

For further information, contact:

Planning & Zoning Office  
125 Main Street #200  
Littleton, NH 03561  
(603) 444 3996 x27

# Zoning Ordinance

## Town of Littleton, New Hampshire

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As Amended, March 2011



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# **ARTICLE I - APPLICATION OF ZONING ORDINANCE**

## **1.01 General Provision**

Land in the Town shall be used in a manner that is not disorderly, unsightly, noxious, offensive, or detrimental to the public or the owners or occupants of adjacent property, or prejudicial to the general welfare of the community. Any structure damaged by fire, wind or other causes shall be repaired or completely removed of all debris, and all excavations filled to ground level.

## **1.02 Validity**

If any section, clause, provision, portion or phase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phase of this Ordinance.

## **1.03 Separability**

If any provision of this Ordinance is found by a Court of competent jurisdiction to be invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

## **1.04 Effective Date**

This Ordinance shall take effect immediately upon its passage.

## ARTICLE II - DEFINITIONS

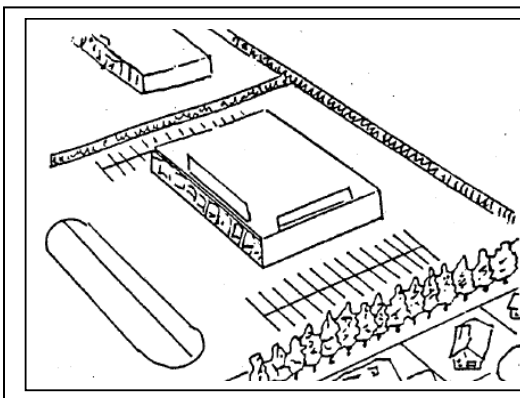
### 2.01 Interpretation of Certain Terms and Words

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as hereinafter set forth. Unless the context already indicates to the contrary, words used in the present tense include the future tense; words used in plural number include the singular; the word "herein" means "in these regulations"; a "person" includes a corporation, a partnership and an incorporated association of persons (such as a club); the word "shall" is always mandatory; the words "used" or "occupies", as applies to any land or building, shall be construed to include words "intended, arranged or designed to be used or occupied."

#### 2.01.01 Definitions

1. **Abutter**: Any property owner whose property adjoins or is directly across the street or stream from land under consideration by the Planning Board or Zoning Board of Adjustment.
2. **Abutting**: Having property or district lines in common; i.e. two (2) lots abutting if they have property lines in common.
3. **Access**: A way of approaching or entering property. In relation to zoning or subdivision regulations, lots of record are required to have direct access to a public way or private street meeting Town Standards.
4. **Accessory Building or Structures**: A building or structure located on the same lot as the principal building or structure, and which is considered incidental to those of the main building. Accessory structures include, but are not limited to, private garages, swimming pools, carports and storage sheds.
5. **Accessory Use**: a use that is clearly subordinate and incidental to the primary use of the property and is commonly associated with the primary use.
6. **Addition**: Any construction which increases the exterior size of a building.
7. **Agriculture**: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feed pens, sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.
8. **Airport Zoning**: A particular set of controls intended to protect the integrity of an airport, its airspace and its environs. These controls are superimposed as overlay zones on the other zoning requirements.
9. **Airspace**: The space above the land which might be subject to division and sale with, or separate from the surface.
10. **Alley**: A minor right-of-way, dedicated to public use, from which a secondary means of access to the back or side of properties abutting a street is obtained (not intended for general traffic circulation), and which may be used for public utility purposes.

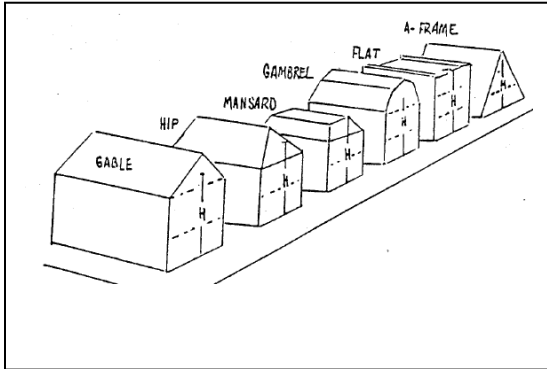
11. **Alteration**: A major physical change to interior of the building.
12. **Amusement Services**: Establishments engaged in providing amusements or entertainment for a fee or admission charge and including such activities as dance halls; studios; theaters; bowling alleys; billiard halls; video arcades, and similar types of uses.
13. **Animal Hospital**: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital.
14. **Apartment Building**: See Dwelling, Multi-Family.
15. **Automobile Wrecking and Junk Yard**: Land or buildings where waste, discarded, or salvaged materials are bought, kept, sold, stored, exchanged, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, hides, rubber products and products resulting from the wrecking of automobiles or other vehicles or machinery, excluding hazardous, toxic, and nuclear wastes.
16. **Automotive Repair Shop**: Building where gasoline, oil, grease, batteries, tires and automobile accessories are sold at retail; minor servicing and repairs are made; and cold rinks, candy, tobacco and similar goods may be sold. Outdoor storage of motor vehicles that are both inoperative and unregistered is not permitted unless screened from view.
17. **Basement**: A level within a building having at least one-half of its height on one side below grade.
18. **Baby Sitting Services**: A residence occupied by the provider in which childcare is regularly provided for any part of the day for one to three non-resident children from one or more unrelated families. Baby sitting services are provided for under Section 8.04, Home Occupation, in residential zoning districts.
19. **Billboard**: Any sign used as an outdoor display for the purpose of making anything known, the matter advertised or displayed, being remote from it's origin or point of sale.
20. **Block**: A parcel of land, intended to be used for development purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks, rural lands, drainage channels or boundary lines or municipalities, and not traversed by a through street.



21. **Boarding or Rooming House**: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more, but not exceeding twelve (12) persons.

22. **Buffer Area**: That portion of a lot or tract of land set aside for open space and visual screening purposes, pursuant to applicable provisions of this Ordinance, to separate different use districts, or to separate uses on one lot from uses on another lot of the same district or a different use district. **Fig. 1 - Buffer Zone (Conflicting land uses must often be separated by planting strips or other buffers)**

**23. Building:** Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.



**24. Building, Height of:** The vertical distance from grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height between eaves and ridge for gable, hip or gambrel roofs. **Fig. 2 - Types of Roofs**

**25. Building Line:** A line frequently drawn on a subdivision plat to indicate the setback distance from the lot line. (Note: This line does not necessarily coincide with the actual construction line of a building or structure; it is only a **MINIMUM** requirement).

**26. Building Principal or Main:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

**27. Building Setback Line:** A line parallel to and a specified minimum distance from the front, side, or rear property lines (as specified) beyond which no foundation wall or part of the structure of any building projects with the exception of roof overhang, steps, and the subsurface projection of footings.

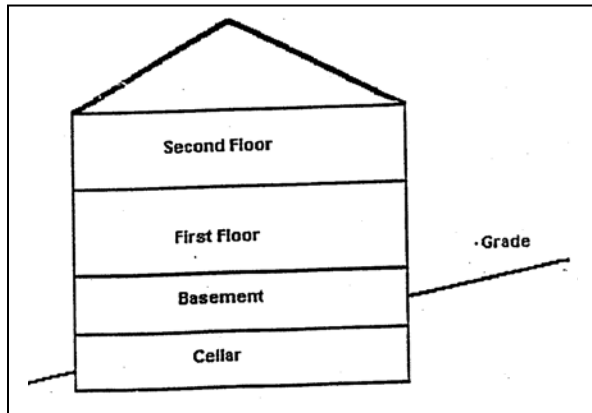
**28. Building Site:** A single parcel of land in one (1) ownership, occupied or intended to be occupied by a building or structure.

**29. Building/Zoning Permit:** Permit required before the commencement of excavation. It shall be required before initiating new construction, enlargement, or movement of a structure or installation of mobile homes. A building permit is required for interior renovations of \$1000 or greater only in the 100-year flood zone as depicted on the Flood Insurance Rate Maps (FIRM) and described in the Flood Insurance Study, as required by the Federal Emergency Management Agency for the National Flood Insurance Program.

**30. Campground, Public or Private:** Land or premises used or occupied for compensation by campers traveling by passenger vehicles and utilizing tents, campers, travel trailers, or other recreational vehicles.

**31. Carport:** A permanently roofed structure, open on at least two (2) sides, designed for, or occupied by, private passenger vehicles.

**32. Car wash:** A structure designed for washing motor vehicles using production line methods with a chain conveyor, blower, steam cleaner, high-pressure spray or other mechanical device.



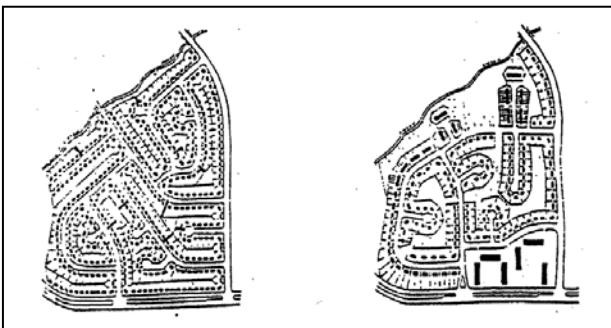
**33. Cellar:** A level within a building having more than one-half of its height on all sides below grade.

**Fig. 3 - Floor Levels**

**34. Channel:** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

**35. Church** - A building primarily used by any religious organization for public worship and may include a church hall, auditorium, Sunday School, convent or parish hall. (*Amended March 2001*)

**36. Clinic:** A building or portion of a building where patients are not lodged overnight, but are admitted for examination and treatment by one or more physicians or dentists practicing together.



**37. Cluster Development:** A purely residential subdivision of a tract of land where instead of subdividing the entire tract into house lots of conventional size, the land is subdivided into small lots upon which buildings are placed with the balance of the land deeded to all owners in common and generally reserved for open space. Cluster development is intended to encourage flexibility in design of single-family subdivisions. It must represent a more appropriate use of the land than a conventional subdivision.

**Fig. 4 - Cluster Development. (Plats show difference in development under typical lot-by-lot zoning (left) and cluster zoning. Both tracts have the same density, but clustering allows for more open space.)**

**38. Clubs & Lodges:** A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose but not primarily for profit or to render a service which is customarily carried on as a business. (*Amended March 2001*)

**39. Commercial establishment** – A facility devoted to the production, offering, exchange or sale of goods and services. (*Added March 2001*)

**40. Compatibility:** The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict.

**41. Comprehensive or Master Plan:** The officially adopted Comprehensive Plan or Plans for the Town of Littleton, New Hampshire, which provide long range development policies, plans and programs for the town and its developing areas, and which include, among other things, land use and housing elements, traffic circulation elements, and community utilities and facilities elements.

**42. Condominium:** A form of individual ownership within a multi-family or two-family building, with

joint responsibility for maintenance and repairs. In a condominium, each unit is owned outright by its occupant (s), and each occupant owns a share of the land and other common property of the building. Condominiums are included in Article IV, Use Requirements, as Multi-family dwellings and Two-family dwellings, and are regulated in the same manner as these other forms of ownership. See definition for Dwelling, Multi-family; and Dwelling, Two-family.

**43. Construction and Demolition Waste:** Building materials and rubble resulting from construction, remodeling, repair and demolition operations.

**44. Conversion:** Changing the original purpose of a building to a different use; for example, this may include a change from residential to commercial as well as a change in density.

**45. Day Care Services:** Any place, home or institution which receives four (4) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation, and meet the licensing requirements the New Hampshire Division of Public Health, and Department of Health and Human Services.

**46. Deep Lot:** A lot whose depth is excessive in relation to its frontage (sometimes called "string bean" or "bowling alley" lots).

**47. Dedication:** The transfer of property from private to public ownership, under adopted Subdivision Regulations, as a condition of subdivision plat approval.

**48. Density:** The number of families, persons, or housing units per acre of land.

**49. Domestic Animals:** All vertebrate and invertebrate animals normally associated with the word "pet" such as dogs and cats not including livestock.

**50. Double-Wide Mobile Home:** A mobile home consisting of two (2) sections combined horizontally at the site while still retaining their individual chassis for possible future movement.

**51. Drainage way:** Any depression below the surrounding land, serving to give direction to a regular or periodic current of water.

**52. Dredge and Fill:** A process which creates land by dredging (method for deepening water bodies) material from the bottom of water and depositing this material on land usually adjacent to water.

**53. Dwelling:** A structure designed for residential occupancy by one or more families but excluding hotels, motels, tourist homes, and overnight cabins.

**54. Dwelling, Attached:** A dwelling having any portion of each one (1) or more walls in common with adjoining dwellings.

**55. Dwelling, Detached:** A dwelling having open space on all sides.

**56. Dwelling, Multi-Family:** A residential building designed for or occupied by three (3) or more families, regardless of the type of ownership, such as, but not limited to condominiums, apartments or other common wall or row-type housing units of the same type. The number of families shall not exceed the number of dwelling units provided.

**57. Dwelling, Single-Family:** A building designed to occupied by one (1) family.

- 58. Dwelling, Two-Family:** A building designed to be occupied by not more than two (2) families (also known as a duplex). This includes, but is not limited to, condominiums, apartments or other variations of ownership.
- 59. Easement:** A grant by the property owner to the public, a corporation of persons, or the use of a strip of land for specific purposes.
- 60. Excavation:** Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof.
- 61. Factory Retail Establishment:** A facility in which the production of and sale of goods occurs in one structure or on a lot of record as defined herein. The retail aspect of this use shall be secondary to the production aspect. This use will be allowed by special exception in the commercial zone and will be a permitted use in the industrial zone.
- 62. Family:** Any number of persons related by blood or by marriage or not more than three persons not related by blood or by marriage living together as a single non-profit housekeeping unit.
- 63. Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land area adjacent to streams, rivers or other inland waterways.
- 64. Flood Insurance Rate Map (FIRM):** The official map or plat of the Town of Littleton, New Hampshire, issued or approved by the Federal Flood Insurance Administration, on which special flood hazard zones, for insurance purposes, have been drawn.
- 65. Flood Hazard Area:** The maximum area of the flood plain that, on the average, is likely to be flooded once every one hundred (100) years (i.e., that has a one percent chance of being flooded in any given year).
- 66. Flood Hazard Boundary Map (FHBM):** The official map or plat of the Town of Littleton, New Hampshire, issued or approved by the Flood Insurance Administration, on which boundaries of the flood plain area having special hazards have been drawn.
- 67. Flood Plain:** The areas adjoining a river, stream or other body of water which has been or may be hereafter covered with water.
- 68. Flood Plain Management Regulations:** The full range of codes, ordinances and other regulations, projects and programs relating to the use of land and construction within the limits of the flood plain; the term encompasses the Town's adopted Zoning Ordinance, Subdivision Regulations and sanitary facilities or the contents of buildings in a flood hazard area.
- 69. Flood proofing:** Any combination of structural and non-structural additions, changes or adjustments to properties and structures subject to flooding, which reduces or eliminates flood damage to lands, water and sanitary facilities or the contents of buildings in a flood hazard area.
- 70. Floodway:** The channel of a watercourse or drainage way and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood waters of any watercourse or drainage way.
- 71. Floodway Encroachment Lines:** The lines marking the limits of floodways on official Federal State and Local flood plan Maps.

