – WATERCOURSES

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Richmond Conservation Commission, in addition to the copies required by the RSA 482-A: 3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Richmond Conservation Commission, including notice of all scheduled hearings before the Wetlands Bureau notice of local wetlands hearings.
2. The applicant shall submit to the Richmond Conservation Commission certification provided by a registered professional engineer assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. The Richmond Conservation Commission 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."

SECTION IX - SPECIAL FLOOD HAZARD AREAS

1. In Zone A the Richmond Conservation Commission shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site plan approvals). Where 100-year flood plain is not available or not known, the 100-year flood plain elevation shall be determined to be at least 2 feet above the highest adjacent grade.

2. The Richmond Conservation Commission's 100-year flood elevation determination will be used as criteria for requiring in Zone A that:

a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation.

b. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or together with attendant utility and sanitary facilities, shall:

(i) be floodproofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

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

c. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the 100-year flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

d. All recreational vehicles placed on sites within Zone A shall either:

(i) be on the site for fewer than 180 consecutive days;

(ii) be fully licensed and ready for highway use; or,

(iii) meet all standards of Section III of this ordinance and the elevation and anchoring requirements for "manufactured homes" in Section IX (2) (c) of this ordinance.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

e. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:

(i) The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage:

(ii) The area is not a basement; and

(iii) Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

SECTION X - VARIANCES AND APPEALS

1. Any order, requirement, decision or determination of the Board of Selectmen made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5

2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:

   a. the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;

   b. if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and

   c. the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. The Zoning Board of Adjustment shall notify the applicant in writing that:

   a. The issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and
   b. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

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

SECTION XI - DEFINITIONS

The following definitions shall apply only to this Floodplain Management Ordinance and shall not be affected by the provisions of any other ordinance of the Town of Richmond, NH.

"Area of Special Flood Hazard" is the land in the floodplain within the Town of Richmond, NH subject to a one percent or greater possibility of flooding in any given year. The area is designated as Zone A on the FIRM.

"Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.

"**Basement"** means any area of a building having its floor subgrade on all sides.

"**Building"** - see "structure".

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

"FEMA " means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

"Floodway" - see "Regulatory Floodway".

"**Functionally dependent use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

"**Highest adjacent grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. 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;
2. 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;
3. 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
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

i. by an approved state program as determined by the Secretary of the Interior, or
ii. directly by the Secretary of the Interior in states without approved programs.

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

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when 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" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

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

"100-year flood" - see "base flood"

"Recreational Vehicle" is defined as:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

"Special flood hazard area" - see "Area of Special Flood Hazard"

"Start of Construction" includes substantial improvements and means the date the zoning compliance certificate was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the certificate 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. [Rev- March 17, 2026]

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

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal:

1. the appraised value prior to the start of the initial repair or improvement, or
2. in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under Section VI or Section IX(2)(b) of this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains.

SEVERABILITY SECTION

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

GREATER RESTRICTER SECTION

If any provision of this ordinance differs or appears in conflict with any other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

ENFORCEMENT SECTION

It shall be the duty of the Board of Selectmen (or their designee) to enforce and administer the provisions of this Ordinance in accordance with RSA 676.