- 72. Floodway Fringe Zoning District:** An Overlay Zoning District to provide special regulations for reduction of flood losses in those areas of the flood plain, outside of the floodway, which are subject to periodic flooding and therefore required special consideration before development is permitted to occur. Requirements of this Overlay District are in addition to the requirements contained in the basic, underlying Zoning District(s).
- 73. Floor Area:** The gross horizontal areas of all floors, including penthouses (but excluding such areas within a building which are used for parking) measured from the exterior faces of the exterior walls of a building. Basements and cellars when used for storage shall not be included in the gross floor area, nor shall general storage areas be counted when determining required parking spaces.
- 74. Food and Produce Stands:** A facility of not more than 300 square feet whose primary purpose is the sale of food or produce grown on the premises. (*Added March 2001*)
- 75. Forestry:** The science or art of cultivating, managing and developing forests.
- 76. Fraternal Organizations:** see Clubs and Lodges. (*Added March 2001*)
- 77. Frontage:** The length of a lot at its front lot line; which borders on a public street or a private street that has been approved by the Planning Board in a subdivision.
- 78. Funeral home:** A business establishment where the bodies of the deceased are prepared for burial or cremation and where funeral services can be held. (*Added March 2001*)
- 79. Garage Apartment:** A dwelling for not more than one (1) family erected in or above a garage.
- 80. Garage, General Service:** A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling or incidental short term storing of motor vehicles and material related to the excavation and building trades industry (i.e., plumbing, carpentry, electrical), but excluding the storage of wrecked or junked vehicles to which repairs are not intended to be made.
- 81. Garage, Private:** An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
- 82. Garage, Storage or Parking:** A building or portion thereof designed or used exclusively for storage of motor-driven vehicles, and within which motor fuels and oils by be sold, but no vehicles are equipped, repaired or sold.
- 83. Gasoline, Service or Filling Station:** Any area of land, including structures thereon, used for the retail sales of gasoline or oil fuels, other automobile accessories, and incidental services (but not including major repair, body work, painting or automatic washing); such stations may be located and operated in conjunction with quick-stop grocery stores and, when so located and operated, shall be considered as a gasoline station and not a grocery store.
- 84. Grade:** The average level of the finished ground surface adjacent to the exterior walls of the building.
- 85. Group Care Facility:** A facility or dwelling unit housing persons primarily unrelated by blood or marriage and operating as a group family household.

**86. Historic Structure:** A structure which is listed in the "National Register of Historic Places," which is certified by the Secretary of The Interior to conform to "National Register" criteria, which has been nominated for "National Register" status or which meets the criteria for nomination to "National Register" status, as certified by the Town of Littleton, New Hampshire.

**87. Home Occupation:** The accessory use of a parcel that shall constitute, either entirely or partly, the livelihood of a person living on the parcel, subject to the conditions in Article VIII, Section 8.03. The home occupation shall be clearly secondary to the use of the parcel as a residence. The home occupation may take place within any structure on the parcel (i.e. house, outbuildings, etc.) but must occupy an area that is minor compared to the area used for living. Only one non-resident may be employed in a home occupation.

**88. Homeowners' Association:** An incorporated, non-profit organization, operating under recorded land agreements, through which (a) each lot and/or homeowner in a described land area is a member, (b) each lot is subject to a charge for a proportionate share of the expenses for the organization's activities, and (c) the charge, if unpaid, becomes a lien against the property.

**89. Home Professional Office:** A home occupation consisting of the office of practitioner of a recognized profession.

**90. Hospital:** See "Medical Facilities."

**91. Hotel:** A building in which lodging, or boarding and lodging, is provided and offered to 12 or more persons for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public and is differentiated from a boarding house or rooming house which are herein defined.

**92. Husbandry, Animal:** The raising and/or breeding of livestock.

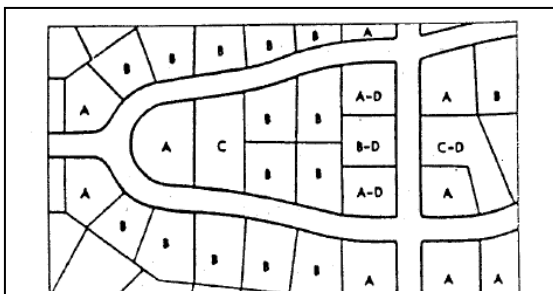
**93. Institution:** A public or semi-public building occupied by a non-profit corporation or non-profit establishment for public use.

**94. Kenel:** Any location where breeding, raising, boarding, caring for, and/or keeping more than three dogs or cats or other small animals or a combination thereof (except litters of animals not more than 6 months of age) is carried on for commercial purposes.

**95. Laundromat:** A laundry providing washing, drying and possibly ironing machines for hire, to be used on the premises by customers.

**96. Livestock:** All cattle, sheep, swine, horses and similar types of animals.

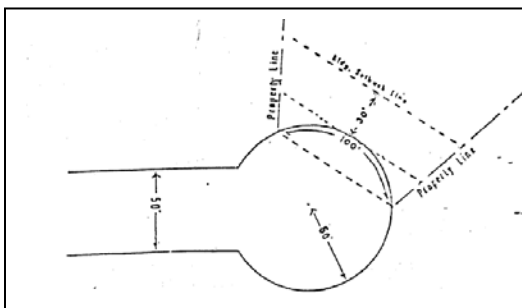
**97. Loading Space, Off-Street:** Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking spaces in the computation of required off-street parking space.



**98. Lot:** A parcel of land of at least sufficient size to meet the minimum requirements of this ordinance for use, area, setback and other open spaces, and having frontage or access.

**Fig. 5 - This illustrates the basic types of lots. A = Corner Lot, B = Interior Lot, C = Through (or double frontage) Lot, D = Reversed Lot.**

- 99. **Lot Area**: The total horizontal area included within lot lines.
- 100. **Lot Corner**: A lot abutting upon two or more streets at their intersection.
- 101. **Lot Coverage**: The percentage of the total area which may be covered by all impervious surfaces, including but not limited to, structures, parking areas, sidewalks and drives (gravel or paved).
- 102. **Lot Depth**: The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.
- 103. **Lot Frontage**: That dimension of a lot or portion of a lot abutting on a street, except the side dimension of a corner lot.
- 104. **Lot Interior**: A lot other than a corner lot.
- 105. **Lot Line Adjustment**: A relocation of the lines of two (2) or more lots included in a plat which is filed or recorded, for the purpose of making necessary adjustments to building sites.
- 106. **Lot of Record**: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Clerk of Grafton County, New Hampshire, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this Ordinance, the remaining portion of said lot or parcel shall be considered a lot or record.
- 107. **Lot, Reverse Frontage**: A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of access provided on a minor street.
- 108. **Lot, Through (Double Frontage)**: A lot other than corner lot abutting two streets.



**109. Lot Width**: The width of the lot at the front building line measured parallel to the street right-of-way line or, in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way. **Fig 6 - Lot Width**

**110. Mail order business**: A business establishment conducting the majority of its retail operations via postal, telephonic or electronic means. The operation of such a business resembles an office or warehouse. (Added March 2001)

**111. 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 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include pre-site built housing.  
(Amended March 2007)

**112. Manufactured Housing Park:** An area of land having undivided individual, joint, or common ownership, where manufactured housing is located for dwelling purposes on and meeting all the requirements of Section 6.06 of the Littleton Zoning Ordinance. *(Added March 2001)*

**113. Manufacturing:** The assembly, fabrication, processing, packaging, or other industrial operation, including research and development, meeting all the requirements of the performance standards listed in Article VII.

**114. Medical Facilities:** The following shall be considered "medical facilities."

- a. A convalescent, rest or nursing home: A health facility where persons are housed and furnished with meals and continuing nursing care for hire.
- b. Dental or medical offices or clinics: A facility for the examination and treatment of ill and afflicted human outpatients, provided, however, that patients are not kept overnight except under emergency conditions.
- c. Hospital: An institution providing health services primarily for human in-patient, medical or surgical, care for the sick or injured, and including related facilities, such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.
- d. Public health center: A facility primarily utilized by a health unit for the provision of public health, including related facilities such as, laboratories, clinics and administrative offices operated in connection therewith and including the New Hampshire State Health Department.
- e. Sanatorium: An institution providing health facilities for in-patient medical treatment, or treatment and recuperation, using natural therapeutic agents.
- f. Home Health Care Provider: Any organization, business entity, or subdivision thereof, whether public or private, whether operated for profit or not, and licensed in accordance with the provisions and regulations of RSA 151:2-B(I) of the State of New Hampshire, which is engaged in arranging or providing, directly or through contract arrangement, one or more of the following: nursing services, home health aide services, or other therapeutic and related services which may include but shall not be limited to, physical and occupational therapy, speech pathology, nutritional services, medical social services, personal care services, and homemaker services, which may be of a preventative, therapeutic, rehabilitative, health guidance or supportive nature primarily to persons in their place of residence.

**115. Metes and Bounds:** A system of describing and identifying land, by measure (metes) and directions (bounds), from an identifiable point of reference.

**116. Mini-Warehouse:** A one-story structure containing separate storage spaces that may be of varying sizes (30 to 60 square feet) leased or rented.

**117. Mobile Home:** See "Manufactured Housing."

**118. Mobile Home Park:** An area containing two or more mobile homes or spaces for mobile homes and the necessary community and utility areas for extended occupancy or residence.

**119. Mobile Home Space:** A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

**120. Mobile Home Subdivision:** A unified development of mobile home lots which has been subdivided for the purpose of individual ownership, and which is governed by the provisions of this Ordinance and the Town's adopted Subdivision Regulations.

**121. Modular Home:** See Pre-site Built Housing.

**122. Motel:** A permanent building, or group of permanent buildings, in which lodging, or lodging and meals, are provided for transient guests for compensation, in which ingress and egress to and from all rooms are made primarily direct from an exterior walkway rather than from an inside lobby.

**123. Neighborhood Commercial Use:** A commercial establishment whose primary purpose is to provide services (of a compatible nature with surrounding residential uses) to the neighborhood within which it is located. Such uses include, but are not necessarily limited to, neighborhood grocery or convenience stores, pharmacies, barbershops and beauty salons; a bar, a gas station or a tavern shall not be considered a "Neighborhood Commercial" use.

**124. Non-conforming Building, Lot or Structure:** Any building, lot or structure, lawfully occupied or used at the time this ordinance becomes effective, which does not conform in part or wholly to any or all of the use, area, height, coverage, off-street parking or any other regulations of the district in which it is located.

**125. Non-conforming Use of Land:** Any lawful use of land, existing at the time this ordinance becomes effective, which does not conform to the regulations of the district; which it is located.

**126. Nuisance:** Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**127. Nursing Home/Elderly Congregate Care Facility:** A home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food, shelter or care for compensation; but not including hospitals, clinics, or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured. In addition, apartments and residences for the accommodation of senior citizens with communal dining facilities and including, but not limited to, services such as housekeeping, organized social and recreational activities, transportation services, health care and other services appropriate for the residents. *(Amended March 2001)*

**128. Office Building:** A building used primarily for conducting the affairs of a business, profession, service, industry or government or like activity.

**129. Official Zoning Districts Map:** The official map on which the current Zoning status of all land within the corporate limits of the Town of Littleton, New Hampshire, is depicted and which, along with the Zoning text, comprises the Zoning Ordinance of the Town of Littleton, New Hampshire.

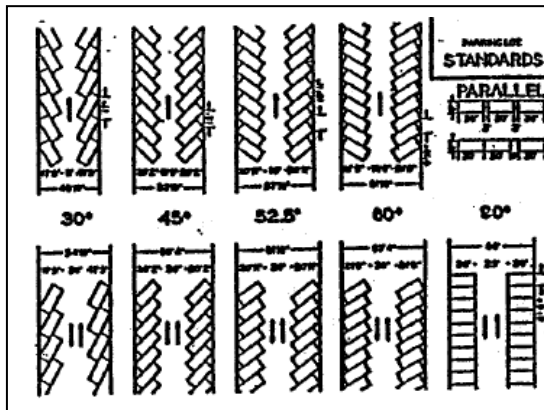
**130. Open Space:** That portion of a lot, including yards, established pursuant to the requirements of this Ordinance as "open space," which is open and unobstructed from its lower level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all

persons occupying a building on the lot, and which is not a part of the roof or any portion of the building.

**131. Outdoor Commercial Recreational Facility:** A structure and/or land utilized for recreational purposes for compensation (i.e. golf driving range, golf course, batting cage, amusement park).

**132. Overlay Zoning District:** A set of Zoning District requirements that is described in the Zoning Ordinance text and is imposed in addition to those of the underlying Zoning District; the Overlay Zone may or may not be immediately mapped, but must be mapped eventually in order to be utilized. Development within the Overlay Zone must conform to the requirements of both Zoning Districts or the most restrictive.

**133. Parcel:** A lot or contiguous group of lots, in single ownership or under single control, and usually considered as a unit for purposes of development.



**134. Parking Space:** A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a permanently surfaced driveway connecting the parking space with a street or alley, and permitting ingress or egress of any automobile. For purposes of regulations, the size of the parking space for one (1) vehicle shall consist of an area having dimensions of not less than nine (9) feet by twenty (20) feet, plus adequate area for ingress and egress.

**Fig. 7 - This figure illustrates varying ways to layout parking areas with angles from 30 to 90 degrees or parallel.**

**135. Parking lot:** An open area used exclusively for the temporary storage of registered motor vehicles exclusively and in which no gasoline and oils or vehicular accessories are sold.

**136. Percolation Test:** An indicator of the suitability of an area for sub-soil effluent disposal, obtained by testing for the rate at which the undisturbed soil will absorb water per unit of surface area.

**137. Permitted Use:** A use by right; which is specifically authorized in a particular Zoning District or Table of Use Regulations.

**138. Planned Center, Shopping, Office or Industrial:** Any planned concentration of at least three business establishments; which also provides planned and shared parking, access and surface.

**139. Planned Unit Development:** A form of development usually characterized by a unified site design for a number of housing units, and incorporating such techniques as clustering structures, providing common open space, density increases and a mix of building types and land uses. This permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

**140. Planning Board:** The Planning Board of the Town of Littleton.

**141. Plat:** A map, generally of a subdivision, showing the location, boundaries and ownership of designated properties. Procedures and standards for plat preparation are detailed in the Town's adopted Subdivision Regulations.

**142. Pre-site Built Housing:** Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. For the purposes of this section, pre-site built housing shall not include manufactured housing? (2007)

**143. Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.

**144. Private or Restrictive Covenants:** A private legal restriction on the use of land, contained in the deed to the property, or otherwise formally recorded.

**145. Private Road:** A private roadway providing vehicular access but which is not maintained by the Town. New private roads requesting Subdivision approval must meet established Town standards for such roads.

**146. Public Buildings:** A use or facility owned or operated by an agency or entity exercising some portion of the sovereign functions of the government for the benefit of the public. *(Added March 2001)*

**147. Public parks and playgrounds:** A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities. *(Added March 2001)*

**148. Recreational Development:** A residential development planned, maintained, operated and integrated with a major recreation facility.

**149. Recreation Facility:** A place designed and equipped for the conduct of sports, leisure time activities, exercise facilities (health spa) and other customary and usual recreational activities.

**150. Rehabilitation:** The process of returning a structure to a state of utility, through the repair or alteration, which makes possible efficient contemporary use. In rehabilitation, those portions of the property, which are important in illustrating historical, architectural and cultural values are preserved and restored.

**151. Research Facility:** An establishment or other facility for carrying out investigation in the natural, physical or social sciences which may include engineering and product development. *(Added March 2001)*

**152. Restaurant:** A commercial facility where meals can be purchased and eaten. *(Added March 2001)*

**153. Resort:** A facility for transient guests where the primary attraction is generally recreational features or activities.

**154. Restoration:** The process of accurately recovering the form and details of a structure, as it appeared at a particular period of time, by removing later work and by replacing missing original work.

**155. Retail Establishment:** Establishments engaged in selling goods or merchandise to the general public and rendering services incidental to the sale of such goods.

**156. Riding Academy:** An establishment where horses are boarded and cared for and where instruction in riding, jumping or showing is offered and the general public may, for a fee, hire horses for riding.

**157. Right-Of-Way:** A strip of land, occupied or intended to be occupied, by a street, crosswalk, railroad, roadway, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or another special use.

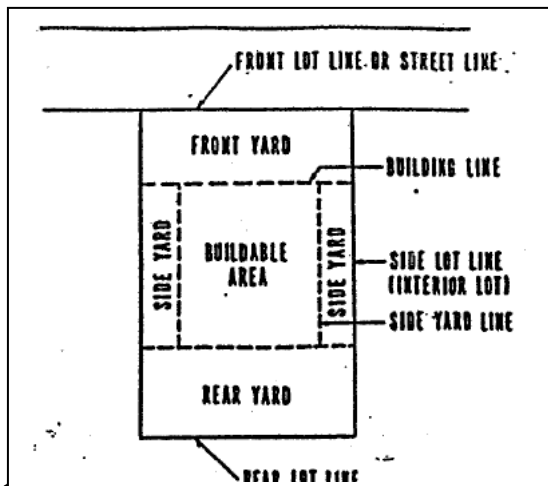
**158. Roadway:** That portion of any street designated for vehicular traffic; where curbs are in place, that portion of the street between the curbs.

**159. Sawmill and Lumber Treatment Facility:** Structure(s) utilized in the receipt and treatment of wood products with the end result being wood/lumber products. This use will be allowed by special exception in the rural and commercial zones and will be a permitted use in the industrial zone.

**160. Schools and educational institutions:** A public or private establishment; which has a primary use of the delivery of education. This includes primary, middle and secondary schools, colleges, universities or any other education establishment including, but not necessarily restricted to, a nursery school or a boarding school. This also includes facilities related to the educational program including athletic fields, playgrounds, dormitories, and swimming pools accessory thereto, on the same lot or parcel of land. (Added March 2001)

**161. Screen:** any form of fencing, walls or landscaping elements that act to separate or partially conceal a feature of a property. (Added March 2001)

**162. Septic tank:** A watertight receptacle which receives the discharge of sewage from a building sewer, and is designed and constructed so as to permit deposition of settling solids from the liquid, digestion of the detention and discharge of the liquid portion into the disposal area.



**163. Setback:** The distance between the lot line and the building line. **Figure 8**

**164. Setback, Front Yard:** The minimum horizontal distance between the street easement line (front lot line) and the main building or structure, (including a garage or any projection thereof other than steps) required to create a yard extending across the front of a lot between the side lot lines (also known as Front Yard).

**165. Setback, Rear Yard:** The minimum horizontal distance between the rear lot line (alley easement line, if one exists) and the rear of the main building (or any projections other than eaves, steps, unenclosed balconies or unenclosed porches) required to create a yard extending across the rear of the lot and measured between side lot lines. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard (also known as Rear Yard).

**166. Setback, Side Yard:** The minimum horizontal distance between a side lot line and the side of the main building or structure, (including a garage or any projection thereof other than steps and two foot

eaves) required to create a yard extending across the front of a lot between the side lot lines (also known as Side Yard).

**167. Sexually oriented business:** An adult arcade, adult bookstore or video store, adult cabaret, adult motion picture theater, adult theater or any establishment where, as one of its principal business purposes, the public is permitted and invited where "specified sexual activities" are depicted, described, or performed, or "specified anatomical areas" are displayed, or their images are displayed, sold or presented, including instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities." (*Amended Town Meeting, 1996*)

**168. Sign:** A name, identification, display or illustration which is affixed to, painted or represented directly or indirectly, upon a building structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business located on or off the premises. The term sign shall not be deemed to include official court or government notices nor the flag, emblem or insignia of a nation, political unit, school or religion. Outside storage of goods does not constitute a sign.

**169 Site:** A tract of land intended, or suitable for, development; the area upon which a building or town has been built.

**170 Site Plan:** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved.

**171 Sludge:** The solid or semisolid material produced by water and wastewater treatment processes, as defined by RSA 485-A:2,XI-a.

**172 Special Exception:** A special exception is a specific use; which may be installed and operated according to rules and regulations in the Ordinance and conditional upon the continued observance of those rules and regulations. Special Exceptions are designed to permit certain types of uses whose regulations by general provision would not be practical because of wide variations in the requirements and performance of individual operations. Special Exceptions do not change the zoning of the property.

**173 Storage of Volatile Fuel for Resale:** A facility subject to the appropriate State and Federal regulations as amended, at which volatile fuels are stored to be sold at a later date. This use will be allowed by special exception in the rural, commercial and industrial districts.

**174 Story:** That portion of a building included between the surface of a floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling.

**175 Street:** A public or private right-of-way affording primary access by pedestrians and vehicles to and between properties, however, designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard or place.

**176 Structural Alterations:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**177 Structure:** A building which is used for residential, business, agricultural, religious or other purposes, or which is occupied by a private non-profit organization, or which is owned by State or Local government or an agency thereof. The term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises. A structure also encompasses anything constructed or erected, the use of which

requires a location on the ground attached to something having a location on the ground, excluding fences under 4 feet in height, dog houses, signs, flag poles and similar fixtures.

**178 Stump Dump:** A land site used for the disposal of stumps by dumping, burial, burning or other means of disposal.

**179 Subdivision Regulations:** The officially adopted Subdivision Regulations for the Town of Littleton, New Hampshire designed to provide standards for the subdivision of land within the jurisdictional area of the Planning Board of said Town.

**180 Substantial Improvement:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the actual cash value of the structure either before the improvement is started, or if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

**181 Temporary Structure:** A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased (normally less than six (6) months).

**182 Transitional Uses and Structures:** Uses or structures permitted under the Zoning Ordinance, which, by their nature or level and scale of activity, act as a transition or buffer between two (2) or more incompatible uses.

**183 Travel Trailer:** A motorized camper, converted bus, tent- trailer or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation, recreational or other trips and provided with sleeping accommodations.

**184 Travel Trailer Park:** Any plot or tract of land on which two (2) or more travel trailers are located or intended to be located, but not to include travel trailer sales or inventory areas.

**185 Truck Stop:** Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuels or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities.

**186 Town:** Town of Littleton, New Hampshire

**187 Town House:** One (1) of a series of two (2) or more attached dwelling units, separated from one another by continuous, vertical walls without openings, from basement floor to roof deck, and tight against the same or through the roof, and which are intended to have ownership transferred in conjunction with a plotted lot.

**188 Toxic Materials:** Materials (gaseous, liquid, solid, particulate or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

**189 Use:** The purpose or activity, for which a piece of land or its buildings is designed, arranged or intended, or for which it is occupied or maintained.

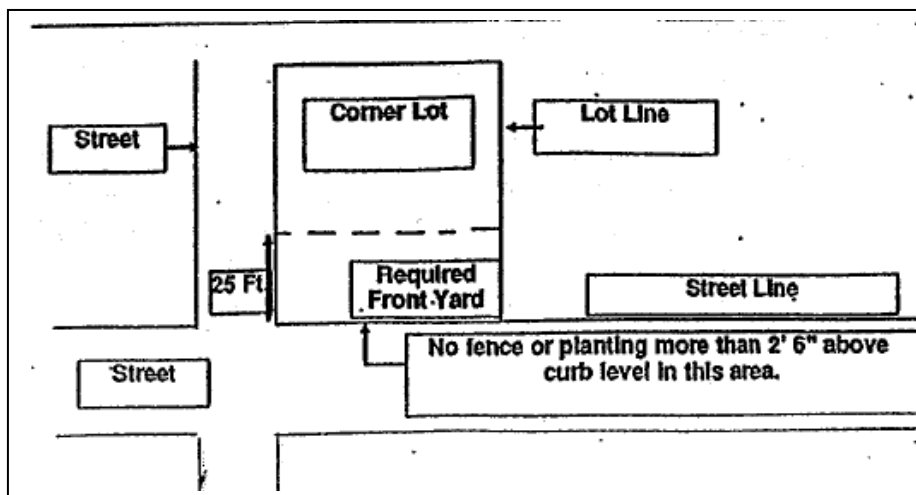
**190 Use Permitted on Review:** A use deemed appropriate in a Zoning District, but only upon review of the proposed use by the Zoning Board of Adjustment to determine whether or not specific conditions, as detailed in the Zoning Ordinance, are met.

**191 Used/New Car Lot:** Any parcel of land used for the storage, display, rental and/or sale of new and used inspectable motor vehicles.

**192 Variance:** A permit authorizing a use of property which is contrary to the Zoning Ordinance. Variances may be granted by the Zoning Board of Adjustment in cases, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. A variance must also meet four other criteria: no diminution in value of surrounding properties would be suffered; granting the permit would be of benefit to the public interest; by granting the permit substantial justice would be done; and the use must not be contrary to the spirit of the ordinance.

**193 Vested Right:** A right which has become absolute and fixed, and cannot be denied by subsequent changes in conditions or regulations; for example, there is no vested right to have a Zoning District classification remain the same forever, but once construction has legally been allowed and initiated on a structure, there is a right to maintain that particular use regardless of the Zoning District classification given the property.

**194 Visibility and Clearance at Intersections:** A space, approximately triangular in shape, on a corner lot, on which no wall, fence, sign, structure or plant growth, which obstructs the site view lines at elevations above two (2) feet six (6) inches above any portion of the crown of the adjacent roadway measured from the point of intersection of the front and exterior lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a sight view triangle on the lot adjacent to the street intersection. Its purpose is to assure that vehicles and pedestrians have adequate and safe visibility. **Fig. 9**



**195 Warehouse:** Structure(s) used for the storage of materials or products for future distribution. A warehouse need not be owned by the party utilizing the facility.

**196 Wetlands:** Areas that are permanently wet, or intermittently water covered, such as swamps, marshes, glades and overflow land of river valleys.

**197 Wholesale Trade:** Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

**198 Yard:** Any space between a building or use and the adjoining lot lines, unoccupied and

unobstructed by any structure or use from the ground upward. In measuring a yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used.

**199 Yard Sale/Flea Market:** A "YARD SALE" or "FLEA MARKET" for the purpose of this ordinance shall be deemed to be the sale of used items offered to the public in an indoor or outdoor display on property normally used for purposes other than such sales. Examples of other purposes include, but are not limited to, residences, vacant lots and commercial properties. This ordinance section shall also include "barn sales," "garage sales," or other similar activities.

**200 Zoning Board of Adjustment:** A local quasi-judicial body, created by ordinance, whose responsibility is to hear appeals concerning the strict interpretation and special exceptions of the adopted Zoning Ordinance, and to consider requests for variances under the terms of the adopted Zoning Ordinance.

**201. Zoning District:** A delineated section or sections of Littleton which the zoning regulations governing the use of buildings, the size of yards and the intensity of use are uniform.

**202. Zoning Officer:** The local official (as designated by the Selectmen) who administers and enforces the provisions of the Zoning Ordinance.

**203. Zoning Ordinance:** The officially adopted Zoning Ordinance of the Town of Littleton, New Hampshire.

## ARTICLE III - DISTRICTS

### 3.01 Establishment

The following use districts are hereby established:

<u>Full Name</u>	<u>Short Name</u>
Residential I	R-I
Residential Ia	R-Ia
Residential II	R-II
Commercial I	C-1
Commercial II	C-II
Commercial III	C-III
Commercial IV	C-IV
Rural	R
Industrial I	I
Mixed Use -1	MU-I
Cemetery-Protected Area	CPA

(Note: The Cemetery-Protected Area (CPA) was approved by the 1985 Town Meeting. The 1985 Zoning Map shows the CPA as a separate zone, yet it was erroneously omitted from this document. The correction of this error is being made on December 5, 1992, and December 15, 1992, and is documented in the Planning Board minutes for these dates.)

### 3.02 Zoning Map

The location and boundaries of the Zoning Districts are shown on "The Zoning Map of the Town of Littleton, New Hampshire." The zoning map, which shall be kept in the office of the Town Clerk shall carry the Town seal and the following certification, duly signed by the Board of Selectmen and attested by the Town Clerk: "This is to certify that this is the zoning map of the Town of Littleton, New Hampshire."

#### 3.02.01 Mann's Hill District Boundary Clarification

The boundary between the R-1 and Rural Zones on Mann's Hill Road is a point representing the boundary between the Armstrong and Allison properties (now or formerly) on the southerly side of the road. The R-1/Rural Zone boundary, as it extends from School Street toward Mann's Hill Road, would be the same line as it existed prior to March 1986, except that at a point on the line, approximately 875 feet west of the end of the then current zone, the line turns southerly and heads perpendicular to Mann's Hill Road, crossing the road at the Armstrong/Allison point described above, and then continues southeasterly along the boundary between the Armstrong and Allison properties, then Eaton properties, then southeasterly between the Eaton property and the Gilmore and Hill properties to the northwest corner of the Wilson property, and then along the Hill and Wilson property line to the end of Sampson Road. (3/11/86)

#### 3.02.02 Partridge Lake District Boundary Clarification

The boundary between the R-II and Rural Zones in the Partridge Lake area is herein clarified. The new boundary for an R-II district is a boundary from the Lyman town line easterly and northeasterly along Partridge Lake Road and the lines of Michael and Wendi Servetas and Newman Lumber Co., Inc. approximately 1970 feet, to the line of Stanley and Barbara Parker, then westerly along the line of Newman and Parker approximately 265 feet, then northerly along the line of Newman and Parker approximately 775 feet. From this corner of the property, runs through the land of Stanley and Barbara Parker, northeasterly approximately 1850 feet to

a corner of the property of Stanley and Barbara Parker, Howard Goodman, David Sylvia, H. Wainer, Michael Drescher and Patricia Parker, then northeasterly along the line of Goodman, Sylvia, Wainer and Drescher and Parker approximately 95 feet, then southeasterly along the property lines of Charles Copenhaver, Michael Drescher, Patricia Parker, Stanley and Barbara Parker, continuing through the property of Charles Copenhaver and Arthur Schoff approximately 1430 feet to a corner of the property of Copenhaver, Schoff, Pauline Goudie and Schoff. Then going northeasterly along the line of Copenhaver and Schoff approximately 440 feet to Old Partridge Lake Road, then southeasterly along the line of Wayne Hartlen (Map 216, lots 22 and 23) approximately 487 feet to the corner of the property of Wayne Hartlen (Map 216, lots 22 and 23) and David Byron (Map 216, lot 24), approximately 655 feet to a corner of land owned by Wayne Hartlen (Map 216, lot 22) then easterly along the line of Wayne Hartlen (Map 216, lot 22) and David Byron (Map 216, lot 24) and Ingeborg Champagne southwesterly along the line of Byron (Map 216, lot 24) and Champagne approximately 50 feet to the corner of the land of David Byron (Map 216, lot 24), Champagne and Byron (Map 216, lot 26). Then easterly and southwesterly along the property line of Champagne and Byron (Map 216, lot 26) approximately 1258 feet to the corner of the property of Champagne and Byron (Map 216, lot 26) and Arthur and Edna Twombly, then southeasterly along the property line of Champagne, Arthur and Edna Twombly and Arthur Twombly approximately 660 feet to the corner of the property of Champagne, Twombly and the heirs of Maude Ash. From here, the line will go southwesterly along the property line of Twombly, the heirs of Maude Ash and Allen and Connie Santy, continuing southwesterly along the Santy property line with Robert and Barbara Kirkland and Eastman, Glander and Simmonds (Map 133, lot 49) to Partridge Lake Road approximately 1000 feet, then southwesterly along Partridge Lake Road along property of the Littleton Water & Light Department, Eastman, Glander and Simmonds (Map 133, lot 51) and Norman and Betty McCulloch to the Lyman town line approximately 2930 feet, then northwesterly along the town line to the point of beginning. (3/08/88)

### **3.02.03 Rock Strain Development District Boundary Clarification (from Rural to R-1)**

The boundary between the R-II, Rural and R-I zones along Rock Strain Drive, Heather Lane and Tuck Lane are hereby clarified. The new boundary for the R-I district is a boundary beginning at a point 500 feet east of the centerline of Auburn Street on land of Paul and Maureen Donahue (Map 105 lot 33) going northerly along the existing R-II zone line approximately 950 feet to the line of Roger Strain (Map 105 lot 35) and Lawrence Collins and Margaret Benjamin (Map 249 lot 14). Then northeasterly approximately 290 feet along the line of Strain and Collins and Benjamin to line of Strain and Greenwood Acres Corp. (Map 250 lot 5). Then southeasterly approximately 1,525 feet along the line of Strain, Greenwood Acres Corp., and others (Map 105 lots 38 to 42) to the line of John and Katherine Morgan (Map 106 lot 1), Menco Enterprises (Map 106 lot 2), and Greenwood Acres Corp. (Map 250 lot 5). Then southwesterly approximately 1,125 feet through lands of Morgan (Map 106 lot 1) and others (Map 105 lots 33,43,44,48,49,52,53, & 54) to point of beginning. (March 1989)

### **3.02.04 Cottage Street District Boundary Extension**

The boundary for the C-I zone in the Cottage Street area shall be expanded to include all the property owned by the Littleton Hospital Association off Cottage Street and Mount Eustis Road for uses compatible with the Hospital needs which includes lots 26,27,28 and 30 on tax map 113. The boundary shall also include the property of Eva Dobson off Cottage Street and Bethlehem Road and includes lots 6,7 and 8 on tax map 113. (March 1989, amended Town Meeting 2006)

### **3.02.05 Railroad Street District Clarification (from R-I to R-Ia)**

The boundary between the R-I, Rural, C-I and Industrial zones and the R-Ia zone in the Railroad Street area is hereby clarified. The zone will include certain pieces or parcels of land situated in the Town of Littleton, Grafton County, New Hampshire, further bounded and described as follows:

Beginning at a point on the Littleton/Bethlehem Town line at the intersection of the center line of the Brook Road with said Town line, thence running in a southwesterly direction along said Town line and land of Toney (map 124, lots 22.1, 22.2) to a point on the Town line and the land of Strain (map 118, lot 20). Thence turning and running in a northwesterly direction along the land of Strain (map 118, lot 20) and the land of the Daughters of Charity (map 117, lot 44) to an angle point.

Thence turning and running in a northeasterly direction along the land of Daughters of Charity (map 117, lot 44), to a point at the southwesterly corner of the land of Norton Company (map 124, lot 30).

Thence turning and running in an easterly direction along the land of Norton Company to the southwesterly corner of Walker's land (map 118, lot 21). Thence turning and running in a northerly direction along the land of Walker (map 118, lot 21) and Norton Company (map 124, lot 30) to the northwesterly corner of the land of Walker (map 118, lot 21). Thence turning and running in an easterly direction along the land of Walker (map 118, lot 21) and Norton Company (map 124, lot 30) to a point in the other land of Walker (map 124, lot 25). Thence turning and running northeasterly along the other land of Walker (map 124, lot 25) and Norton Company (map 124, lot 30) to the Baker Brook and the land of Norton Company (map 124, lot 30).

Thence turning and running easterly along the Baker Brook and the land of Norton Company (map 124, lot 30) to the intersection of said Baker Brook with the centerline of Keeler Road.

Thence turning and running in an easterly direction along said centerline of Keeler Road to the intersection of the centerlines of Keeler Road and the Brook Road.

Thence turning and running in a southeasterly direction, along the centerline of the Brook Road to the Littleton/Bethlehem Town line and the point of beginning.

And also including the following described area of land:

A boundary beginning at the Bethlehem Town line and the centerline of Brook Road following the centerline of Brook Road in a northerly direction approximately 1,375 feet to the intersection and centerline of Redington Street, following in a northerly direction approximately 35 feet, intersecting the centerline of the Boston and Maine right-of-way (Map 125 lot 25). Then in an easterly direction some 5,500 feet along the Boston and Maine right-of-way to the Bethlehem Town line then following the Bethlehem Town line approximately 6,000 feet in a westerly direction to Brook Road and the point of beginning. (March 1992)

### **3.02.06 Glenwood Cemetery/Cemetery Protected Area Zoning Boundary Clarification**

The boundary for the Cemetery Protected Area Zone shall be expanded to include all of Tax Map 102, Lot 27 (Glenwood Cemetery) as depicted on the Tax Map revised through April 1, 1991. This shall also include that portion of Map 102, Lot 27 depicted on Map 104 and identified through the use of a Match Line. The Cemetery Protected Area zoning line shall be the center line of West Main St./Rt. 18 adjacent to Map 102, Lot 27 (Glenwood Cemetery). This zoning line change shall eliminate any commercial zoning on Map 102, Lot 27 (Glenwood Cemetery). (Approved by Town Meeting March 1993)

### **3.02.07 Tax Map 103, Lot 9.1 Zoning Boundary Clarification (Entire Parcel to become Commercial I)**

The boundary for the Commercial I district shall be extend to include all of Tax Map 103, Lot 9.1 as depicted on the Tax Map revised through April 1, 1993. The new boundary between the Residential I zone and the commercial zone, on Map 103, shall be as follows:

Beginning at the Southwestern corner of Tax Map 103, Lot 12, at the intersection of the western boundary of said lot 12 and I-93, thence running North Northwest along said western boundary of said lot 12 and continuing along the same line to a point in the center of South Street. Thence turning and running South Southwest along the centerline of South Street approximately 223 feet to a point on the

projection of the western boundary of Tax Map 103, Lot 8, owned by the State of New Hampshire. Thence turning and running North Northwest along said western boundary of said lot 8, to the Northwest corner of said lot 8. Thence turning and running North Northeast along the northern boundary of said lot 8 to a point on said northern boundary where the western boundary of the Tax Map 107, Lot 87, intersects said northern boundary. Said intersection is at the Southeastern corner of Tax Map 103, Lot 9.1. Thence turning and running North Northwest along the eastern boundary of Tax Map 103, Lot 9.1 to a point on said boundary exactly 200 feet from the centerline of South Street. Thence turning and running North Northeast parallel to and exactly 200 feet from the centerline of South Street and projecting onto Map 107.

This description of the boundary between the Commercial I and Residential I zones applies only to Map 103, as revised through April 1, 1993. The projection of the zoning line onto adjoining Tax Maps does not imply that the projected line will continue in the same direction or along the same line once on the adjoining Tax Map. (Approved by the 1994 Town Meeting)

### **3.02.08 Tax Map 242, Lot 5 Zoning Boundary Clarification (Parcel to be annexed by adjoining Commercial III Zone)**

The boundary for the Commercial III district shall be extend to include all of Tax Map 242, Lot 5 as depicted on the Tax Map revised through April 1, 1992. The new boundary between the Residential II zone and the commercial zone, on Map 242, shall be as follows:

Beginning at a point in the center of Route 18 on a line projecting along the same line as the Northern boundary of Tax Map 242, Lot 5. Thence running from said point, southwesterly along said line approximately 150 feet. Thence turning and running southeasterly along the southern boundary of said Tax Lot 5. Thence turning and running northeasterly approximately 95 feet along the eastern boundary of Tax Lot 5 to the point of intersection with the boundary of Interstate 93. Thence turning and running southeasterly, parallel to Route 18, to a point in the center of Interstate 93, intersecting with the Zoning Boundary line existing at that point. (Approved at the 1994 Town Meeting).

### **3.02.09 Mount Eustis Road Industrial District Boundary Extension**

The boundary of the Industrial Zone in the South Street/Mt. Eustis Road area shall be extended to include Tax Map 202, Lots 1&2 and a portion of Tax Map 222, Lot 28.1 as shown on the amended Zoning Map. (Approved at the 1995 Town Meeting)

### **3.02.10 Mixed Use – I**

The Mixed Use – I shall be bounded by the center line of NH Route 18/135 on the east, I-93 on the north, the center line of NH Route 18 on the south and to the western boundary of the parcel shown as Tax Map 240, Lot 21, as depicted on the Tax Map revised through April 1, 2000. Further, the District includes the parcels shown as Tax Map 241, Lot 4 and Tax Map 241, Lot 5, as depicted on the Tax Map revised through April 1, 2000. (*Added March 2001*)

### **3.02.11 Rezoning of Route 135 from Residential to Commercial**

That the zoning classification of Map/Lot 45-9, being the 58.96 acre parcel presently owned by the C. George McLure Revocable Trust, situated on the northeast side of Route 135, of which approximately 5 acres are located in the Commercial-I zone and the approximately 54 acre remainder is presently located in the Industrial zone and Map/Lot 45-8, being the 6.15 acre parcel presently owned by the Wanda McLure 2002 Revocable Trust, abutting Lot 45-9, of which approximately 3 acres are located in the Commercial-I zone and the approximately 3.15 remainder is presently located in the Industrial zone, be converted so that the entire acreage of the said lots shall be zoned as Commercial-I. (*Approved at 2006 Town Meeting*)

### **3.02.12 Rezoning of Bethlehem Road from Residential to Commercial**

That the zoning classification of Map/Lot Lot 93-26, being the 4.3 acre parcel presently owned by

George McAvoy, and Map/Lot 93-27, being the 4.40 acre parcel presently owned by Lon W. and Kimberly Howard, situated on the north side of Bethlehem Road, which in presently in the Residential-I district be converted to the Commercial-I district. *(Approved at 2006 Town Meeting)*

**3.03 Updating Process**

Amendments to the district boundaries shall be entered on the zoning map promptly after approval and a record of such amendment shall be noted on the map.

**3.04 Multiple Districts**

All questions of the application of district regulations to lots which fall into more than one district shall be appealed to and decided upon by the Board of Adjustment as special exceptions with the following additional guidelines: provided that a lot has frontage on a street in the district for which the use is being requested, the regulations of a particular district may extend not more than 30 feet into the other districts in the R-I, R-Ia, C-I, II, and IV zones, not more than 100 feet into R-II, C-III and Rural zones.

#### **4.01 Permitted Uses**

Upon application for, and receipt of a permit, uses are permitted as indicated in the Table of Use Regulations.

#### **4.02 Table of Use Regulations**

All uses not listed as permitted or special exception uses are not allowed. Uses permitted by special exception shall only be granted by the Board of Adjustment.

##### **4.02.01 Residential I - Urban Residential (R-I)**

Purpose: The purpose of this district is to enable residential development of a low to medium density urban character having public water and sewer facilities available to it. The principal use of land is for single family, two family and residential conversions, and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area which provides for adequate light, air and open space for dwellings and related facilities.

##### **Residential I (Permitted Uses)**

Accessory buildings or uses incidental to the foregoing principal uses  
Garage apartment only when in association with a single family dwelling.  
Home occupations listed in Section 8.04 and in compliance with Section 8.03  
Public parks and playgrounds (five spaces for each acre developed)  
Raising agricultural crops (excluding the raising of farm animals or livestock)  
Recreation facility  
Single family (detached dwelling, including modular homes)  
Temporary or portable structures which are incidental to the construction of the main building and will be removed within six months  
Travel trailer or motor home (restricted to one to a family and registered)  
Two family dwelling

##### **Residential I (Allowed by Special Exception)**

Churches  
Cluster development  
Day care services  
Funeral home  
Groupcare facilities  
Home Health Care Provider  
Home occupations not listed in Section 8.04  
Hospital  
Limited excavation and filling for periods over six months and entails more activity than is normally associated with site preparation  
Manufactured housing parks  
Multi-family dwellings on a minimum size parcel of 30,000 square feet  
Parking lots used as a primary use  
Personal Wireless Communications Facilities  
Planned unit development  
Public buildings, including libraries, municipal buildings, fire stations and similar uses  
Public utility substation  
Schools and educational institutions  
Single-family conversion into multi-family units  
Temporary or portable structures which are incidental to the construction of the main building and will remain for periods over six months

##### **4.02.02 Residential Ia – Urban Residential/Mobile Home (R-Ia)**

Purpose: The purpose of this District is to enable residential development of a low to medium density urban character having public water and sewer facilities available to it. The principal use of land is for single family, single mobile home, two family and residential conversions, and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area which provides for adequate light, air and open space for dwellings and related facilities.

**Residential Ia (Permitted Uses)**

Accessory buildings or uses incidental to the foregoing principal uses  
Garage apartment when associated with a single-family dwelling  
Home occupations listed in Section 8.04 and in compliance with Section 8.03  
Public parks and playgrounds (five parking spaces for each acre developed)  
Raising agricultural crops (excluding the raising of farm animals or livestock)  
Single family (detached dwelling, including modular homes)  
Single mobile home (providing it meets with all the requirements of a single family dwelling and is placed on a permanent perimeter masonry foundation with tongue and wheels removed)  
Temporary or portable structures which are incidental to the construction of the main building and will be removed within six months  
Travel trailer or motor home (restricted to one to a family and registered)  
Two family dwelling

**Residential Ia (Allowed by Special Exception)**

Church  
Cluster Development  
Day care services  
Funeral home  
Groupcare facilities  
Home health care provider  
Home occupations not listed in Section 8.04  
Hospital  
Limited excavation and filling for periods over six months and entails more activity than is normally associated with site preparation  
Mail order business (where it qualifies as a home occupation)  
Manufactured housing parks  
Multi-family dwellings on a minimum size parcel of 30,000 square feet  
Parking lot used as a primary use  
Personal Wireless Communications Facilities  
Planned unit development  
Public buildings, including libraries, municipal buildings, fire stations and similar uses  
Public utility substations  
Schools and educational institutions  
Single-family conversion into multi-family units  
Temporary or portable structures which are incidental to the construction of the main building and will remain for periods of over six months.

**4.02.03 Residential II – Suburban Residential (R-II)**

Purpose: The purpose of this district is to permit residential development in those areas of Town that are expected to become more urban in character. The areas involved are generally in transition from open to residential development and the regulations are intended to maintain a reasonable rural character while providing for residential uses and complementary non-residential uses.

### **Residential II (Permitted Uses)**

Accessory buildings or uses incidental to the foregoing principal uses

Garage apartment

Home occupations listed in Section 8.04 and in compliance with Section 8.03

Public parks and playgrounds (five parking spaces for each acre developed)

Raising agricultural crops (excluding the raising of farm animals or livestock)

Single mobile homes (providing it meets with all the requirements of a single family dwelling and is placed on a permanent perimeter masonry foundation with tongue and wheels removed)

Single family (detached dwelling, including modular homes)

Temporary or portable structures which are incidental to the construction of the main building and will be removed within six months

Travel trailer or motor home (restricted to one to a family and registered)

Two family dwelling

### **Residential II (Allowed by Special Exception)**

Boarding houses, tourist homes

Cemetery

Church

Clubs and lodges

Cluster Development

Day care services

Fraternal organizations

Funeral home

Groupcare facilities

Home occupations not listed in Section 8.04

Hospital

Limited excavation and filling for periods over six months and entails more activity than is normally associated with site preparation

Livestock for noncommercial purposes

Mail order business (allowed where it qualifies as a home occupation)

Manufactured housing parks

Medical Facilities (*Added 2001*)

Multi-family dwellings

Neighborhood Commercial Use (*Added 2001*)

Nursing homes

Organized camps

Outdoor commercial recreation facility

Parking lot used as a primary use

Personal Wireless Communications Facilities

Planned unit development

Public and private campgrounds

Public buildings, including libraries, municipal buildings, fire stations and similar uses

Public utility substations

Sanataria

Schools and educational institutions

Single-family conversion into multi-family units

Temporary or portable structures which are incidental to the construction of the main building and will remain for periods of over six months.

### **4.02.04 Rural**

Purpose: The purpose of the district is to maintain the integrity of rural-oriented activities within Littleton. The regulations of this district are designed to encourage the maintenance of the general rural characteristics of openness, residential uses, limited compatible commercial and industrial uses,

appropriate agri-business, forest harvesting, and extensive agricultural and livestock production. Such an intent shall be maintained until appropriate community services and demand from adjacent built up areas warrant a change compatible with the master plan.

### **Rural (Permitted Uses)**

Accessory buildings or uses incidental to the foregoing principal uses

Boarding houses, tourist homes

Cemetery

Food and produce stands (limited to 300 square feet and selling only food or produce grown on the premises)

Funeral home

Garage apartment

Home occupations listed in Section 8.04 and in compliance with Section 8.03

Growth and harvesting forest products (orchard, etc.)

Management and disposal of sludge, in conformance with the requirements of NH Code of Administrative Rules Env-Ws 801, 802, 803, 805, 806, 808 & 810 as amended.

Open storage of building materials:

For individual use on site

Open storage of timber and lumber:

For individual use on site

For wholesale and/or retail use

Organized camps

Public parks and playgrounds (five parking spaces for each acre developed)

Raising agricultural crops (including the raising of farm animals or livestock)

Raising agricultural crops (excluding the raising of farm animals or livestock)

Single-family (detached dwelling, including modular homes)

Single mobile home (providing it meets with all the requirements of a single family dwelling and is placed on a permanent perimeter masonry foundation with tongue and wheels removed)

Temporary or portable structures which are incidental to the construction of the main building and will be removed within six months

Travel trailer or motor home (restricted to one to a family and registered)

Two family dwelling

### **Rural (Allowed by Special Exception)**

Animal hospital

Auto repair shop

Auto sales agency

Boat yards

Church

Clubs and lodges

Cluster development

Commercial removal of loam, clay, sand, gravel and ledges

Day care services

Fraternal organizations

General service garage

Groupcare facilities

Home occupations not listed in Section 8.04

Kennels

Mail order business where it qualifies as a home occupation

Manufactured housing parks

Manufacturing

Multi-family dwelling

Neighborhood Commercial Use (Added 2001)

Nursing homes

Open storage of building materials (excluding timber and lumber) for retail or wholesale

Outdoor commercial recreational facility  
Parking lots used as a primary use  
Personal Wireless Communications Facilities  
Planned unit development  
Public and private campgrounds  
Public utility substations  
Recreation facility  
Restaurants and indoor commercial establishments  
Retail establishments (not including outdoor storage of goods, including, but not limited to, grocery, drug, merchandise, furniture, apparel, specialty goods, tobacco, book, gift and flower stores)  
Retail gas stations  
Riding academy  
Salvage and junkyards  
Sanataria  
Sawmills and lumber treatment facilities  
Schools and educational institutions  
Single-family conversion into multi-family units  
Storage of volatile fuels for resale  
Temporary dumping and filling as a means for eventual use by a conforming and permitted use  
Temporary or portable structures which are incidental to the construction of the main building and will remain for periods over six months  
Town houses  
Warehouses  
Wholesale

#### **4.02.05 COMMERCIAL I**

Purpose: The purpose of these districts is to provide opportunity for continued growth of the business community. The districts are for areas of the Town designated by the Master Plan for commercial uses. The differences in the zones reflect the diversity of commercial areas and developable land in Littleton. The different districts are distinguished by the area requirements allowed. The intent of the regulations is to promote uses and development which will enhance the economic viability of the community as a whole.

##### **COMMERCIAL I, II, III & IV (Permitted Uses)**

Accessory buildings or uses incidental to the foregoing principal uses

Animal Hospital

Boarding houses, tourist homes

Boat yards

Food and produce stands (limited to 300 square feet and selling only food or produce grown on the premises)

Funeral homes

Growth and harvesting forest products (orchards, etc.)

Home health care provider

Hospital

Mail order business

Manufacturing

Medical Facilities (*Added March 2001*)

Neighborhood Commercial Use (*Added March 2001*)

Office buildings

Open storage of timber and lumber:

    For individual use on site

    For wholesale and/or retail use

Open storage of building materials:

    For individual use on site

    For retail use

Outdoor commercial, recreational facility

Public parks and playgrounds (five parking spaces for each acre developed)

Recreation facility

Restaurants and indoor commercial establishments

Retail establishments (not including outdoor storage of goods, including, but not limited to, grocery, drug, merchandise, furniture, apparel, specialty goods, tobacco, book, gift and flower stores)

Sexually Oriented Businesses (*Amended Town Meeting, 1996*)

Temporary or portable structures which are incidental to the construction of the main building and will be removed within six months

Travel trailer or motor home (restricted to one to a family and registered)

Wholesale

##### **COMMERCIAL I, II, III & IV (Allowed by Special Exception)**

Auto repair shop

Auto sales agency

Church

Clubs and lodges

Commercial removal of loam, clay, sand, gravel and ledges

Day care services

Factory Retail Establishments

Fraternal organizations

Garage apartments

General service garage

Groupcare facilities

Manufactured housing parks  
Manufacturing  
Motel/Hotel  
Multi-family housing  
Nursing homes/Elderly Congregate Care Facility  
Parking lots used as a primary use  
Personal Wireless Communications Facilities  
Planned unit development  
Public and private campgrounds  
Raising agricultural crops (including the raising of farm animals or livestock)  
Research Facilities (*Added March 2001*)  
Retail gasoline stations  
Sanataria  
Sawmills and lumber treatment facilities  
Schools and educational institutions  
Single-family conversion into multi-family units  
Single-family conversion to two family dwelling  
Storage of volatile fuels for resale  
Temporary dumping and filling as a means for eventual use by a conforming and permitted use  
Temporary or portable structures which are incidental to the construction of the main building and will remain for periods over six months  
Warehouses

#### **4.02.06 INDUSTRIAL (I)**

Purpose: The industrial district is for areas of the Town that are reserved for industrial uses, that have a mix of uses with a strong industrial orientation, and that have or will have the necessary public infrastructure to support industrial activity and growth. The regulations promote uses and developments which will support the economic viability of Littleton. The regulations protect the health, safety and welfare of the public, address area character, and environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

##### **INDUSTRIAL I (Permitted Uses)**

Factory retail establishments  
Mail order business  
Manufacturing  
Office building  
Open storage of building materials:  
For individual use on site  
Open storage of timber and lumber:  
For individual use on site  
Sawmills and lumber treatment facilities  
Warehouse  
Wholesale

##### **INDUSTRIAL I (Allowed by Special Exception)**

Commercial removal of loam, clay, sand, gravel and ledges  
Day care services  
Growth and harvesting of forest products (orchards, etc.)  
Personal Wireless Communications Facilities.  
Raising agricultural crops (including the raising of farm animals or livestock)  
Research Facilities (*Added March 2001*)  
Storage of volatile fuel for resale  
Temporary dumping and filling as a means for eventual use by a conforming and permitted use

At the March 1992 Town Meeting, it was voted to consolidate the two (2) industrial districts into one (1) district

#### **4.02.07 MIXED USE – I (MU-I)**

Purpose: The purpose of this district is to encourage residential and institutional development in areas of Town that are expected to become more urban in character, while striving to maintain the integrity of the rural-oriented landscape. Further, the purpose is to promote the mixed growth of dwellings and employment opportunities for a diverse range of ages with a particular interest in commercial uses that complement and support the nearby hospital.

##### **MIXED USE – I (Permitted Uses)**

Accessory buildings or uses incidental to the following principal uses

Cluster development

Food and produce stands (limited to 300 square feet and selling only food or produce grown on the premises.)

Funeral home

Garage apartment

Home health care provider

Home occupations listed in Section 8.04

Hospital

Mail order business

Manufacturing

Medical facilities

Nursing homes/Elderly congregate care facilities

Office buildings

Planned unit development

Public parks and playgrounds

Research facilities

Restaurants and indoor commercial establishments

Retail establishments (not including outdoor storage of goods, including, but not limited to, grocery, drug, merchandise, furniture, apparel, specialty goods, tobacco, book, gift and flower stores)

Single family detached dwelling, including modular homes)

Temporary or portable structures which are incidental to the construction of the main building and will be removed within six months

Town houses

Travel trailer or motor home (restricted to one to a family and registered)

Two family dwelling

Wholesale

##### **MIXED USE (Allowed by Special Exception)**

Animal hospital

Boarding houses, tourist homes

Church

Clubs and Lodges

Day care services

Fraternal organizations

Group care facility

Home occupations not listed in Section 8.04

Mail order business (where it qualifies as a home occupation)

Manufactured housing parks

Manufacturing, not to exceed 10 employees

Motel/hotel

Multi-family dwellings

Neighborhood commercial use

Outdoor commercial recreational facility  
 Parking lot used as a primary use Personal Wireless Communications Facilities  
 Public buildings, including libraries, municipal buildings, fire stations and similar uses  
 Public utility substations  
 Retail gas stations  
 Schools and educational institutions  
 Temporary or portable structures which are incidental to the construction of the main building and will remain for periods of over six months  
 Warehouse

**4.02.08 Cemetery Protected Area (CPA)**

The purpose of this zone is to protect the so designated cemeteries from the danger of development. Only cemetery related activities listed below will be allowed in this zone.

**Permitted Uses**

Accessory building or use  
 Interring of human remains  
 Erection of burial facilities (i.e. vaults, tombs, mausoleums)

**Permitted by Special Exception**

None

<b>USES</b>	<b>R-I</b>	<b>R-Ia</b>	<b>R-2</b>	<b>C</b>	<b>R</b>	<b>I</b>	<b>CPA</b>	<b>MU-1</b>
Accessory buildings or uses incidental to the foregoing principal uses	X	X	X	X	X		X	X
Animal hospital				X	S			S
Auto repair shop				S	S			
Auto sales agency				S	S			
Boarding houses, tourist homes			S	X	X			S
Boat yards				X	S			
Cemetery			S		X			
Church	S	S	S	S	S			S
Clubs and lodges			S	S	S			S
Cluster Development	S	S	S		S			X

<b>USES</b>	<b>R-I</b>	<b>R-Ia</b>	<b>R-2</b>	<b>C</b>	<b>R</b>	<b>I</b>	<b>CPA</b>	<b>MU-1</b>
Commercial removal of loam, clay, sand, gravel and ledges				S	S	S		
Day care services	S	S	S	S	S	S		S
Erection of Burial Facilities							X	
Factory retail establishments				S		X		
Food and produce stands (limited to 300 sq. ft) and selling only Food or produce grown on the premises				X	X			X
Fraternal organizations			S	S	S			S
Funeral home	S	S	S	X	X			X
Garage apartment			X	S	X			X
Garage apartment when associated with a single family dwelling	X	X						
General service garage				S	S			
Group care facilities	S	S	S	S	S			S
Growth and harvesting forest products (orchards, etc.)				X	X	S		
Home Health Care Provider	S	S		X				X
Home Occupations listed in Section 8.04	X	X	X		X			X
Hospital	S	S	S	X				X
Interring of Human Remains							X	
Kennels					S			
Limited excavation and filling for periods over six months and entails more activity than is normally associated with site preparation	S	S	S					
Livestock for noncommercial purposes			S					
Mail order business				X		X		X
Mail order business (where it qualifies as a home occupation)		S	S		S			S
Management and disposal of sludge, in conformance with the requirements of NH Code of Administrative Rules Env-Ws 801, 802, 803, 805, 806, 808 & 810 as amended.					X			
Manufactured housing parks	S	S	S	S	S			S
Manufacturing				X	S	X		X
Medical Facilities			S	X				X
Motel/Hotel				S				S
Multi-family dwellings			S	S	S			S
Multi-family dwellings on a minimum size parcel of 30,000 square feet	S	S						
Neighborhood commercial use			S	X	S			S
Nursing homes/Elderly Congregate Care Facility			S	S	S			X
Office buildings				X		X		X
Open storage of timber and lumber: For individual use on site				X	X	X		
For wholesale and/or retail use				X	X			
Open storage of building material (excluding timber & lumber) For individual use on site				X	X	X		
For wholesale and/or retail use				X	S			
Organized camps			S		X			
Outdoor commercial recreational facility			S	X	S			S
Parking lot used as a primary use	S	S	S	S	S			S
Personal Wireless Communications Facilities	S	S	S	S	S	S		S
Planned unit development	S	S	S	S	S	S		X

<b>USES</b>	<b>R-I</b>	<b>R-Ia</b>	<b>R-2</b>	<b>C</b>	<b>R</b>	<b>I</b>	<b>CPA</b>	<b>MU-1</b>
Public and private campgrounds			S	S	S			
Public buildings, including libraries, municipal buildings, fire stations and similar uses	S	S	S					S
Public parks and playgrounds (five parking spaces for each acre developed)	X	X	X	X	X			X
Public utility substations	S	S	S		S			S
Raising agricultural crops (excluding the raising of farm animals or livestock)	X	X	X		X			X
Raising agricultural crops (including the raising of farm animals or livestock)				S	X	S		
Recreation facility	X			X	S			X
Research facilities				S		S		X
Restaurants and indoor commercial establishments				X	S			X
Retail establishments (not including outdoor storage of goods, including, but not limited to, grocery, drug, merchandise, furniture, apparel, specialty goods, tobacco, book, gift and flower stores)				X	S			X
Riding Academy					S			
Salvage and junk yards					S			
Sanatoria			S	S	S			
Sawmills and lumber treatment facilities				S	S	X		
Schools and educational institutions	S	S	S	S	S			S
Sexually Oriented Business				X				
Single family (detached dwelling, including modular homes)	X	X	X		X			X
Single family conversion into multi-family units	S	S	S	S	S			
Single family conversion to a two-family dwelling				S				
Single mobile home (providing it meets with all the requirements of a single family dwelling and is placed on a permanent perimeter masonry foundation with tongue and wheels removed)		X	X		X			
Storage of volatile fuels for resale				S	S	S		
Temporary dumping and filling as a means for eventual use by a conforming and permitted use				S	S	S		
Temporary or portable structures which are incidental to the construction of the main building and will be removed Within six months	X	X	X	X	X			X
Temporary or portable structures which are incidental to the construction of the main building and will remain for Periods of over six months	S	S	S	S	S			S
Town houses					S			X
Travel trailer or motor home (restricted to one to a family and registered)	X	X	X	X	X			X
Two family dwelling	X	X	X		X			X
Warehouse				S	S	X		S
Wholesale				X	S	X		S

#### 4.03 Prior Existing Lots

Permitted uses may be carried out on lots that existed on the effective date of this Ordinance regardless of the lot size specified for the district.

### ARTICLE V - LOT REQUIREMENTS

**5.01 Table of Lot Requirements**

Lot area, front, side and rear yard areas, height and restrictions shall be as specified in the Table of Lot Requirements.

<b>Table of Lot Requirements</b>								
	<b>Minimum Permitted Lot Dimensions</b>			<b>Yard Area Required Feet</b>			<b>Maximum Allowed Height</b>	
	<b>Lot Area (acres)</b>	<b>Required Width</b>	<b>Required Depth</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Feet</b>	<b>Stories</b>
<b>Residential I</b>	<i>n/a</i>	125	100	25	10	25	35	2.5
<b>Residential Ia</b>	<i>n/a</i>	125	100	25	10	25	35	2.5
<b>Residential II</b>	2	250	<i>n/a</i>	40	25	25	35	2.5
<b>Commercial I &amp; IV (Town Services)</b>	<i>n/a</i>	100	250	40	25	25	35	3
<b>Commercial II (Town Services)</b>	<i>n/a</i>	100	150	25	10	25	35	3
<b>Commercial III (Town Services)</b>	<i>n/a</i>	300	250	40	25	25	35	3
<b>Industrial I</b>	1	200	<i>n/a</i>	40	25	25	35	3
<b>Rural</b>	3	300	<i>n/a</i>	50	50	50	35	3
<b>Mixed Use I</b>	<i>n/a</i>	250	<i>n/a</i>	25	25	25	45	<i>n/a</i>

**5.01.01 Setbacks on Corner Lots**

On corner lots, front yard setback distances shall be maintained along all property lines paralleling a street easement line.

**5.02 Buffer Strips**

In industrial districts, any commercial or industrial activity adjoining land in a rural or residential district shall not be located within 50 feet of the boundary separating the two districts and shall, within the boundary of the industrial district, provide and maintain a strip of plantings of sufficient height and density to effectively screen the industrial district from the adjacent district. In the commercial districts and the R-III zone\*, any commercial activity adjoining residential property shall be screened or buffered, if requested by the Planning Board. (\*5.02 as written was passed, however, the R-III zone was not approved by the voters - March 1989.)

**5.03 Space Between Structures**

In any district, there shall be not less than 15 feet between any two unattached buildings on the same lot.

**5.04 Setback**

When a proposed building is to be situated between two other buildings fronting on the same street, either one of which is less than 200 feet from the proposed building and has less than the required front setback, then the required front setback for the proposed building may be reduced to the average front setback of the two adjoining buildings.

**5.05 Minimum Lot Size Where On-Site Sewage Disposal System and On-Site Water Systems are used**

In any District, the minimum lot area required for any building or principal structure served by either on-site sewage disposal or on-site water supply shall be not less than one acre; and for those served by both on-site sewage disposal and on-site water supply shall not be less than two acres. The Zoning Officer shall require a greater minimum lot size where soil and drainage conditions so warrant.

**5.06 On-Site Sewage Disposal Systems Adjoining Water Bodies**

All new septic system leach fields, when installed on excessively drained soils, as defined by the Soil Conservation Service, must be setback at least 125 feet from the shoreline of a year round stream or water body.

Replacement systems shall be allowed to be situated in their existing location if their size and location are the same and they receive Water Supply and Pollution Control approval.

## **6.01 Fence Regulations**

All fences, screens or retaining walls exceeding six feet in height must be approved as a special exception by the Zoning Board of Adjustment. A fence surrounding an outdoor swimming pool must not be less than four feet and may be up to six feet in height, without a special exception from the ZBA. All outdoor swimming pools must be surrounded by a security fence.

Fences or screens abutting State or Town road intersections must not impair visibility within twenty-five feet of the intersection. Fences, screens and retaining walls along or in the vicinity of property lines must not become unsafe and unsightly. In the case of a finished fence, a finished surface must face the abutting properties. A fence shall not be more than 3.5 feet in height along a front property line and may project into the required front yard when it is not situated on a corner lot. Fences may otherwise be situated within 1 foot of an established property line. A permit is required for any fence over 4 feet in height.

## **6.02 Abandonment of Structures**

Within six months after work on an excavation for a building has begun, the excavation thus remaining shall be covered such as with building construction or filled to normal grade by the owner.

Within six months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over (such as with building construction) or filled to the normal grade by the owner.

Further, no structure in process of completion or demolition and no ruins from fire or other casualty shall be abandoned in a disorderly or hazardous state. Such structure shall be considered to have been abandoned when work to remedy the improper condition shall not have been initiated within 90 days after the occasion of the casualty, or if initiated work shall have been discontinued with the owner's consent for 30 or more consecutive days or for more than 30 days out of 60 days.

## **6.03 Yard Sales and/or Flea Markets**

### **6.03.01 Definition**

A "YARD SALE" OR "FLEA MARKET" for the purpose of this ordinance shall be deemed to be the sale of used items offered to the public in an indoor or outdoor display on property normally used for purposes other than such sales. Examples of other purposes include, but are not limited to, residences, vacant lots, and commercial properties. This ordinance section shall also include "barn sales," and "garage sales" or other similar activities.

### **6.03.02 Time Limit**

No property located in any area of the town not zoned for retail sales shall be used for the purpose of operating a yard sale or flea market for more than 10 days in any calendar year. Any property so designated in the zoning ordinance as allowing retail sales may be used for the same in excess of this limitation provided all appropriate permits and licenses are obtained. It should be the responsibility of the owner or owners of the premises to ensure that the time limitation contained herein is not violated.

### **6.03.03 Signs**

This section deleted by ballot vote - Town Meeting, March, 1989

### **6.03.04 Notification to Police Department**

Any person wishing to operate a yard sale or flea market within the Town of Littleton shall notify the Littleton Police Department no less than 24 hours prior to the commencement of the sale. This

notification shall include the location of the sale and the proposed times and dates of the event. Any person operating such a sale and any person attending the same shall comply with all requests and requirements of the Littleton Police Department or its individual officers with regard to the flow of traffic and parking of vehicles in connection with such sale.

#### **6.04 Accessory Use Setbacks**

**6.04.01** Accessory uses shall be no less than ten feet from the side or rear property lines. Accessory uses or structures not placed on a permanent foundation on a non-conforming lot, or in a mobile home park, may be placed within 5 feet of a side or rear property line and within 5 feet of another structure. This modification to the normal setback for structures on non-permanent foundations shall not apply to corner lots.

**6.04.02** Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

#### **6.05 Parking Space Requirements**

##### **6.05.01 Off-Street Parking**

Off-street parking was deleted at Town Meeting on March 13, 1990.

##### **6.05.02 Off-Street Loading**

Off-street loading facilities shall be provided for all institutional, commercial and industrial uses. These facilities shall be located so that delivery vehicles are parked outside of the street right-of-way.

#### **6.06 Manufactured Housing Parks**

**6.06.01 Location:** Manufactured housing parks are allowed through the special exception process in the R-I, R-II, Rural and Commercial Districts.

**6.06.02 Area Requirement:** The minimum area for development of a manufactured housing park shall meet the zoning district requirements, which they are situated in.

**6.06.03 Lot Requirement:** Individual manufactured housing lots located in a manufactured housing park shall contain at least 6,000 square feet of lot area and shall not have less than sixty (60) feet of frontage.

**6.06.04 Setbacks:** No structure located on any lot in any manufactured housing park shall be closer to any front lot line than fifteen (15) feet; to any side lot line than ten (10) feet; nor to any rear lot line less than fifteen (15) feet.

**6.06.05 Water and Sewer** All manufactured housing parks shall meet the State of New Hampshire Water Supply and Pollution Control Commission regulations for on-site water and sewerage disposal or be serviced by Town water and sewer.

**6.06.06 Fire Protection** All manufactured housing parks must adhere to the Town fire code.

**6.06.07 Roads and Sidewalks:** All manufactured housing parks must meet the minimum Town Road Standards.

**6.06.08 Open Space:** All manufactured housing parks shall provide an adequate area for public open space and such lands shall be accessible to all families residing within said tract and whereby such open space may be used for recreational purposes.

**6.06.09 Permanent Foundations:** All manufactured housing must be placed on a suitable non-porous pad and the space under the home shall be suitably enclosed.

**6.06.10 Skirting:** The skirting of mobile homes is permitted to achieve better heating of the unit, but skirting should not provide harborage for rodents, nor create a fire hazard.

**6.06.11 Landscaping:** Lawn and ground cover shall be provided where needed to prevent erosion of slopes and other areas to obtain usable yards. Trees and shrubs shall be required to enhance a pleasant residential setting.

**6.06.12 Buffer:** A strip of at least 25 feet in width shall be maintained as a landscaped area abutting all manufactured housing parks.

**6.06.13 Other Site Improvements:** There shall be provided in each manufactured housing park such other improvements as shall be required, whereby, such requirements shall at all times be in the best interests of the public's health, safety, and general welfare and shall include garbage and trash collection and disposal facilities, as approved by the New Hampshire Department of Health. The site should also have an adequate lighting system.

**6.06.14 Approvals:** All proposed manufactured housing developments and/or expansion of existing parks shall be subject to the approval of the Littleton ZBA and the Planning Board and must conform to subdivision rules and regulations.

Each manufactured housing unit must receive a zoning permit prior to the placement of the structure on the lot.

## **6.07 Sexually Oriented Businesses (Adopted by ballot vote, Town Meeting 1996)**

PURPOSE AND INTENT - The purpose and intent of this article is to regulate the secondary effects of sexually oriented businesses in the following areas: crime control, protection of property values, prevention of Town blight, public health, and the protection of children. It is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

**6.07.1 DEFINITIONS** - For the purposes of this section, certain terms or words shall be defined as follows:

1. ADULT ARCADE - Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specific sexual activities" or "specified anatomical areas."

2. ADULT BOOKSTORE OR ADULT VIDEO STORE An establishment which, as one of its principal business purposes, offers for sale or rental, or for any other form of consideration, any one of the following:

- a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, videocassettes, or other video reproductions, slides, computer software, or other visual representations, which depict or describe "specified sexual activities" or "specified anatomical areas."
  - b. Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities."
3. ADULT CABARET - A nightclub, bar, or restaurant, or similar commercial establishment, or a private membership, fraternal membership, or social club which during a substantial portion of the total presentation time features:
- a. Live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
  - b. Films, motion pictures, videocassettes, or other video reproductions, slides, computer software, or other visual representations, which depict or describe "specified sexual activities" or "specified anatomical areas."
4. ADULT MOTION PICTURE THEATER - An establishment where, for any form of consideration, films, motion pictures, video cassettes, or other video reproductions, slides, other photographic representations are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas." However, in no case shall motion pictures rated G, PG, PG-13, or R be considered material distinguished by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."
5. ADULT THEATER - A theater, concert hall, auditorium, or similar place of public assembly which features persons who appear in a state of nudity or live performances in which a substantial portion of the total presentation time is devoted to the showing of material which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
6. PRINCIPAL BUSINESS PURPOSE - A principal business purpose shall be deemed to exist, for the purposes of this article, if twenty-five percent (25%) or more of the gross floor area of a business is devoted to the sale, display, depiction, or expression of "specified sexual activities," "specified anatomical areas," or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
7. SEXUAL CONDUCT SUBSTANTIAL PORTION OF THE TOTAL PRESENTATION TIME - Occurring on more than seven (7) days within any fifty-six (56) consecutive day period.
8. SPECIFIED ANATOMICAL AREA - Human genitals and anus, female breasts.
9. SPECIFIED SEXUAL ACTIVITIES - Means and includes any of the following:
- a. Human masturbation, sexual intercourse, oral copulation or sodomy, actual or simulated, whether alone or between members of the same or opposite sex or between humans and animals.
  - b. Fondling or erotic touching of human genitals, anus, pubic region, buttocks, or female breasts.
  - c. Excretory functions, flagellation or torture as part of or in conjunction with any of the activities set forth in a. and b. above.

**6.07.2 LOCAL REQUIREMENTS** - The location, placement, and separation of sexually oriented businesses shall be established as follows:

**USE SETBACKS** - Sexually oriented businesses shall not be located within five hundred (500) feet of any structure of the following uses:

A public or private school;

A child day care agency (as defined by RSA 170-E:2,IV)  
A public park, public recreational field, or similar public-owned facility;  
A religious institution, Church, or place of worship; or  
A hospital or nursing home

ZONING DISTRICT SETBACKS - Sexually oriented businesses shall be located within the Commercial zoning districts, and must be located at least two hundred fifty (250) feet from the boundary of any non-commercial zoning district boundary.

SEPARATION OF USES - There shall be a minimum of seven hundred and fifty (750) feet between each sexually oriented business (structure to structure) and no sexually oriented business shall be located within 500 feet of any residential dwelling (single or multi-family).

4. Town line setback. Sexually oriented businesses shall not be located within one thousand (1000) feet of any municipal boundary.

SITE STANDARDS -

Screening - "Specified sexual activities" or "specified anatomical areas" including instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" or their images, shall not be visible in any fashion whatsoever from the exterior of the building within which the business is located.

## **6.08 Ammonoosuc River Corridor Overlay Zoning District**

### **6.08.01 Purpose**

The purpose of this overlay district is to protect the public health safety and general welfare along a commercially zoned portion of the Ammonoosuc River by the creation of a 100-foot vegetated buffer. The intent is to minimize the degradation of the river, riverbank and adjoining land by uncoordinated, unplanned and piecemeal development. The river corridor district is also intended to protect and enhance water quality and flood attenuation values, preserve open space and aesthetic values, and protect aquatic and terrestrial wildlife habitat. which are critical attributes of the Town of Littleton.

### **6.08.02 Authority**

The Ammonoosuc River Corridor Overlay Zoning District has been adopted pursuant to the authority of RSA 674:21(j) as an innovative environmental characteristics land use control. It is an overlay district and shall be superimposed on the other districts established by the Littleton Zoning Ordinance. All applicable underlying zoning regulations shall remain in effect, except where the Ammonoosuc River Corridor Overlay imposes additional regulations

### **6.08.03 District Boundaries**

The District shall include areas shown on the Official Littleton Zoning Map as within the Ammonoosuc River Corridor Overlay District. It includes all land within 100 feet, horizontal distance, of the ordinary high water mark of the west side of the Ammonoosuc River from where the river flows under I-93 to a point downstream where the Ammonoosuc River and the Route 302 right of way abut, which is 3600 feet upstream of the Lisbon town line.

### **6.08.04 Permitted Uses**

Any use that legally existed at the effective date of this ordinance shall be allowed to continue but in no event enlarged or extended.

Other permitted uses within the 100-foot vegetative buffer are:

- a. Conservation of water, plants and wildlife.
- b. Emergency procedures necessary for safety or protection of property including the removal of dead or dying trees or trees that pose an immediate safety or erosion threat.
- c. Usual and necessary maintenance and repair for the continuance of an existing use.
- d. Recreation and nature trails, including snowmobile trails, consistent with the purposes of the ordinance, provided there is minimal disruption of existing vegetation and wildlife habitat, as determined by the Planning Board and that standards in the publication “Best Management Practices For Erosion Control During Trail Maintenance and Construction” are utilized.
- e. Overhead or underground utility crossings provided vegetative cover is restored in any disturbed areas.
- f. Wetland mitigation measures which are part of a NH Department of Environmental Services or US Army Corps of Engineers permitted project.
- g. Stormwater drainage practices, provided there is no alternative location on the lot, vegetative disturbance is minimized, and all practices are designed according to the standards in the publication, “Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in NH”, as amended. All stormwater drainage practices shall be approved by the Littleton Planning Board.

#### **6.08.05 Prohibited Uses**

- a. The cutting of trees or removal of vegetation except as provided in Section 6.08.04. The Planning Board may allow additional vegetative removal provided it complies with the purpose and intent of this overlay district.
- b. Structures, excavations, fill, regrading or development.
- c. All other uses not specifically permitted or allowed in Section 6.08.04.

#### **6.08.06 Enforcement**

It shall be the duty of the Planning Board to enforce the provisions of this overlay district and to see that its requirements and restrictions are duly complied with.

#### **6.08.07 Definition of Terms**

“Vegetated Buffer” means a naturally vegetated area adjacent to the Ammonoosuc River and may consist of various species of trees, saplings, shrubs and ground covers.

“Ordinary high water mark” means the line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

### **6.09 MIXED USE – I DEVELOPMENT REQUIREMENTS**

#### **USES AND DIMENSIONS**

All uses must comply with standards for use and lot dimensions stated in sections IV and V of the

Littleton Zoning Ordinance.

### **BUILDING SIZE**

New buildings of a gross floor area (regardless of number of floors) in excess of 25,000 square feet must receive Special Exception approval. Any addition to an existing building in excess of 25,000 square feet that exceeds 25% of previously approved gross floor area must receive Special Exception approval. Any addition to an existing building that will cause the total building area to exceed 25,000 square feet must receive Special Exception approval.

### **6.09.03 PLANNING BOARD INFORMATIONAL DISCUSSION**

All applicants with proposed development in this zone shall participate in an informational and consultative discussion with the Planning Board prior to the issuance of any building permit. The applicant will discuss the proposal with particular emphasis on the recommended lot features. This discussion will be noticed in the same manner as a Planning Board land use hearing and the applicant will be responsible for applicable fees for holding the hearing.

### **6.09.04 RECOMMENDED LOT FEATURES**

The following section contains recommended lot and design features that development in this zone is urged to consider. While these are not mandatory, compliance is strongly encouraged.

### **NH ROUTE 18 ACCESS MANAGEMENT:**

Minimizing the number of access points onto Route 18 can reduce adverse traffic impacts in the area. It is the objective of this standard to limit driveways by encouraging internal lot connections and shared points of access. All current property owners and future developers are encouraged to work together and with the Town and State to achieve an ultimate goal within the Zone of no more than one access point within 400 feet of another whenever possible.

### **LANDSCAPING/LOT COVERAGE**

Adverse visual and spatial impacts of increased land development within the area can and should be reduced and/or mitigated by maintaining an awareness of site "scale" in relationship to the surrounding area and sensitivity to preservation and enhancement of natural areas and green spaces. It is therefore the objective of the Route 18 zoning effort to encourage on-site development of no more than 50% lot coverage, with at least 30% remaining as "natural green space". Property owners and developers are encouraged to work together in planning site uses to ensure compatible, complementary landscaping of the developed portions of their sites and creation of "visual screens" with decorative landscaping or fencing to limit visual exposure of storage or work areas from other sites and travelers.

### **PARKING**

Adequate off street parking is vital in this district. It is strongly encouraged to provide approximately two thirds of off street parking to the side and rear of the structure.

### **OUTDOOR STORAGE**

Exposed storage areas, exposed machinery, dumpsters and other trash holding areas and areas used for storage should be screened by fencing and/or landscaping elements, except for temporary operations and storage during construction.

### **PEDESTRIAN ACCESS**

All sites should provide for safe pedestrian access and circulation, including walkways, connection to walkways of abutting properties where they exist, clearly identified and separated pedestrian aisles through parking lots.

## **STORM WATER MANAGEMENT/SNOW STORAGE**

Storm drainage should be designed with provision for the retention and gradual release of storm water. All drainage facilities should be designed to accommodate a 25 year storm event. Where drainage is being calculated for a compacted gravel surface such as a parking lot, the calculations should reflect a paved surface so that future paving of the lot does not significantly alter the drainage of the site.

Provisions for snow storage should be shown on the building permit application. In order to protect wetlands from salt and oil runoff from melting snow, snow storage is encouraged to be placed at least 25 feet from a delineated wetlands area.

## **UTILITIES**

In order to enhance the visual quality of the district, it is encouraged to place on-site utilities underground.

## **LIGHTING**

In order to facilitate vehicular and pedestrian safety, promote property security and enhance the overall use of properties within this district, exterior lighting is recommended for all development. In order to minimize glare and other adverse effects associated with exterior lighting and to prevent unwanted incidental illumination of abutting properties and streets, it is encouraged that all exterior lighting fixtures shall be of a design that provides for luminaire cutoffs with a total cutoff at an angle of seventy five degrees from the vertical.

## **6.10 Personal Wireless Communications Facilities**

### **6.10.01 Purpose**

This section provides requirements for the siting and construction of Personal Wireless Communications Facilities, as defined below.

This section adopts the provisions and limitations as referenced in RSA 674:16,IV. It does not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.

### **6.10.02 Definitions**

**Antenna:** Means any exterior apparatus designed for telephonic, radio, television, personal communications service, pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any frequency and bandwidth.

**Camouflaged:**

1) At a tower site: Means the design of the buildings and related structures, to the maximum extent possible, uses materials, colors, textures, screening, and landscaping that blends the tower facilities with the natural setting and built environment.

2) At a site other than a tower: Means the antenna and supporting electrical and mechanical equipment is of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive.

**Personal Wireless Communications Facility or "PWCF":** Means any PWCF as defined in the Federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services.

**Roof and/or Building Mount Facility:** Means a low power mobile radio service telecommunications

facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or building face.

**Tower:** Means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers.

### **6.10.03 Allowed Use**

Personal Wireless Communications Facilities are permitted in all Zones by Special Exception with written proof that the proposed PWCF complies with FCC guidelines on radio frequency (RF) exposure. However, PWCF antenna should be placed on an existing PWCF tower, if such placement is physically, technically and legally feasible.

### **6.10.04 New PWCF ground towers must meet the following requirements**

**Building Permit:** A new PWCF tower may not be constructed without building permit, approved by the zoning officer

**Height:** All efforts should be made to keep PWCF tower height to a minimum; and in no case shall the height of a PWCF tower exceed 200 feet.

**Fall Zone:** The following setbacks shall be met:

PWCF tower height plus 10 feet from a street right of way or PWCF site boundaries.

125% of the PWCF tower height from abutting property lines.

#### **Fencing and Buffering:**

New PWCF towers shall be fenced on all sides with a minimum of 6 feet to a maximum of 10 feet topped with three strands of barbed wire. This provision supercedes Zoning ordinance Article IV Section 6.01 Fence Regulations.

The PWCF tower and tower compound shall be buffered by conifer trees or shrubs, which shall shield the fence facing a residential property. There shall be a clear zone between the fence and the PWCF tower of at least 12 feet.

**6.10.05 PWCF** antenna to be affixed to an existing structure without a roof tower must meet the following requirements:

PWCF antennas shall not extend more than 12 feet above the existing conforming building or structure. If the PWCF antennas are camouflaged, they may be placed on the facade or roof without regard to the height or setback of the building.

**6.10.06 New PWCF** roof towers to be placed on the roof of a conforming building may be no higher than the setback to the nearest roof edge.

**6.10.07** Additional PWCF antennas may be added to existing approved or permitted PWCF towers if the following conditions are met:

Tower height is not increased.

No ancillary features are added to the tower other than PWCF antenna or required safety hardware, and to the site, ancillary equipment buildings.

All conditions of the previous tower approval have been satisfied.

**6-10-08 CF antennas proposed on existing non-conforming tower shall be subject to zoning requirements concerning expansion of non-conforming structures.**

**6.10.09 Ancillary equipment buildings shall be subject to all requirements of the appropriate zone and** will be considered accessory buildings for the purpose of this section of the Personal Wireless Communications Facility Article and shall not be considered the primary structures.

**6.10.10** The owner of a PWCF shall file annually, by the first day of April, a declaration with the Zoning Officer as to the continuing operation of every facility installed subject to these regulations. Failure to do so shall be regarded as a presumption that the facility is no longer in use and considered abandoned. A performance guarantee sufficient to provide for the decommissioning of the tower shall be required as a condition of any special exception. The Board of Selectmen and Town Counsel shall approve the guarantee as to form and sureties. Said guarantee may be: (1) a surety bond, issued by a surety company authorized to do business in New Hampshire and filed with the Board in a manner and amount satisfactory to it, or (2) cash, (3) irrevocable letter of credit endorsed to the Town and deposited with the Board. If the tower becomes inoperable for a period of six (6) months for whatever reason and the owner shows no intention to reactivate or repair the facility, the tower shall be removed at the owner's expense. No personal wireless communications tower of any kind as defined in this ordinance may be located within a one (1) mile radius of any other personal wireless communications tower without approval of the Zoning Board of Adjustment with a Variance.

**6.10.11** Conflicting Requirements: These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.

**6.10.12** No personal wireless communications tower of any kind as defined in this ordinance may be located within a one (1) mile radius of any other personal wireless communications tower without approval of the Zoning Board of Adjustment with a Variance.

**6.10.13** Conflicting Requirements: These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.

## **6.11 COMMERCIAL DEVELOPMENT REQUIREMENTS**

### **6.11.01 USES AND DIMENSIONS**

All uses must comply with standards for use and lot dimensions stated in sections IV and V.

### **6.11.02 BUILDING SIZE**

#### **25,000 Square Feet and Over**

New buildings of a gross floor area (regardless of number of floors) equal to, or in excess of, 25,000 square feet or any addition to an existing building which is equal to, or in excess of 25,000 square feet that exceeds 25% of previously approved gross floor area or any addition to an existing building that will cause the total building area to be equal to, or in excess of, 25,000 square feet must participate in an informational and consultative discussion at a public hearing with the Planning Board prior to the issuance of any building permit. The applicant will discuss the proposal with particular emphasis on the recommended lot features. This discussion will be noticed in the same manner as a Planning Board land use hearing and the applicant will be responsible for applicable fees for holding the hearing.

### **6.11.03 RECOMMENDED LOT FEATURES**

The following section contains recommended lot and design features that development in this zone is urged to consider. While these are not mandatory, compliance is strongly encouraged.

Access Management: Minimizing the number of access points onto the route the site fronts on can reduce adverse traffic impacts in the area. It is the objective of this standard to limit driveways by encouraging internal lot connections and shared points of access. All current property owners and

future developers are encouraged to work together and with the Town and State to achieve an ultimate goal of no more than one access point within 400 feet of another whenever possible.

Landscaping/Lot Coverage: Adverse visual and spatial impacts of increased land development within the area can and should be reduced and/or mitigated by maintaining an awareness of site "scale" in relationship to the surrounding area and sensitivity to preservation and enhancement of natural areas and green spaces. It is therefore the objective of these recommendations to encourage on-site development of no more than 50% lot coverage, with at least 30% remaining as "natural green space". Property owners and developers are encouraged to work together in planning site uses to ensure compatible, complementary landscaping of the developed portions of their sites and creation of "visual screens" with decorative landscaping or fencing to limit visual exposure of storage or work areas from other sites and travelers.

Parking: Adequate off street parking is vital in this district. It is strongly encouraged to provide approximately two thirds of off street parking to the side and rear of the structure.

Outdoor Storage: Exposed storage areas, exposed machinery, dumpsters and other trash holding areas and areas used for storage should be screened by fencing and/or landscaping elements, except for temporary operations and storage during construction.

Pedestrian Access: All sites should provide for safe pedestrian access and circulation, including walkways, connection to walkways of abutting properties where they exist, clearly identified and separated pedestrian aisles through parking lots.

Storm Water Management/Snow Storage: Storm drainage should be designed with provision for the retention and gradual release of storm water. All drainage facilities should be designed to accommodate a 25-year storm event. Where drainage is being calculated for a compacted gravel surface such as a parking lot, the calculations should reflect a paved surface so that future paving of the lot does not significantly alter the drainage of the site. Provisions for snow storage should be shown on the building permit application. In order to protect wetlands from salt and oil runoff from melting snow, snow storage is encouraged to be placed at least 25 feet from a delineated wetlands area.

Utilities: In order to enhance the visual quality of the district, it is encouraged to place on-site utilities underground.

Lighting: In order to facilitate vehicular and pedestrian safety, promote property security and enhance the overall use of properties within this district, exterior lighting is recommended for all development. In order to minimize glare and other adverse effects associated with exterior lighting and to prevent unwanted incidental illumination of abutting properties and streets, it is encouraged that all exterior lighting fixtures shall be of a design that provides for luminaire cutoffs with a total cutoff at an angle of seventy five degrees from the vertical.

Steep Slopes: For the purpose of this section, steep slope areas shall be defined as naturally existing, contiguous areas of land greater than ½ acre that have an average cross slope gradient of 25%. In order to guard against hazards associated with development of steep slopes, disturbance within these areas should be limited to temporary incursions necessary to accommodate construction of the primary structure (i.e. site work, and storage) or to provide access during construction and should follow the following standards:

1. No portion of a steep slope area should be used for subsurface sewage disposal systems.

2. No more than 25% of the steep slope areas should be cleared of healthy existing vegetation, and should be revegetated upon completion of the site work.
3. Steep slope areas affected by construction activity should be given special attention with regard to erosion control.
4. No portion of the steep slope area should be subject to the discharge of any stormwater management system.

Building Design:

To enhance the aesthetic quality of development in Littleton's commercial districts, new development is encouraged to incorporate traditional building elements (pitched roofs, wood siding, etc.) that have been used in Littleton historically. These elements include, but are not limited to:

- a. Roof designs and pitches;
- b. Exterior siding materials;
- c. Window and door designs;
- d. Building massing

## **ARTICLE VII – MANUFACTURING USE PERFORMANCE STANDARDS**

### **7.01 Standards**

All uses shall comply with the following:

#### **7.01.01 Sound**

The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent use.

#### **7.01.02 Vibration**

An operation, which creates intense earthshaking vibration, e.g., heavy drop forges, heavy hydraulic surges, shall not be discernible beyond the property lines of the industry.

#### **7.01.03 Odor**

No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

#### **7.01.04 Toxic or Noxious Matter**

No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to, or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business, shall be permitted.

#### **7.01.05 Glare and Heat**

No direct or reflected glare or heat shall be detectable from any Residential District boundaries.

#### **7.01.06 Dust and Fly Ash**

No solid or liquid particles shall be emitted in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.

#### **7.01.07 Smoke**

No smoke shall be emitted in such quantity as to become a nuisance.

#### **7.01.08 Waste**

All waste disposal and removal shall comply with appropriate local, state and federal requirements.

## **ARTICLE VIII - HOME OCCUPATIONS**

### **8.01 Purpose**

Home occupations may be conditionally allowed through the process described in order to allow diversity in employment available to Town residents, to support the variety of uses characteristic of small towns, and to allow reasonable growth. At the same time, the Ordinance intends to protect the character of the Town's residential neighborhoods and keep neighborhood residents free from nuisance.

### **8.02 Definition**

**Home Occupation**: The accessory use of a parcel that shall constitute, either entirely or partly, the livelihood of a person living on the parcel, subject to the conditions in Article VIII, Section 8.03. The home occupation shall be clearly secondary to the use of the parcel as a residence. The home occupation may take place within any structure on the parcel (i.e. house, outbuildings, etc.) but must occupy an area that is minor compared to the area used for living. Only one non-resident may be employed in a home occupation.

### **8.03 Standards**

#### **8.03.01 Prohibited Activities**

No home occupation shall be permitted that:

- A. Changes the outside appearance of the dwelling or is visible from the street;
- B. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
- C. Creates a hazard to persons or property, results in electrical interferences, or becomes a nuisance;
- D. Results in outside storage or display of anything.

#### **8.03.02 Parking**

Parking for the home occupation shall be provided on-site.

#### **8.04 Permitted Home Occupations**

The following are permitted home occupations provided they do not violate any of the provisions of the pervious standards or definitions:

- A. Dressmaking, sewing, tailoring, knitting and shoe lacing;
- B. Painting, sculpturing or writing;
- C. Telephone answering;
- D. Home crafts, such as model making, rug weaving, lapidary work and cabinet making;
- E. Tutoring, limited to four students at a time;
- F. Home cooking and preserving;
- G. Computer programming;
- H. Baby sitting services for one to three non-resident children from one or more unrelated families.

### **8.05 Procedure**

Any proposed home occupation shall meet the above standards. If not specifically permitted by 8.04, it shall be considered a conditional use. Such a conditional use shall be granted or denied by the Zoning Board of Adjustment upon consideration of the standards of 8.03, in which case, the general requirements for special exception must also be met. (See Article XIV)

## **ARTICLE IX - SIGN REGULATIONS**

All Sign Regulations deleted by ballot vote, Town Meeting, March 1989.

## ARTICLE X – MULTI-FAMILY AND CLUSTER DEVELOPMENT

### **10.01 Multi-Family Development**

#### **10.01.01 Purpose**

The purpose of this section is to stimulate imaginative and economical approaches to multi-family development; to enable and encourage flexibility of design; to promote the most appropriate use of land; to facilitate the economical and efficient provision of public services; and to serve the natural and scenic qualities of open space to benefit residents and the Town as a whole.

#### **10.01.02 General Requirements**

A. Public Service: All multi-family dwellings must be on public water and sewerage, or an approved community on-site system approved by the New Hampshire Water Supply and Pollution Control Division.

B. Compliance With Other Regulations: All proposed multi-family developments must comply with all other required local, State and Federal regulations including, but not limited to, the Littleton Subdivision Regulations and NH RSA 356-B, the Condominium Act, as may be amended.

#### **10.01.03 Apartment Buildings and Other Types of Multi-Family Development**

The minimum size of a parcel of land to be developed under this provision shall be 30,000 square feet.

The final determination of the density of a parcel to be developed for apartment buildings shall be determined by the Zoning Board of Adjustment after a thorough evaluation of a proposal, the parcel and neighborhood characteristics, the ability of the site to adequately provide for the building, parking, amenities, such as landscaping, recreation areas, walkways, etc., required utilities and services, and the impact on Town services and streets, and the impact on abutting properties and the neighborhood.

A minimum density of 4,000 square feet of land per single-family dwelling unit shall be required. There shall be no more than 12 attached units per structure and at least 30 feet between structures.

The front setback of all apartment buildings from public and private right-of-ways shall be 40 feet. The setbacks along with side and rear property lines of the entire parcel shall be 25 feet.

#### **10.01.04 Residential Conversions**

Existing residential structures may be converted to apartments if adequate private parking can be provided. These properties do not have to meet the minimum parcel size listed above. However, if the proposed property is on a lot of less than 30,000 square feet, no more than four units shall be allowed. In no case shall the density be less than 4,000 square feet per unit.

### **10.02 Cluster Single-Family**

#### **10.02.01 Purpose**

The purposes of this cluster section, to which any such proposed development must adhere, are:

- A. To promote the conservation of the natural and scenic environment, and the development of community uses in harmony with the natural features of the land;
- B. To establish living areas within Littleton that provide for a balance of community needs, such as a diversity of housing opportunities, adequate recreation and open space areas, easy accessibility to these and other community facilities, and pedestrian and vehicular safety;
- C. To provide for the efficient use of land, streets and utility systems, and;
- D. To stimulate imaginative and economical approaches to land use and community development.

### **10.02.02 General Regulations**

Cluster developments are permitted by special exception in the R-1, R-2, and Rural Zones. Single family homes and duplexes may be serviced by private septic systems if, in the opinion of the Littleton Planning Board, their location, design, density and the site's soil capabilities are adequate to ensure public health and welfare. A subdivision plan for a cluster development must be submitted to the Littleton Planning Board in accordance with the procedures and provisions of the Board's Subdivision Regulations.

The maximum number of single family or duplex lots permitted in any cluster development shall be determined by dividing the net tract area of the parcel by the minimum lot size for the particular zoning district. The net tract area of a parcel of land shall be defined as the total area of the parcel less all non-buildable land, including all area within the mapped, flood hazard areas, all area with poorly or very poorly drained soils, and all area with a slope of 30 percent or greater. The net tract area concept shall not apply when a parcel is to be serviced by town water and sewerage, in which case, the number of units shall be based on the gross land area.

The minimum size of a parcel of land to be developed under this section shall be 10 acres of gross land area.

Each individual lot shall have an area of at least 6,000 square feet in R-1, 25,000 square feet in R-2, and 40,000 square feet in the Rural Zone.

Lots within cluster developments shall not have to provide the minimum frontage and setbacks as otherwise required by this ordinance, but shall be designed and constructed so as to achieve the purposes of cluster development as outlined above.

Where cluster development abuts existing residential development, a landscaped buffer sufficient to provide an adequate division or transition between uses shall be established, but in no case shall the width of such buffer be less than the setbacks otherwise required in that district. Depending on the size and design of the development, it may be necessary that a common open space be permanently reserved and maintained as either a natural, recreational or park area in order to serve the homeowners within the development. Such land shall be usable for recreation and other related activities and accessible to all of the lots within the development, or if any land is to be dedicated to the Town, accessible to the public.

The excess open space (the land area created through reduced lot sizes) shall be deeded to the property owners, and the common open space devoted, as described above, to recreational use, shall be appropriately protected through an easement or other suitable measure given to the homeowners' association, the Town of Littleton, or other organization as approved by the Planning Board.

The developer (original or subsequent) or the homeowners' association of any cluster development shall have the responsibility to repair, maintain and develop all utilities, streets, drives, recreation areas and other facilities and amenities until and unless the Town has properly received the responsibility.

With respect to the front external boundary of the entire cluster development parcel, no building or parking area shall be within 100 feet of an existing public or private right-of-way. No building or parking area shall be within 50 feet of the side and rear boundaries of the entire development parcel.

With respect to internal setback requirements, no structure shall be closer than 20 feet from the right-of-way of a proposed internal street, nor closer than 30 feet from an abutting residential structure; however, garages or storage sheds for two adjacent lots may be attached to each other.

### **10.03 Planned Unit Development**

#### **10.03.01 Purpose**

The objectives of a Planned Unit Development are to encourage flexibility in design for large scale development by permitting mixed housing types, which may include multi-family dwellings, and mixed land uses; to provide for shopping centers; to allow for a more economic provision of street and utility networks; and to encourage the preservation and recreational use of open space in harmony with the natural terrain, scenic qualities, and outstanding land features.

#### **10.03.02 Special Requirements**

Proposals for Planned Unit Developments shall be submitted to the Town Planner who shall submit copies to the Board of Adjustment and the Planning Board. The Planning Board shall have 30 days to review and submit comments on the preliminary plan to the Board of Adjustment. The Board of Adjustment, as a special exception, shall approve, approve with modifications, or deny the proposal. Final approval of the project subdivision shall be made by the Planning Board. Where residential land is to be subdivided, the requirements of the subdivision regulations, if any, shall be met. Any development not part of the approved plan shall constitute a violation of this ordinance. The proposal shall contain the following:

- A. Required plan, show all proposed buildings, parking areas, and landscaping of a scale sufficient to permit the study of elements of the plan.
- B. A plan and description of all proposed utilities, roads and drainage shall be submitted. Provisions of public utilities, road and drainage facilities shall be subject to the same regulations as applicable to subdivisions.
- C. Typical elevation drawings and floor plans of all proposed buildings shall be required.
- D. The plan shall also show the adjacent building outlines and other outstanding features within 200 feet of the property line.
- E. The plan may also include the necessary information as required for a subdivision.

#### **10.03.03 Development Standards**

The following standards will be met by the Planned Unit Development:

- A. The area of the land development shall be at least 20 acres in all districts.
- B. Each land use shall meet the prescribed development standards for the use as found in Section 5.01 of the Zoning Ordinance. Variations from these guidelines under appropriate circumstances shall be allowed.
- C. The proposal shall be consistent with the Town's Master Plan.
- D. The proposal shall be compatible with existing and future development in adjacent areas.
- E. Off-street parking requirements shall be the same as for permitted uses as prescribed by the Town of Littleton.
- F. If satisfactory arrangements for improving, operating and maintaining streets, common parking areas, open spaces and utilities have not been made with the Town of Littleton then a Homeowners' Association shall be created.
- G. All agreements, deed restrictions and organizational provisions for a Homeowners' Association

shall be approved by the Planning Board.

- H. All areas within the development, meeting the definition of subdivision, shall also comply with the Littleton Subdivision Regulations.
- I. The development shall provide for safe access for pedestrian and vehicular traffic, safe building sites for structures, prevention of soil erosion, and innovative design and construction techniques to encourage the preservation and compatible use of unique natural features and open spaces.
- J. Any substantial deviation from the approved development plan shall constitute a violation of the approval and must be resubmitted to the Planning Board for review.
- K. Construction of the development shall be started within two (2) years of the date of final approval by the Littleton Planning Board. Failure to begin within the said two (2) years shall void the Development Plan.
- L. The following uses and uses customarily associated with them shall be allowed: Single family dwellings, multi- family dwellings, churches, schools, recreational uses, neighborhood commercial uses, gift shops, banks, restaurants, hotel/motel, offices and parking lots.

## **ARTICLE XI - NON-CONFORMING USES**

### **11.01 Right to Continue**

Any legal use that exists at the effective date of this ordinance, but which would not be permitted under

the provisions herein, shall be allowed to continue as a legal non-conforming use. After the passage of this ordinance, uses permitted by Special Exception may be continued after a transfer of ownership.

**11.02 Expansion**

A non-conforming use contained within a structure may, by Special Exception, be expanded by 25% of the floor area dedicated to that activity.

**11.03 Rebuilding After Catastrophe**

Any non-conforming use that is destroyed may be replaced by Special Exception.

**11.04 Substitutability**

Non-conforming uses may not be changed to other non-conforming uses.

**11.05 Termination**

Any non-conforming use that is discontinued or abandoned for a period of one year must be replaced by a conforming use.

## **ARTICLE XII - ADMINISTRATION - ZONING OFFICER**

### **12.01 Zoning Officer**

The Board of Selectmen shall appoint and replace, if necessary, a Zoning Officer whose duty it shall be to administer the provisions of this ordinance.

### **12.02 Procedure**

Any person desirous of undertaking any activity to which the provisions of this ordinance apply shall first submit to the Zoning Officer:

- A. A complete application for a Building Permit;
- B. A drawing indicating location and extent of the intended use of the land;
- C. Deleted at Town Meeting on March 13, 1990.

The Zoning Officer shall then grant or deny the application within a 30-day period. An extension of this review period shall be granted upon notification of the applicant and special circumstances, which warrant additional review time. If the application is approved, the Zoning Officer shall give the applicant a building permit. Such permit will become null and void if the proposed undertaking is not commenced within one year. The Zoning Officer shall inspect the undertaking from time to time to insure that the provisions of this ordinance are met. If at any point during the undertaking the Zoning Officer finds that the work does not meet with the provisions of the ordinance, he shall so inform the applicant and may withdraw the building permit and order that work be stopped.

### **12.03 Appeals**

In cases where a permit has been denied or revoked, the applicant may appeal to the Board of Adjustment who shall have the power to:

Hear and decide appeals, if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and

In exercising its power under paragraph 1, the Zoning Board of Adjustment 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.

## **ARTICLE XIII – ADMINISTRATION - ZONING BOARD OF ADJUSTMENT**

### **13.01 Appointment of Board of Adjustment**

The Board of Selectmen shall, within 30 days of the passage of this ordinance, appoint a 5-person Board of Adjustment to hear appeals from the provisions or administration of this ordinance in accordance with the provisions of Chapter 31:66-87 of the New Hampshire Revised Statutes Annotated, 1955.

### **13.02 Special Exception**

The Board of Adjustment may grant an appeal for a Special Exception in cases authorized in this ordinance upon finding that the proposed use is in harmony with the general purpose and the intent of this ordinance, subject to such conditions and safeguards that they should deem necessary. Prior to granting a Special Exception, the Board of Adjustment may refer the appeal to the Planning Board for a report and recommendation, which the Board shall return within thirty (30) days.

### **13.03 Variances**

The Board of Adjustment may, upon appeal, authorize variance from the term of this ordinance where, owing to special conditions (such as, unusual topography or lot shape), a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. Before granting any variances, three members of the Board of Adjustment shall view the property. The Board shall notify all abutters and people with a known direct interest in the property by certified mail and shall advertise and hold a public hearing to consider said variance. Any such variance shall be only for the minimum relief required and shall expire if not undertaken within one year of the authorization.

### **13.04 Time Limit**

The Board of Adjustment shall rule on all appeals and notify the Applicant of their ruling in writing within thirty (30) days from the date of application, except as provided in Section 12.02 of this ordinance.

## **ARTICLE XIV - USES PERMITTED BY SPECIAL EXCEPTION**

### **14.01 Procedure**

The Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, grant permits for the uses set forth in the Table of Use Regulations as special exceptions. Before reaching a decision, three members shall have viewed jointly the subject area, and said viewing shall be noted in their records. Before making a decision, the Board shall advertise and hold a public hearing to consider the proposed use. In addition, all abutters, or other with a known direct interest in the use, shall be notified of the hearing by certified mail. The Board of Adjustment, in acting on the application as a special exception, shall take into consideration the following conditions:

The specific site is an appropriate location for such a use;  
Property values in the district will not be reduced by such a use;  
No nuisance or unreasonable hazard will result;  
Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.

## **ARTICLE XV - ENFORCEMENT AND PENALTIES**

**15.01** Any person who violates any provision of this ordinance may be made punishable by a civil fine or not more than \$100 for each day that such violation, if found by a court to continue after the conviction date, or after the date on which the violator receives written notice from the Town, that he is in violation of this ordinance, whichever date is earlier.

## ARTICLE XVI - LITTLETON FLOOD PLAIN DEVELOPMENT ORDINANCE

Supplement Adopted March 1988

Amended March 2007

Certain areas of the Town of Littleton, 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 Littleton, 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. (Added March 2007)

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Littleton Floodplain Management Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Littleton 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. (Added March 2007)

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study for the Town of Littleton, N.H." together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway maps of the Town of Littleton, which are declared to be a part of this Ordinance.

### **16.01 Definition of Terms**

**"Area of special flood hazard"** is the land in the flood plain within the Town of Littleton subject to a one (1) percent or greater chance of flooding in any given year. The area is designated as Zone(s) A and AE on the Flood Insurance Rate Map. (Amended March 2007)

**"Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.

**"Building"** See "Structure."

**"Building Inspector"** is a designated individual by the Littleton Board of Selectmen hereinafter referred to as inspector.

**"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, excavation or drilling operations or storage of equipment or materials. (Amended March 2007)

**"FEMA"** means Federal Emergency Management Agency. (Added March 2007)

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

- A. The overflow of inland or tidal waters, or
- B. The unusual and rapid accumulation of runoff of surface waters from any source. (Added March 2007)

**"Flood Boundary and Floodway Map"** (FLOODWAY) is an official map of the community, on which the Federal Emergency Management Agency has delineated the "Regulatory Floodway." This map should not be used to determine the correct flood hazard zone or base flood elevation, the Flood Insurance Rate Maps (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

**"Flood elevation study"** means an examination evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

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

**"Flood Insurance Study"** See "Flood elevation study."

**"Flood plain" or "flood-prone area"** means any land area susceptible to being inundated by water from any source.

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

**"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. (Added March 2007)

**"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:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic 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.  
(Added March 2007)

**"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 enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**"Mean sea level"** means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**"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 flood plain management purposes, the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.  
(Amended March 2007)

**"Manufactured home park or subdivision"** means a parcel (or contiguous parcels) or land divided into two or more manufactured home lots for rent or sale.

**"100-year flood"** See "Base flood."

**"Recreational Vehicle"** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

**"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. (Amended March 2007)

**"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the 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 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 not part of the main structure.

**"Special flood hazard area"** See "Area of Special Flood Hazard". (Amended March 2007)

**"Structure"** means for flood plain 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. (Added March 2007)

**"Substantial improvement"** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed in the National Register of Historic Places.

**"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 in 44CFR, 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. (Added March 2007)

**"Water surface elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

## **16.02 Building Permit Applications**

The Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (1) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (2) be constructed with materials resistant to flood damage, (3) be constructed by methods and practices that minimize flood damages, and (4) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

## **16.03 Water and Sewer Systems**

Where new and replacement water and sewer systems (including on-site systems) are proposed in flood prone areas, the applicant shall provide the Inspector with assurance that new and replacement sanitary sewage 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.

## **16.04 Flood Proofing Information**

The Inspector shall maintain, for public inspection, and furnish upon request, any certification of floodproofing and the as built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement. If the structure has been floodproofed, the build elevation (in relation to mean sea level) to which the structure was floodproofed. This information must be furnished by the applicant.

### **16.05 Government Approval**

The Inspector shall review proposed developments to assure 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. It shall be the responsibility of the applicant to certify these assurances to the inspector.

### **16.06 Riverine Situations**

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 Building Inspector or designated authority, in addition to the copies required by RSA 483-A:1-b. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector or designated authority, including notice of all scheduled hearings before the Wetlands Bureau.
2. The applicant shall submit to the Building Inspector or designated authority, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained,
3. Along watercourses with a designated Regulatory Floodway no encroachments, including fill new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.
4. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE or the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
5. The Building Inspector or designated authority 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 case flood discharge.”  
(amended March 2007)

### **16.07 100-Year Flood Elevation**

### **16.07.01 Flood Hazard Areas**

In special flood hazard areas, the Inspector shall determine the 100-year flood elevation in the following order of precedence according to the data available:

1. In Zone AE, refer to the elevation provided in the communities Flood Insurance Study and accompanying FIRM or FHBM.
2. In Zone A, the Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from Federal, State, development proposals submitted to the community (example, subdivisions, site approvals, etc.) or other source.

### **16.07.02 Building Criteria**

The Inspector's 100-year flood elevation determination will be used as criteria for requiring in Zones A & AE that:

All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level;

That all new construction and 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:

Be floodproofed so that below the 100-year flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;

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

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; not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

1. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted providing the enclosed areas meet the following requirements:
  - a. The enclosed area is unfinished or flood resistant, useable solely for parking of vehicles, building access or storage
  - b. The area is not a basement
  - c. Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. 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 floodwaters;

### **16.07.03 Recreational Vehicles**

Recreational vehicles placed on sites within Zones A and AE shall either

1. Be on the site and occupied for fewer than 180 consecutive days,
2. Be fully licensed and ready for highway use, or
3. Meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in paragraph (c) (6) of section 60.3.

### **16.07.04 Manufactured Homes**

All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist 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. (Added March 2007)

### **16.08 Variances And Appeals** (Added March 2007)

1. Any order, requirement, decision or determination of the Building Inspector or designated authority made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5, or in communities with no comprehensive zoning as special Board of Adjustment appointed by the Board of Selectmen.
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.
  - 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 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 the justification for their issuance, and
- b. Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.